



# Delegated Report

## Planning and Listed Building Applications

**Planning Application No:** 20220783 and 20220784

**Location:** Caxtons, 49 - 50 Windmill Street, Gravesend, Kent

**Description:** Conversion of part of the existing offices into 2no. 2 bed duplex flats including replacement of single storey rear outrigger and erection of new building to the rear to provide 4no. 1bed flats with associated parking

**Applicant:** Little Bower Ltd

**Site Visit Date:** 27 July 2022

### Submitted Documents/Plans

Application form  
Design and Access Statement (5316) (June 2022)  
Heritage Statement (May 2022)  
Drawing no. 1 of 7 (Topographical Survey)  
Drawing no. D-01 (SLP and Block Plan as Existing)  
Drawing no. D-02 (Floor Plans as Existing)  
Drawing no. D-03 (West and South Elevations as Existing)  
Drawing no. D-04 (East and North Elevations as Existing)  
Drawing no. D-05 (Site Sections / Elevations A and B as Existing)  
Drawing no. D-06 (Block Plan and OS Plan as Proposed)  
Drawing no. D-07 (Floor Plans as Proposed)  
Drawing no. D-08 (West and South Elevations as Proposed)  
Drawing no. D-09 (East and North Elevations as Proposed)  
Drawing no. D-10 (Site Sections and Elevations A and B as Proposed)

### Relevant Planning History

| Reference | Description                                                                                                                                                                                                                                                           | Decision  | Decision Date |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 20060445  | Application for Listed Building Consent for the erection of dwarf walls topped with metal railings with brick pier measuring 1.7 metres in height and two entrance gates along the front boundary. (Nos. 48-50)                                                       | Permitted | 13.07.2006    |
| 20060444  | Erection of dwarf walls topped with metal railings with 1.7 metre high brick piers and two entrance gates along front boundary. (Nos. 48-50)                                                                                                                          | Permitted | 13.07.2006    |
| 19960618  | Application for Listed Building consent for the demolition of the garages at the rear to provide car park and erection of a 1.85m high brick boundary wall to the side and rear involving the repositioning and widening of the existing entrance gates. (Nos. 48-50) | Permitted | 27.02.1997    |
| 19960617  | Demolition of the garages at the rear to provide a car park and erection of a 1.85m high brick boundary wall to                                                                                                                                                       | Permitted | 27.02.1997    |

|          |                                                                                                         |           |            |
|----------|---------------------------------------------------------------------------------------------------------|-----------|------------|
|          | the side and rear involving the repositioning and widening of the existing entrance gates. (Nos. 48-50) |           |            |
| 19830766 | Demolition of garage at the rear. (Nos. 48-50)                                                          | Permitted | 02.12.1983 |
| 19790973 | Retention of three lock-up garages. (Nos. 49-50)                                                        | Permitted | 28.11.1979 |
| 19790349 | Formation of a car park for 3 parking spaces. (Nos. 48-50)                                              | Permitted | 19.06.1979 |
| 19770288 | To reinstate bricked up window to basement front room. (No. 49)                                         | Permitted | 23.06.1977 |

## Development Plan

### Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

### Gravesham Local Plan: First Review (1994)

- TC2 – Policy for Listed Buildings
- TC3 – Development Affecting Conservation Areas
- T1 – Impact of Development on the Highway Network
- T2 – Channelling of Traffic onto the Primary and District Distributor Network
- P3 – Vehicle Parking Standards
- E5 – Change of Use to Offices

Section 16(2) and Section 66(2) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

Given Gravesham's current inability to demonstrate a 5 year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the

Paragraph 11(d) of the NPPF 2021. This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF 2021 at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF 2021, paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt;
- Local Green Space;
- Areas of Outstanding Natural Beauty;
- Irreplaceable habitats;
- Designated heritage assets (and other heritage assets of archaeological interest, see NPPF 2021, footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 121(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

#### National Planning Policy Framework (2021)

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 6 – Building a strong, competitive economy
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

#### Supplementary Planning Guidance

- SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 (2020)
- SPG4 - KCC Parking Standards (2006)
- Upper Windmill Street Conservation Area Character Appraisal (2009)
- Management Plan – Gravesend Town Centre Conservation Areas (2009)
- Technical Housing Standards – Nationally Described Space Standard (2015)

### **Consultations, Publicity and Representations**

#### Internal Consultees

##### *GBC Highways*

This is a town centre location so no car parking is required for new dwellings, providing suitable parking is available for cycle parking. Equally the loss of commercial parking to permit residents to park is acceptable.

Visibility from the proposed parking spaces is direct onto a highway maintainable at public expense. There should therefore be appropriate visibility splays. It is accepted that North Street is a low-speed environment, so for 10mph a 11m x 2.4m x 11m visibility splay is required. This would potentially reduce the parking provision by two spaces, but that is not an issue and would permit more space being available for cycles so adaptive cycles can be parked on site.

If the two northern car parking spaces are removed, there would be no objections. The area that becomes available may better serve as space for secure lockers for each of the flats.

### *GBC Waste and Recycling*

The quantity of bins provided within the application is satisfactory, which appears to be 1 x 100 for refuse and recycling each and a food waste bin.

It appears that when the bins require emptying, they will need to be taken through the cycle store, then turned at a 90 angle to go through the entrance lobby. This may not be possible with the opening of the doors. Also, if these were moved by the refuse operatives, then they would not accept liability for any damage caused when moving the bins.

There is no provision made in plans for commercial waste collection from the offices, which must be separate from the residential properties.

The standard guidance is:

- Flats are generally serviced by communal bin stores. Bin stores should be large enough to accommodate and manoeuvre sufficient 1,100 litre refuse and recycling Eurobins for the number of dwellings in each block.
- Developers are required to pay for the provision of all bins required for a development and these can be purchased through the Council. Developers are welcome to purchase their own 1,100 litre bins; however the bins must be metal and comply with European Standard EN840.
- The immediate area outside the bin store should be level with the road, should not include an incline, and the installation of a drop kerb where necessary is mandatory. Car parking spaces should not be allocated immediately in front of the access to the bin store.
- The maximum distance bins will be moved by collection crews should be no more than 15 metres.
- It is recommended that bin stores are fitted with a lock that is accessed via a key or a key code pad.
- Where there is a building of mixed use (ie flat above shop), then separate waste provision must be made for the domestic and commercial premises.
- Collections from sites will not occur until containers are in place. It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints in regard to non-collection due to the fault of the developer will be passed onto to the developer for response.
- The Council should be informed at least two weeks prior to the waste collections by the Council taking place.

### *GBC Environmental Protection (Regulatory Services)*

Contaminated land, code of practice on construction and demolition and noise control conditions and informatives relating to smoke control and drainage/sewerage are to be considered.

## *GBC Conservation*

A fundamental objection is in respect of the loss of the rear boundary wall and its replacement with undercroft car parking which is exposed to the rear and detracts from the setting of the listed building and the streetscape generally. This needs to be resolved.

The applicant has not addressed the comments previously offered in the pre application advice. The comments still stand.

The existing modest outrigger contributes to the historic significance of the listed building and its alteration detracts from the composition of the rear of the listed building, causing harm to the significance of the listed buildings and the appearance of the conservation area.

### Neighbouring properties

The application has been advertised by individual neighbour letters to 2 properties, on site and in the press. The consultation periods expired on 9 and 19 August 2022 respectively.

No letters of representation have been received from neighbouring properties.

The Local Ward Councillors were also consulted, and no responses were received.

## **Officer's Analysis**

### Site Description

Nos. 49 and 50 Windmill Street are part of the Grade II Listed St George's Terrace (Nos. 38-50) on the eastern side of Windmill Street. The list description is as follows:

*Mid C19. 3 storeys and basement stock brick. Parapet with moulded eaves cornice. Nos 43 and 44 have a raised panel flanked by scrolls with the name of the terrace. Nos 38-41 and Nos 45-50 project slightly. No 42 has an added slate mansard roof with 2 dormers. Stringcourse between 1st and ground floors. 2 sashes to each with most glazing bars intact. Cast iron "heart and honeysuckle" motif balconettes remain to Nos 38, 39, 48, 49 and 50. Mainly later shopfronts to ground floors but No 38 has a round-headed sash and doorcase. No 38 also has a 1-storey extension in matching style. Nos 48 and 49 have 1 large sash on the ground floor and No 49 has a 2 storey extension with 1 window in matching style which is No 50.*

*Nos 38 to 59 (consec) and the Emmanuel Baptist Church form a group. (The Emmanuel Baptist Church is a local interest building).*

The site is located close to the town centre boundary and within the Gravesend Town Centre Opportunity Area. The properties also lie within the Upper Windmill Street Conservation Area.

The buildings currently provide office accommodation.

### Proposal

The applications seek planning permission and listed building consent for the conversion of part of the existing offices into 2no. 2 bed duplex flats including the replacement of the single storey rear outrigger and the erection of new building to the rear to provide 4no. 1bed flats with associated parking.

With regards to the conversion, office rooms are proposed to be retained within the whole of the basement and part of the first, second and third floors. Part of the ground, first and second floors will be converted to residential, to include the entrance and stairs to Flat 1 on the ground floor up to a kitchen/living/dining room, bathroom and further stairs on the first floor and a double and single bedroom on the second floor, with a separate WC and access to a roof terrace.

Flat 2 within the existing converted building will be accessed from the rear of the building within a replacement two storey outrigger extension, with a bathroom, kitchen and living room on the ground floor. On the first floor there will be a double and single bedroom and an ensuite. Both of these flats will provide accommodation for 3 persons.

The new building to the rear will be constructed within the rear yard, which is currently used for staff parking, and will include 5 covered parking spaces, a refuse store and a cycle store on the ground floor, two flats on the first floor and two on the second floor, all with one bedroom, a bathroom and a kitchen/living/dining space. Flats 2 and 4 would have access to a terrace. The flats are 2 person flats.

### Main Issues

The principal issues for consideration with this proposal are the principle of the change of use to residential and the loss of employment at the site, the impact on the architectural and historic interest of these Grade II listed buildings and the character and appearance of the Upper Windmill Street Conservation Area, the impact on residential amenities and on parking and highway safety.

### Principle of Development

Policy CS02 of the Core Strategy 2014 prioritises development in the urban area as a sustainable location for development. Nos. 49-50 Windmill Street lie close to the town centre boundary of Gravesend, within the Town Centre Opportunity Area, and therefore the principle of residential development would generally be supported. Indeed, the conversion of the upper floors to flats in other buildings in the terrace has been established in the past, including at Nos. 40-42 (granted under application 20060861).

Policy CS05 of the Core Strategy 2014 (Gravesend Town Centre Opportunity Area) states that the Council will:

- *Support the provision of new residential development where a satisfactory living environment can be achieved;*
- *Support the redevelopment of under-used sites where this makes more efficient use of the sites and improves townscape character; and*
- *Support existing retail, commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors subject to achieving a satisfactory living environment.*

Subject to the assessment of living conditions, a proposed residential development on the upper floors of the buildings would comply with this policy.

However, Policy CS07 of the Core Strategy 2014 also states that:

*Development resulting in the loss of B class [now E class] employment floorspace will not be supported unless otherwise allowed for by policies set out in the Core Strategy or where:*

- *the proposal will deliver at least an equivalent number of new jobs on-site or elsewhere within the Borough and the proposed use is consistent with other policies set out in this plan; or*
- *the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5); or*
- *the existing premises have an unacceptable environmental impact on the area within which they are situated, and this is incapable of reasonable mitigation or the environmental benefit that would arise from the existing use stopping would outweigh the potential loss in employment.*

The scheme proposes to retain office use on all levels within No.49 and to retain office use on part of the ground floor level at No.50, but the remainder of the office space in the buildings will be lost to residential development at this site.

The site lies within a defined area where changes to office use will be supported (as set out within Policy E5 of the Local Plan 1994). This does not necessarily prevent proposals where a loss of office accommodation is proposed but does highlight a need to justify any loss of office accommodation and prove that the benefits of the development would outweigh any harm in this regard.

Indeed, the application of Policies CS05 and CS07 require specific matters to be demonstrated in order to justify the loss of employment floorspace proposed. This justification has not been set out within this submitted planning application. The only reference to the loss of office accommodation within the Design and Access Statement states as follows:

*The existing building provides dated office accommodation and as a result of this the existing lessee intends to vacate and relocate to more modern office accommodation. As a result of this intension the existing owner proposes the enclosed proposal to make best use of the site while still retaining a viable office and commercial area presence.*

It also states, “much of the office accommodation has been empty for some time with little demand for viable occupancy levels.”

No evidence of marketing has been provided to prove that the existing office accommodation is unviable, nor any evidence around the apparent state of the ‘dated’ accommodation. Appendix 5 of the Core Strategy 2014 clearly sets out the guidance for marketing requirements in relation to the loss of existing employment premises, which includes a minimum of 6 months marketing.

In addition, where a proposal has the potential to lead to harm to the significance of a heritage asset from development within its setting, such harm should require clear and convincing justification (paragraph 200 of the NPPF 2021).

This is considered important in helping to determine the acceptability of alternative residential development on this site and should have been submitted as part of the application proposal.

At the heart of the NPPF 2021 there is a presumption in favour of sustainable development (paragraph 11), which for decision-taking means that planning permission for applications involving the provision of housing should granted, unless, in line with the requirements of paragraph 11(d):

- i. the application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposed development would provide a net increase of 6 dwellings, which would offer a contribution towards meeting local housing need and, accordingly, this clearly weighs in support of the application. The NPPF 2021 also encourages the effective use of land in meeting the need for homes, in particular by making as much use as possible of previously developed or ‘brownfield’ land (paragraph 119), which this site is considered to be. However, this has to be balanced against other requirements in the NPPF 2021, and in particular paragraphs 126, 130 and 190, which respectively require development to achieve high quality buildings and places; and add to the overall quality of the area, be visually attractive, and create acceptable amenity for future occupiers; and to sustain and enhance the significance of heritage assets and make a positive contribution to local character and distinctiveness. These matters will be considered further below.

In terms of the acceptability of the principle of the proposed development, insufficient evidence has been provided around the viability of the existing office space, as required by planning policy, and the principle of the development is therefore not considered to be acceptable in this regard without such evidence.

#### Design and Impact on Listed Buildings and Conservation Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The NPPF 2021 also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 197). This is echoed in Policy CS20 of the Core Strategy 2014, which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC2 of the Local Plan 1994 sets out that for development involving alterations to listed buildings, the primary consideration is the maintenance of the integrity of the original listed building, and whether the character or appearance of the listed building will suffer as a result. Proposals must be sympathetic in terms of their appearance and materials.

Policy TC3 of the Local Plan 1994 also states that development is expected to make a positive contribution to the conservation area. As the application site comprises Grade II Listed Buildings that lies within the Upper Windmill Street Conservation Area, these policies are all relevant to the consideration of this application.

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 119 of the NPPF 2021), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF. Relevant to this proposal, paragraph 124 of the NPPF states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places.

In a similar vein, Policy CS14 of the Core Strategy 2014 sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities. This proposal includes 6 flats and would therefore be supported by Policy CS14, providing the design and impact on character is also acceptable.

Policy CS15 of the Core Strategy 2014 seeks to achieve a minimum density for residential development in the urban area of 40 dwellings per hectare (dph), subject to the overriding consideration that it achieves good design and does not compromise the distinctive character of the area. The application site measures 0.0515 hectares; 6 dwellings on this site would far exceed the density target of 40 dph at 117 dph, and this would therefore indicate that the proposal would be a considerable overdevelopment of the site.

From a historic building/conservation point of view, St Georges Terrace forms a symmetrical elevation between Nos. 38 and 49. Nos. 38-41 (Gravesham Funerals-Orange) are a mirror of 46-49 (Twin Dynasty-Caxtons). The subtle projection of the 4 buildings at each end of the terrace forms an important part of the architectural composition, with a single storey extension next to No. 38 and a two storey extension at No. 50.

Other than the large extension on the rear of Twin Dynasty (which is considered to significantly detract from the appearance of the listed building/s and the conservation area) and at No. 38, the rear elevation of the terrace (38-49) is relatively intact with only modest and subordinate outrigger extensions of a traditional and appropriate scale. The rear of the terrace is visible from North Street and also from Parrock Street car park as a complete composition of the terrace of listed buildings, and any attempt to alter the rear of the listed buildings will detract from their significance and cause harm to the buildings, as well as to the setting of the whole terrace.

*Google Earth Image of Rear of Listed Terrace*



In this case, the size, mass and bulk of the proposed rear residential block in particular will harm the listed buildings on this site, completely obscuring them at the rear, with both the appearance of the listed buildings and the setting of the whole terrace being compromised. The proposed rear block would be almost as tall as the main frontage buildings, and greater in height than the existing two storey extension to the side of No. 50. The block would also be taller and wider than the large extension at the rear of Nos. 46 and 47 (Twin Dynasty). It would therefore be clearly visible within the Upper Windmill Street Conservation Area.

The proposals would also require the replacement and enlargement of the existing small scale single storey rear outrigger extension and the removal of a good quality, high yellow stock brick wall that screens the open car park and makes a positive contribution to the setting of the listed building and conservation area. The wall will be replaced with an exposed undercroft that will further detract from the setting of the listed buildings and conservation area. The existing modest outrigger contributes to the historic significance and its loss and two storey replacement would detract from the composition of the rear of the listed building, causing further harm to the significance of the listed buildings and the conservation area.

*Proposed rear elevation facing Parrock Street car park:*



*Proposed flank elevation along North Street:*



It is recognised that some of the properties either side of the application site have had large extensions/development carried out at the rear. These are historic and are detrimental to the appearance of the rear parts of the terraced properties. It would not be appropriate to compound the poor appearance of development here with the introduction of the proposed development, which would do nothing to add to the quality of the area. The cumulative harm caused by the proposals will further detract from the significance of the conservation area and the setting of the listed buildings.

Whilst the NPPF 2021 seeks to support development that makes efficient use of brownfield land such as this site, this should not be outweighed by the clear development plan objective to maintain and improve the character of the area, particularly when such a site contains listed buildings in a conservation area. In

this case, the proposal is regarded as an overdevelopment of the site, and with the dominant and incongruous design of the proposed rear block and the loss and replacement of the existing outrigger, it would harm the significance of the Grade II listed buildings on the site and fail to enhance improve the character and appearance of the surrounding Upper Windmill Street Conservation Area. The proposal is not considered to make a positive contribution to the Grade II listed terrace, street scene or conservation area, and is contrary to the requirements of paragraphs 124, 126, 130, 190 and 197 of the NPPF 2021 and Policies CS14, CS15, CS19 and CS20 of the Core Strategy 2014.

### Residential Amenity

The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

### *Future Occupiers*

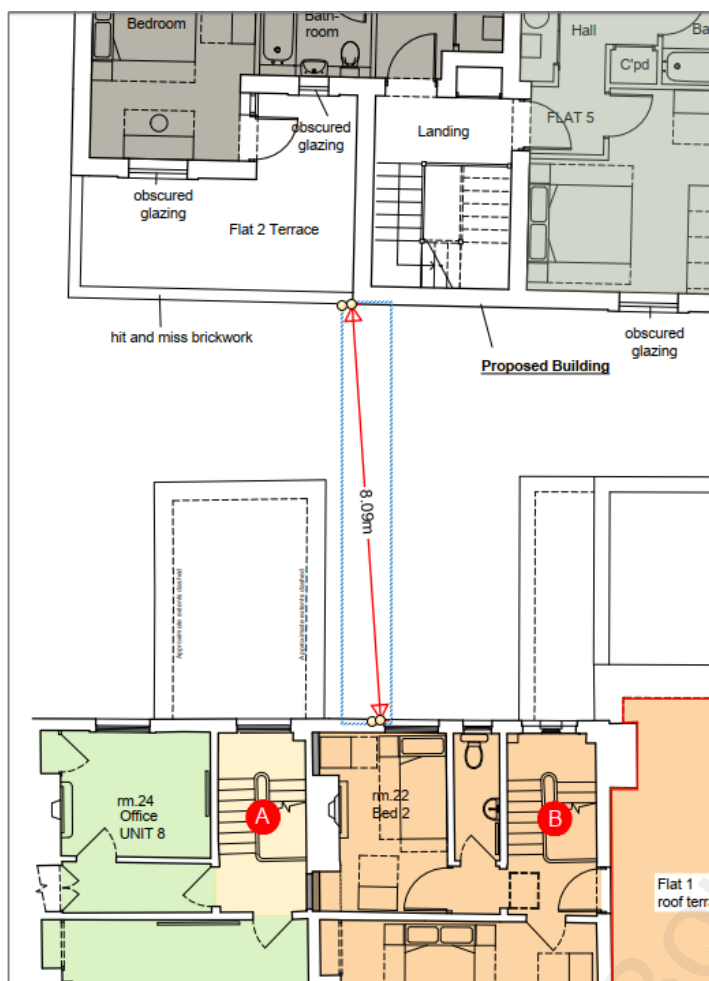
The Nationally Described Space Standard (NDSS) 2015 sets out the minimum gross internal floor area (GIFA) standard for new dwellings. The table below shows the minimum standard set out in the NDSS 2015 against the sizes of the proposed flats within the development:

| <b>Number of bedrooms (b)</b> | <b>Number of bedspaces (persons)</b> | <b>1 storey dwellings (NDSS) (m<sup>2</sup>)</b> | <b>Proposed flat GIFA (m<sup>2</sup>)</b>  |
|-------------------------------|--------------------------------------|--------------------------------------------------|--------------------------------------------|
| 2b                            | 3p                                   | 61                                               | Flat 1 91.91<br>Flat 2 90.2                |
| 1b                            | 2p                                   | 50                                               | Flats 3 and 5 53.06<br>Flats 4 and 6 57.01 |

It is considered that the proposal would comply with the Technical Housing Standards - Nationally Described Space Standards in terms of the size of the proposed accommodation.

However, the proposed accommodation would fail to comply with the requirements of the Council's residential layout guidelines. Within the converted building, the living room of Flat 1 would adjoin the bedroom of Flat 2, which would be likely to lead to noise and disturbance issues for future occupiers. Furthermore, whilst one of the 2 bedroom (family-sized) flats within the converted building would have access to amenity space in excess of 10m<sup>2</sup>, the other would have no such provision, failing to provide an acceptable level of amenity.

Furthermore, all the bedrooms within the rear residential block would only have an obscure glazed window serving them, which would result in poor outlook for occupiers, and the single bedroom at the rear of Flat 1 within the converted building has the potential to be overlooked by the proposed terrace of the flat in the rear block opposite, as well as a poor outlook across to the new residential block, only 8m away:



There are also issues with the proposed refuse storage, as there is no provision for the commercial waste. This would have the potential to adversely affect the residents of the development depending on the size and location of such required provision.

There is therefore conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF 2021 in respect of failing to provide a high standard of amenity and living conditions for future occupants of the proposed dwellings on the site.

### *Neighbouring Properties*

In general, a residential use on this site is not likely to have any adverse impact on neighbouring amenity. There would appear to be other residential uses above the commercial uses along the terrace, and the proposed use would be in keeping with this.

However, the size and bulk of the proposed rear block in particular would result in a sense of visual dominance and a reduction in outlook particularly for neighbouring residential properties. There are windows in the rear elevation of the listed terrace of the adjoining property that would be affected by the introduction of the proposed three storey rear block into what is currently an open space, as well as a potential for overlooking created by the proposed terrace on the second floor of the block in particular.

On the basis of these amenity concerns, the proposal would fail to comply with paragraph 130 of the NPPF 2021 and Policy CS19 of the Core Strategy 2014.

### Parking and Highways

Policy CS11 of the Core Strategy 2014 and saved Policy P3 of the Local Plan 1994 require new

development to provide sufficient parking in accordance with the adopted parking standards, taking account of the availability of alternative means of transport and accessibility to services and facilities.

The proposal would provide 5 parking spaces in an undercroft area on the ground floor of the proposed rear residential block. This is a sustainable, town centre location, and therefore no car parking is required for new dwellings, provided suitable space is available for cycle parking. Therefore, the amount of cycle and car parking proposed would be acceptable. Equally, the loss of commercial parking to permit residents to park is acceptable.

Visibility from the proposed parking spaces is direct onto a highway maintainable at public expense. There should therefore be appropriate visibility splays. It is accepted that North Street is a low-speed environment, and therefore for 10mph a 11m x 2.4m x 11m visibility splay is required. This would potentially reduce the parking provision by two spaces, but this is not a concern and would permit more space being available for cycles, so adaptive cycles can be parked on site.

This element of the proposal could be conditioned to be amended to allow for visibility splays and additional cycle space, with details to be submitted.

On this basis, the proposal would comply with Saved Policies T1 and P3 of the Local Plan First Review 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

#### Any Other Material Planning Considerations

##### *Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff:*

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £1655.28 is required (given there would be six dwellings proposed on the site).

This tariff was not requested due to the recommendation for the application, and the applicant has therefore not paid this tariff. Without an agreement in place to secure this contribution or any evidence to inform an appropriate assessment, the Local Planning Authority cannot be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, which is contrary paragraphs 174 and 180 of the NPPF 2021 and Policy CS12 of the Core Strategy 2014.

#### **Conclusion and Recommendation**

Whilst it is recognised that the proposal would provide a contribution towards increasing housing numbers in the area, the adverse effects of granting planning permission in this instance would significantly and demonstrably outweigh this small benefit. On this basis, the planning application is unacceptable for the following reasons and planning permission should be refused:

1. As the proposed development involves a loss of employment floorspace to residential use, insufficient evidence has been provided in relation to the viability of the existing office space, as required by planning policy, and the principle of the development is not considered to be acceptable without such evidence. The proposal is therefore contrary to the requirements of Policy CS07 of the Gravesham Local Plan Core Strategy 2014.
2. The proposal will result in an over-development of the site, and with the poor, dominant and incongruous design of the proposed rear residential block and the loss and replacement of the existing rear outrigger, it would harm the significance of the Grade II listed buildings on the site and the setting of the terrace as a whole and fail to enhance the character and appearance of the surrounding Upper Windmill Street Conservation Area. The proposal is therefore contrary to the requirements of

paragraphs 124, 126, 130, 190 and 197 of the National Planning Policy Framework 2021 and Policies CS14, CS15, CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014.

3. The poor layout and lack of amenity space within the converted buildings, and the poor outlook and potential for overlooking and loss of privacy from the proposed second floor terrace in the new residential block, together with the excessive bulk and height of the proposed rear residential block resulting in a sense of visual dominance and poor outlook, would altogether fail to provide a high standard of amenity and living conditions for future occupants and neighbouring properties. The proposal is therefore contrary to the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.
4. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Reason 2 also forms the refusal ground for the listed building consent application.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

|                      |                      |                     |                                                                                       |
|----------------------|----------------------|---------------------|---------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mrs Katherine Parkin | <b>Team Leader:</b> | Miss Faye Hobbs                                                                       |
| <b>Signed:</b>       | <i>K. Parkin</i>     | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 7 September 2022     | <b>Dated:</b>       | 08 September 2022                                                                     |