



Delegated Report

Planning Application

Planning Application No: 20240606

Location: The Kings Veg 7 King Street Gravesend Kent

Description: Conversion of first, second and third floors offices to provide 3no. single occupancy, studio flats.

Applicant: Mr Bashir Ali

Site Visit Date: 15th August 2024

Submitted Documents/Plans

Application form
001 B – Location Plan, Existing and Proposed Block Plan
002 A – Existing Floor Plans
003 B – Proposed Floor Plans
Planning Statement

Superseded Documents:

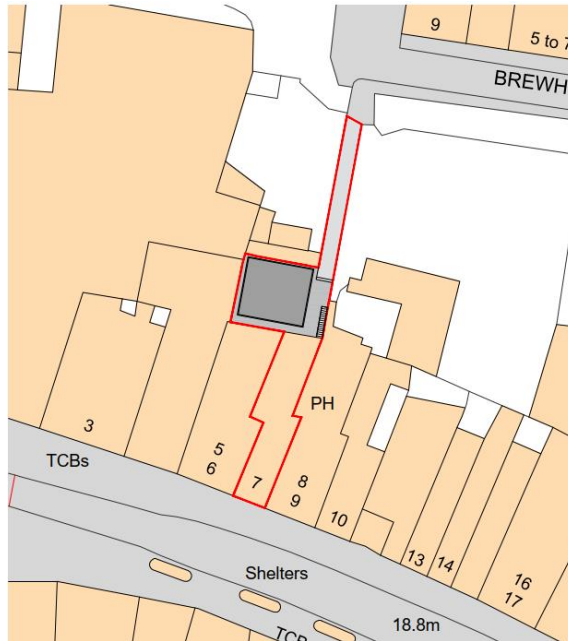
~~001 A – Location Plan, Existing and Proposed Block Plan~~
~~003 A – Proposed Floor Plans~~

Relevant Planning History

Reference	Description	Decision	Decision Date
19890592	Change of use of the 1st, 2nd and 3rd floors from residential to offices.	Permitted	05.09.1989
19850771	Use of first second and third floors for residential purposes incorporating 4 no bedrooms with communal facilities	Permitted	24.12.1985

Other Relevant applications

Planning reference 20240610, relates to the rear of this site and is pending consideration. It seeks to erect a four-storey building to contain three 1-bedroom studio flats at the rear of 7 King Street. The agent has verbally confirmed that if both schemes are approved, the intention is to implement both. Given the nature of both proposed developments as residential and their close proximity, the mutual impacts from and to the development will be considered in the assessment of both applications. The proposed block plan (Not to scale) from planning ref 20240610, is included below for information.



Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design and Development Principle
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- P3 – Vehicle Parking Standards
- T1 – Impact on the Highway Network
- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 7 – Ensuring the vitality of town centres
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 16 – Conserving and Enhancing the Historical Environment

Supplementary Planning Guidance

- SPG2 – Residential Layout Guidelines (2020).
- SPG4 – KCC Parking Standards (2006).
- Technical Housing Standards – nationally described space standard (2015);
- King Street Conservation Area Appraisal Supplementary Planning Document, 2017
- Management Plan – Gravesend Town Centre Conservation Areas Supplementary Planning Document, 2017
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

Ward Councillors

Committee call in if recommendation is to approve.

GBC Conservation Officer

No comments received.

GBC Environmental Protection

Noise:

The property is in a busy town centre location adjacent. No consideration has been given by the applicant to noise associated with the late-night economy (people coming and going from late night pubs, bars, restaurants, takeaways including the existing sports bar on the ground floor of the adjacent premises). All 3 flats have the sleeping area at the front of the property so sleep disturbance could occur.

There is also likely to be noise from kitchen extracts, external condensers and other plant associated with the premises in the area. It's been advised that there is an externally mounted condenser unit at the rear of 7 King Street associated with The Kings Veg store.

Noise from early morning or out of hours deliveries commercial premises in the area may also give rise to noise.

Being an older property, it is possible that the sound insulation quality of the internal floor/ceiling and also wall partitions may not be that robust. Providing suitable and sufficient sound insulation for both internal (room to room) noise transmission and also insulating against external noise may be difficult to achieve without significant structural alterations. These alterations are likely to be contrary to Conservation stipulations (the Planning Statement refers to the building as being 'historic').

Noise Impact Assessment:

In order to address the concerns regarding both external and internal noise, a noise assessment needs to be undertaken by a suitably qualified person and submitted. Ideally, we would prefer this to be undertaken and submitted prior to determination in order to ensure that any noise mitigation measures as required are able to be achieved. The assessment must address the impact of the following on the residential amenity of any future residents of the proposed flats and be undertaken in accordance with the relevant standards and guidance including BS 8233:2014 and BS4142:2014:

- Noise from fixed building services/mechanical plant/equipment etc noise associated with the nearby commercial uses (including the use on the ground floor)
- People noise associated with the use of the late-night town centre uses at night
- Early morning delivery noise to commercial uses
- Internal noise/sound insulation
- Noise from any mechanical ventilation systems if required as a mitigation measure for noise

The quality and the standard of the sound insulation properties of the building should be assessed to ensure that future residents are not impacted by internal noise eg noise from the commercial premises on the ground floor and noise from flat to flat. To address this, the noise assessment should include details of the assessment methodology and any enhanced sound insulation performance of the construction that separates the residential and ground floor commercial use and internal partitions between flats. This should resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB).

The assessment should look at any required mitigation measures to ensure that internal noise levels are appropriate. Overheating and ventilation must also be considered in the design of any mitigation.

GBC Leisure and Resilience

No comments received.

GBC Housing Development and Strategy Manager

No comments received.

GBC Housing Service Manager

No comments received.

GBC Waste and Refuse

No comments received.

KCC Biodiversity

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

We have taken this view as the pictures provided within the planning statement for application 20240606 indicate that the building is in poor condition and not used regularly. The proposal is for the conversion of office space to residential but as the building has not been used regularly it is possible that bats may be roosting within parts of the building. In addition the satellite photos do highlight that the external part of the

building has potential to support roosting bats.

If bats are present within the building the erection of the building for application 20240610 could impact flight patterns and how the bats access the building. Therefore, we highlight that the bat survey is required for both buildings.

As such, an Ecological Impact Assessment (EcIA) should be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines.

The EcIA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Roost Assessment any required bat emergence surveys.
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EcIA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/20052 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

We highlight that the request for a EcIA does not need to be onerous. It should be fairly simple for the applicant to commission a bat roost assessment. We highlight that if bat surveys are required it is right at the end of the survey season.

KCC Flood and Water Management

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development. According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) The provision of dwelling houses where:
 - i. The number of dwelling houses to be provided is ten or more; or
 - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

KCC Education

No comments received.

KCC Fire Safety Officer

I can confirm that on this occasion it is my opinion that the emergency access requirements for the Fire and Rescue Service under the above Act have been met.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Southern Water

No comments received.

Natural England

Further information required - recreational pressure impacts to European Sites (habitats sites)
This development site is within the zone of influence (Zol) for recreational pressure impacts to one or more European Sites (habitats sites).
Within this Zol, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects. Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance. Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the strategic approach, should also be subject to the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) and our advice above applies.

Kent Police Designing Out Crime Team

No comments received.

Neighbouring properties

10no. surrounding properties were consulted, and a site notice was placed on 31.07.24.

0 comments were received from members of the public. The final date to submit comments ended on 23rd August 2024.

Officer's Analysis

Principle of Development

Locational Sustainability and Housing Need

Core Policy CS02 sets out where development should be distributed in the borough. Preference is given to those urbanised areas as sustainable locations. Outside urbanised areas, those rural settlements which are inset from the Green Belt would also be considered acceptable in principle. This site is in a rural area, in the Green Belt NOT forming part of settlement inset from the Green Belt. In this context the policy states that developments; *'will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.'*

Policy CS02 of the Local Plan Core Strategy (LPCS) also sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 7 of the National Planning Policy Framework (NPPF) 2021 and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the NPPF Para 11(d) unless:

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.

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken.

On this basis, it could be argued that the proposed development for a net increase of 3no. residential units would offer a minimal contribution towards meeting this local need and, accordingly, would weigh in support of the development. However, this has to be balanced against other requirements of the NPPF (2023) which requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Core Policy CS05 establishes this area as the 'Gravesend Town Centre Opportunity Area'. It states that in this area, residential development would be supported where a satisfactory living environment can be achieved. In particular it falls within sub-area 3.1 (Town Centre *includes key site). This area is described as:

'The Town Centre (sub-area 3.1) comprises the main commercial part of Gravesend town centre. It is relatively compact and has the main concentration of retail, leisure, cultural, tourist, civic and service facilities in the Borough. This includes shops, banks, restaurants, bars, the Town centric visitor and information centre, Gravesham Community Hospital, The Woodville, and the Council's offices. These serve the whole Borough. It also acts as a transport hub for both conventional and high-speed train services as well as buses'

Paragraph 4.6.21 notes that the ground floor premises are likely to continue with the existing retail, commercial and service functions. It does however also note that upper floors are a mix of offices and residential use and so this is expected.

It is noted that although upper floor residential space is proposed, the retail frontage would remain in use at ground floor in this instance, it would be considered acceptable in terms of this policy.

Core Policy CS05 also states that within the Opportunity Area, the Council will *'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.'*

Policy CS07 identifies sub area 3.1 also as an area for the creation and expansion of office-based employment under paragraph 5.1.16. It also aims to protect existing employment sites unless they are truly redundant for modern needs or have been identified through the Core Strategy as suitable for regeneration to alternative uses. It is noted that the current established use of the site is mixed, including offices, and so the office spaces to the upper floors of the site would be lost as a result of this development.

Paragraph 5.1.34 states that development resulting in the loss of Class B Employment (in this case offices would now fall under class E(g)(i)), would not be supported unless allowed by other policies in the 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.*

In this case, none of the above have been requirements have been met. Unless it can be shown in this exercise that there is no demand for the existing office premises, the development would fail to comply with Policy CS07. Such an exercise has not been submitted with the application.

Policy CS08 identifies this site as falling within the Primary Shopping Area. Applying a sequential test the policy will prioritise town centre uses, such as retail uses to be located in the Boroughs Primary Shopping Area. Of particularly relevance to this case, policy CS08 states that the Council will; ‘safeguard the retail character and function of existing and new centres by resisting development that would adversely affect their vitality and viability,’. Given that the scheme does not appear to alter the existing retail use fronting the Primary Shopping Area, it would not harm the retail character and function of the existing centre.

Policy CS14 establishes the Housing Type and Sizes for the area. In particular, it notes that new housing development should provide a range of dwelling types and sizes. This proposal would provide 3no. single-occupancy flats. Given the town centre location, this would be considered acceptable.

Core Policy CS15 allocates housing density appropriate to the area. In this instance, the site is in an urban area and so a minimum of 40 dwellings per hectare, is required. The site area is 249 sq Meters. The proposed scheme would create 3no. flats. If this scheme were approved the density would be 120.6dph. Whilst this would be above the minimum requirement of 40dph, the proposed scheme alone would be three times, greater than the minimum. Although it is noted that in Town centre locations, it is expected that there will be instances where the minimum is exceeded.

The development is therefore considered to be compliant in terms of locational sustainability and as a contributor to overcoming the housing shortfall and is therefore considered acceptable and complies with the objectives in local and national planning policy.

Design principle 5.12

Density

- Applicants **must** follow a design-led approach to achieve an appropriate density of development for the site.
- Applicants **must** justify the proposed density through a contextual assessment of density within the Design and Access Statement. The study area used for the assessment **must** be clearly indicated.
- Development in the rural area **must** deliver at least 30 dph and development in the urban area deliver a minimum density of 40 dph.

However, the support in the Framework and development plan for new housing is not unconditional and the

development would therefore be required to comply with relevant planning policies and should be of good design, appropriate for all other material planning considerations.

Appropriateness of Conversion

Saved Policy H5 of the Local Plan First Review (1994), focusses on the conversion of buildings to Housing. This policy applies the following criteria:

- (i) The building shall be in an appropriate area for conversion to flats, maisonettes, bedsitters and multiple occupancy. Unless there are special or overriding circumstances, conversions will not normally be permitted in an area comprised for the most part of single-family dwellings. Conversely, conversions will not normally be permitted in areas which are environmentally unsuitable for young families and which already demonstrate a predominance of multiple occupation.
- (ii) The building shall be of such a size and arrangement as to be generally unsuitable for single family occupation.
- (iii) The proposal shall have regard to the Borough Council's Residential Layout Guidelines, as set out in supplementary planning guidance.
- (iv) The adopted Vehicle Parking Standards must be achieved wherever feasible.

In this instance, the building is in the Town Centre, along a row of shops, leading onto the High Street. However, a number of the shop units in the local area have been converted for residential development on the upper floors. The building is also spread across multiple floors and would be unsuitable for a single-family occupation, given this arrangement. It would retain an active retail frontage, at ground floor. Part iii and iv will be assessed separately but will be required to comply in terms of Residential Layout Guidelines and adopted Vehicle Parking Standards. The conversion here would therefore be considered acceptable, subject to all other material planning considerations.

Design, Character and Appearance

Policy CS19 (LPCS) states that the design, layout and form of new sustainable development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. The NPPF (2021) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make developments acceptable to communities (NPPF paragraph 126). The quality and character of the built environment is also important in making the Borough an attractive place in which to invest. Therefore, a balance is required between achieving an effective use of a site within a sustainable location, whilst safeguarding and improving the environment and protecting local amenity.



The above image was taken during the site visit on 15th August 2024. The building is located along the high street, with The Kings Veg located on the ground floor. This application relates to the first, second and third floors only. No changes to the external façade are proposed. The stone located centrally on the pair, states that it was rebuilt in 1895.

Heritage

Conservation Area: It is noted that this building is in the King Street Conservation Area, where greater weight would be placed upon the impact on the character of the area and a high quality of development is expected.

No. 7 King Street itself is located in the King Street Conservation Area (as are the other buildings no. 3 – 21C on this northern side of King Street). The King Street Conservation Area Appraisal (2009) identifies no. 7 King Street as a positive building in the King Street Conservation Area (as it does nos. 3 – 18 King Street).

Of the area it states:

'King Street, Milton Road and the northern end of Parrock Street comprise much of the eastern half of the town's commercial and retail centre. The three roads were created in their current form to provide a stagecoach trade, and their wide, busy appearance still suits their historic role in Gravesend. They are lined with large, tall buildings and are comparatively broad which affords them a spaciousness that can accommodate the steady flow of pedestrian and motor traffic without appearing too congested.'

Listed Building: The building to which this application relates is not a Listed Building. 'The Grand' the Bank and the telephone boxes on the opposite side of the street are heritage assets and so consideration as to the impact on the significance of this heritage Asset should be given. No Design and Access Statement or Heritage Statement have been submitted with the application.

Relevant Policy: In considering this proposal, the impact on heritage assets needs to be considered. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention

to be paid to the desirability of preserving or enhancing the character and appearance conservation areas and sections 66(1) of the Act 1990 requires the Local Planning Authority amongst other things to have special regard to the setting of listed buildings.

It is evident based on the lack of external changes to the building, that the impact on the character and setting of the area, Conservation and, including nearby Listed Buildings, would be negligible.

On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF (2023) in terms of design, character and appearance.

Amenity of Future Occupiers

The NPPF (2023) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, 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. The impact on neighbours will be assessed in the next section of the report.

Internal Space Standards

Flat 1

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen	32 (Including bedroom and living)	7.2
Living Room	32 (Including bedroom and Kitchen)	13.2
Single Bedroom	32 (including Kitchen/Living)	6.5
WC and Bathroom	3.5	3.5

Flat 2

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen	32 (Including bedroom and living)	7.2
Living Room	32 (Including bedroom and Kitchen)	13.2
Single Bedroom	32 (including Kitchen/Living)	6.5
WC and Bathroom	4.2	3.5

Flat 3

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen	32.5 (Including bedroom and living)	7.2
Living Room	32.5 (Including bedroom and Kitchen)	13.2
Single Bedroom	32.5 (including Kitchen/Living)	6.5
WC and Bathroom	6.1	3.5

The total minimum space for a kitchen, single bedroom and living room combines would be 26.9m². The proposed units would all exceed this and would also comply with the minimum space standards for bathroom and WC in each unit. No external amenity space is proposed by this scheme.

External Space Standards

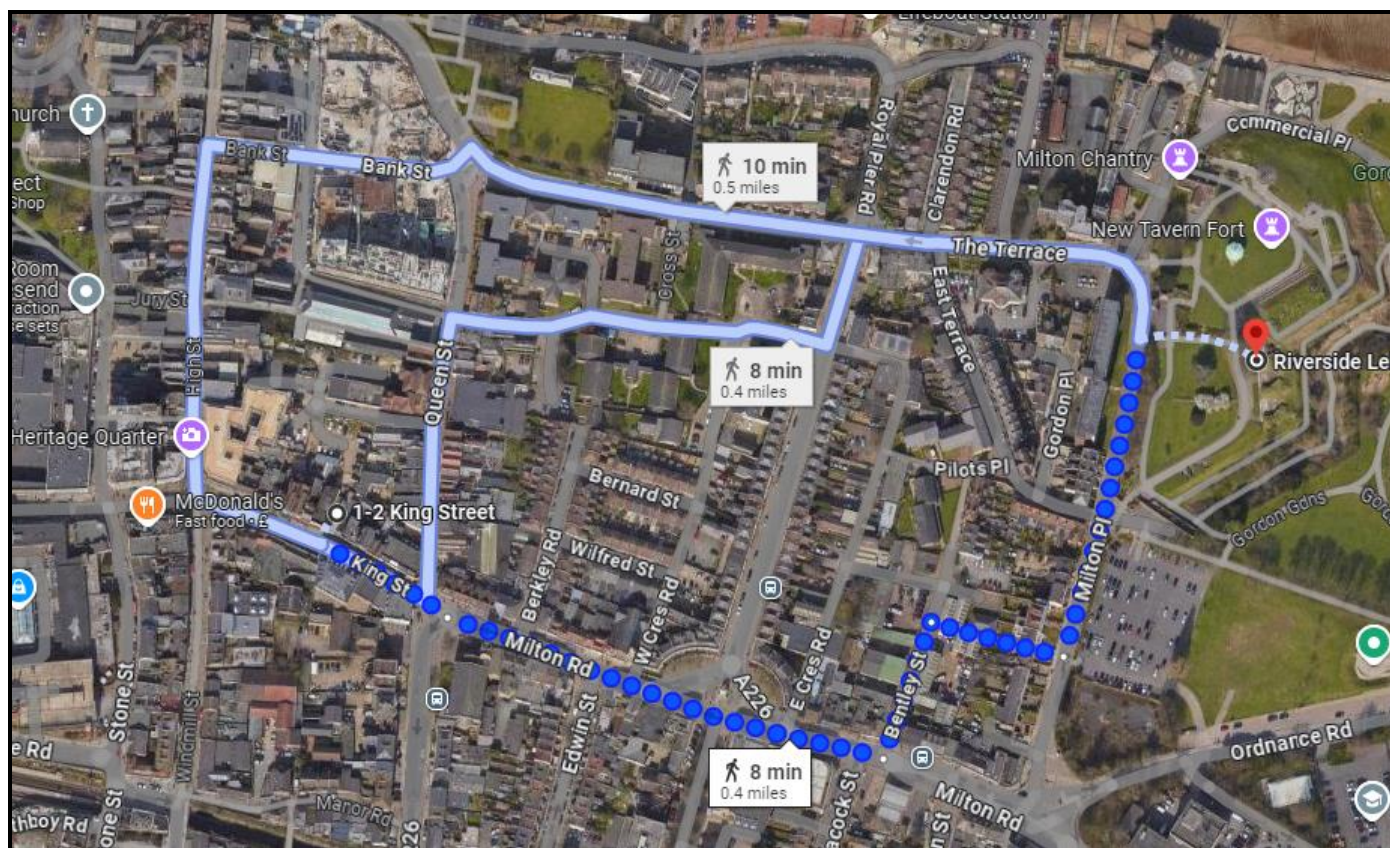
At paragraph 31, amenity space requirements for flats area addressed as follows:

For communal flats, a communal garden area equivalent to a minimum of 10 sq. metres shall be provided for amenity space.

For self-contained units (not necessarily communal) which have two or more bedrooms and are capable of providing family accommodation, an area of amenity space in excess of 10 sq. metres will be expected. Such amenity space shall be of sufficient size to accommodate the following activities :

- children's play space;
- drying area;
- limited outside storage;
- sitting out;
- general leisure use.

In this instance, there is existing external amenity space shown on this proposal. However, it is noted that if planning ref 20240610 were permitted in conjunction with this application, the external amenity space provided for the flats considered under this application, would be lost. However, it is noted that this is a town centre location, with good public transport options and local parks and recreation ground facilities. For instance, the Riverside Leisure Area is an 8 minute walk from the site.



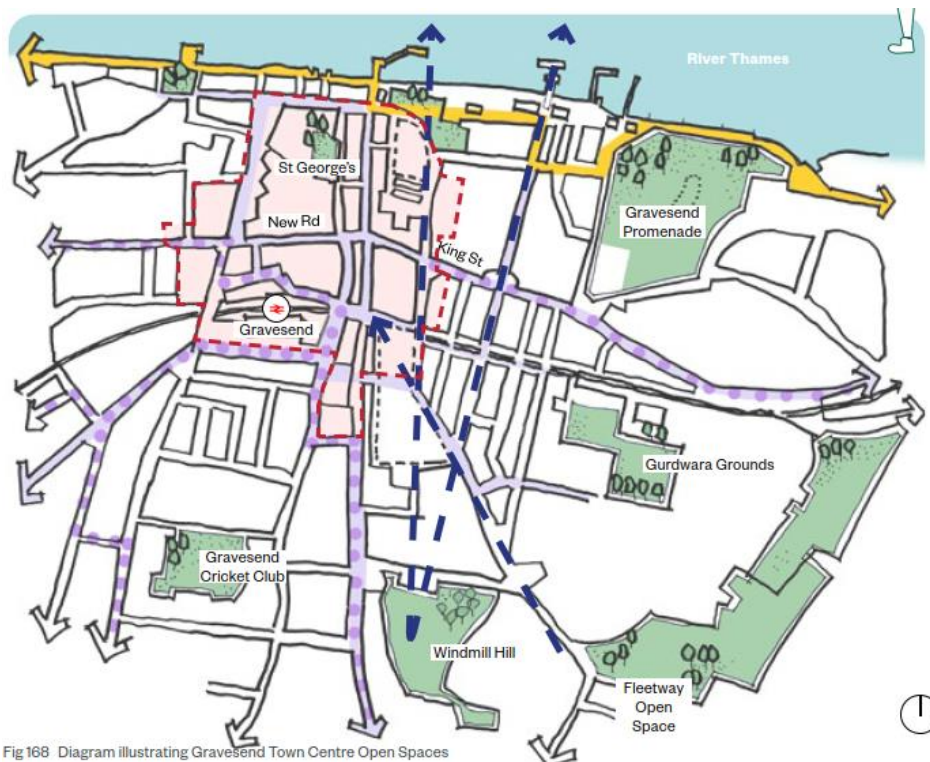


Fig 168 Diagram illustrating Gravesend Town Centre Open Spaces

The scheme would therefore provide acceptable living standards for future occupants and as such would be compliant with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 which states that new development shall be designed and constructed to safeguard the amenity of its occupants and paragraph 130 of the National Planning Policy Framework (2023) and SPG2 Residential Layout Guidelines (2020).

Noise

The Environmental Protection Team commented on the application and advised that further detail is required in the form of a Noise Assessment. They state that this would 'ensure that any noise mitigation measures as required are able to be achieved.'

They require that the assessment address the impact of the following on the residential amenity of any future residents of the proposed flats

- Noise from fixed building services/mechanical plant/equipment etc noise associated with the nearby commercial uses (including the use on the ground floor)
- People noise associated with the use of the late-night town centre uses at night
- Early morning delivery noise to commercial uses
- Internal noise/sound insulation
- Noise from any mechanical ventilation systems if required as a mitigation measure for noise

As a noise assessment has not been provided, it is not possible to fully assess how the occupiers of the proposed flats would be impacted by surrounding noise.

Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Noise Impact. The documents provided with the application do not include a Noise Impact Assessment. As such, it is not possible to make a determination as to the impacts of the proposal on residential amenity. The proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the Nation Planning Policy Framework (2024).

Amenity Summary

Overall, the proposed scheme would provide appropriate internal and external space standards for future occupiers. However, given the insufficient information provided in terms of a Noise Impact Assessment, it is not possible to fully assess the impact of the development on future occupiers.

Neighbouring Amenity

As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, no objection to the proposal was received.

The building to the west of the application site, which is a nail and beauty salon, most recently had planning approval in 2006 under planning reference 20060906 for '*Conversion of first and second floors of building to use as a surgery for slimming and non-surgical cosmetic treatments.*'

To the East, the Kings Head Sports Bar, there is limited information in the planning history on how the upper floors are used. In any case, no external changes are proposed and so there would be no impact on residential neighbours in terms of overlooking, overshadowing or overbearing bulk.

The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Parking Provision

The proposed development does not provide any car parking facilities or cycle facilities. The site is in a highly sustainable location, in the Town Centre and so provision of vehicle parking spaces would not be necessary in this instance. This is further justified given close proximity to the train station, with high speed services to London. It is also close to the newly refurbished transport hub. Although vehicle parking provision would not be necessary, cycle parking provision for 3 additional rooms, would be required. This could be provided by condition.

Subject to conditions, adequate vehicle and cycle parking provision would be available in accordance with paragraphs 114 to 117 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision.

Waste and Refuse

Following discussion with the planning agent, the proposed block plan was amended to include the location of cycle storage and bin storage. It is noted that if the other current application under planning ref 20240610 were approved, the location of the bin storage proposed would be inaccessible. Therefore, if approved, details relating to position and appearance of the bin storage would be reserved by condition.

Biodiversity Net Gain

Under the Environment Act 2021 and supporting Statutory Instruments Biodiversity Net Gain (BNG) is now mandatory for most development. The legislation requires a minimum 10% gain in biodiversity from applicable development either onsite, offsite or a combination of both.

BNG provided under the mandatory requirements offsite and significant BNG onsite must be secured by a legal agreement for 30 years under an approved Habitat Management and Monitoring Plan (HMMP)

There are strict legal requirements in terms of what an application must contain in relation to BNG before it can be accepted as valid. This is set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and requires the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application and other information.

However, certain applications are exempt from the BNG regulations (the Biodiversity Gain Requirements Exemptions) Regulations 2024) including householder applications and include:

- Householder development as defined within article 2(1) of the Town and Country Planning Development Management Procedure) (England) Order 2015.
- Development granted planning permission by a development order under section 59. This includes permitted development rights.
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- Self-build and custom build development - development which:
 - consists of no more than 9 dwellings, and
 - is carried out on a site which has an area no larger than 0.5 hectares, and
 - consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

In this instance, the application form indicates that the application is subject to the de minimis exemption and therefore exempt from the requirement for 10% Biodiversity Net Gain. As such no Biodiversity information has been submitted with the application, nor a completed BNG Metric.

Biodiversity Mitigation

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £328.27 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £328.27 per dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has **NOT** completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue. Given the other issues outstanding on the site, payment has not been sought as it would likely not be conducive to a favourable outcome in this instance.

The documents provided with the application do not include a Ecological Impact Assessment or a Bat Survey. As such, it is not possible to make a determination as to the impacts of the proposal on Ecology and Biodiversity. The proposal is contrary to Section 16 of the Nation Planning Policy Framework (2024).

Therefore, the development would **NOT** comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 185 and 186) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Conclusion & Recommendation

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.

The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 188) of the National Planning Policy Framework (2023) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Noise Impact. The documents provided with the application do not include a Noise Impact Assessment. As such, it is not possible to make a determination as to the impacts of the proposal on residential amenity. The proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the Nation Planning Policy Framework (2024).

Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Ecological Impact. The documents provided with the application do not include an Ecological Impact Assessment or a Bat Survey. As such, it is not possible to make a determination as to the impacts of the proposal on ecology and biodiversity. The proposal is contrary to Section 16 of the Nation Planning Policy Framework (2024).

For the above reasons, the recommendation is to refuse this application.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	18 th September 2024	Dated:	20 September 2024