



Delegated Report

Planning Application

Planning Application No: 20240610

Location: The Kings Veg 7 King Street Gravesend Kent

Description: Erection of a four-storey building to contain three 1-bedroom studio flats at the rear of 7 King Street.

Applicant: Mr Bashir Ali

Site Visit Date: 15th August 2024

Submitted Documents/Plans

Application Form
001 A – Location Plan, Existing and Proposed Block Plan
002 A – Proposed Floor Plans
003 A – Proposed Elevations
Planning, Design and Access Statement

Relevant Planning History

Reference	Description	Decision	Decision Date
20240606	Conversion of first, second and floors offices to provide 3no. single occupancy, studio flats. third	Pending Consideration	

Other Relevant applications

Planning reference 20240606, relates to the building included at the front of this site and is pending consideration. This building is included in the red line plan for this application. It seeks to convert the first, second and floors offices to provide 3no. single occupancy, studio flats. 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.

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)

Other Relevant Guidance

- Kent County Council Vehicle Crossing: - Guidance and Self-Assessment (2018)
- Driveway Dropped Kerb Guidance
- Front Driveway Guidance

Consultations, Publicity and Representations

Consultees

Ward Councillors

Committee call in if recommendation is to approve.

GBC Environmental Protection

There is no objection to this application. The following is recommended for consideration.

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Code of Practice on Construction and Demolition

Please apply as appropriate to minimise any disturbance during the construction.

Noise Control

Although the proposed building will be screened from late night etc noise from King Street by the existing buildings, since the pre-application submission, it's been highlighted that there is external plant/equipment at the rear of the building associated with the Kings Veg store. The following condition is therefore recommended:

Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.

Smoke Control Informative

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

GBC Leisure and Resilience Manager

No comments received.

GBC Conservation Officer

No comments received.

GBC Housing Development and Strategy Manager

No comments received.

GBC Housing Service Manager

No comments received.

GBC Waste and Refuse

I have reviewed this planning application and I am happy with the proposed storage, however I need

information on the path of the bins from bin store to collect point.

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 ecologist¹, 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 Drainage

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 Heritage

The application site lies within the historic core of Gravesend in an area of multi-period archaeological potential. The proposed development may impact on any below-ground archaeological remains at the site and I recommend that the following condition is applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and*
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.*

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with local and national planning policy.

Southern Water

Our investigations indicate that Southern Water can facilitate foul sewage /surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

<https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Kent Police Designing Out Crime Team

No comments received.

KCC Fire Safety Officer

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20240610, I would like to make the following observations.

Upon reviewing the plan drawings, I note that there is no access road leading to the proposed block of flats. It appears that the hose lay distance is in excess of 45m to furthest point of the 2nd floor flat. Therefore, it is in my opinion that the current access requirements to the property have not been demonstrated. Domestic sprinklers designed and installed in accordance with BS 9251: 2021 will allow for extended hose lay distances.

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 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.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Natural England's statutory advice on these potential impacts is set out below.

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.

Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK (www.gov.uk) for more information.

Impact Risk Zones for Sites of Special Scientific Interest

We publish Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs), a GIS-based tool designed for use during the planning application validation process to help local planning authorities to determine if a proposed development is likely to affect a terrestrial SSSI and when to consult Natural England. For more information and to access the SSSI IRZs and user guidance, please visit the Natural England Open Data Geoportal.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Neighbouring properties

115 surrounding properties were consulted, and a site notice was placed on 15th August 2024. The final date to submit comments ended on 6th September 2024. 2 comments were received from members of the public. 1 comment in representation and 1 comment in support.

Summary of comments:

- Concern regarding rubbish and waste management of properties as there is an existing issue of fly-tipping, which impacts local businesses when attracting customers.

Officer's Analysis

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council'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 Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). 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 at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 188)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
- 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 129(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.

The proposed development for a net increase of 6 residential units would offer a modest contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create a high standard of amenity for existing and future occupiers.

Principle of Development

In regard to the principle of development, Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. It seeks to achieve this by promoting regeneration by prioritising redevelopment and recycling of previously developed land. The application site consists of a piece of land at the rear of no. 7 King Street which has no development on it. The site meets the definition of Previously Developed Land as stated in Annex 2 of the NPPF (2023).

The site lies within Gravesend Town Centre Opportunity Area (sub-area 3.1 Town Centre). Policy CS05 (LPCS) states that within the Opportunity Area, the Council will support the provision of new residential development where a satisfactory living environment can be achieved and support the redevelopment of under-used sites where this makes more efficient use of the sites and improves townscape character.

Redevelopment would be subject to addressing the requirements of the Development Plan and material considerations such as the NPPF (2023) and in particular whether the proposal would improve townscape character and protect the amenity of existing and future users which are key considerations which would be assessed in an application.

Design, Character and Appearance

Policy CS14 (LPCS) states that new housing development will be expected to provide a range of dwelling types and sizes taking into account the existing character of the area and to create sustainable and balanced communities. Policy CS15 (LPCS) states that sites will be developed at a variety of densities depending on the site's location and accessibility to public transport. Furthermore, development needs to be delivered at a density that achieves good design and does not compromise the character of the area. Policy CS19 (LPCS) states that the design, layout and form of new 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 (2023) sets out that the creation of high quality, beautiful and sustainable 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.

In considering this proposal, the impact on heritage assets also needs to be considered given that the King Street Conservation Area directly borders the site to the south and the High Street & Queen Street Conservation Area is some 18m to the west. 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 or appearance of a Conservation Area.

This duty is reflected in Section 16 of the NPPF (2023), Policy CS20 (LPCS) and saved policy TC3 (LPFR). These policies set out that a high priority towards the preservation, protection and enhancement of heritage and the historic environment as a non-renewable resource will be given central to the regeneration of an area and the reinforcement of sense of place. Furthermore, these policies expect development to preserve or enhance the character and appearance of Conservation Areas. As previously stated, the site borders the King Street Conservation Area to the south and the High Street & Queen Street Conservation Area is in

the vicinity to the west.

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).

This proposal is for the erection of a new building to the rear of no. 7 King Street which would be four storeys with the top storey designed as a mansard roof. The below elevations (Not to Scale) are included for reference;



A key principle of good design is siting. In this case the building would effectively be 'stranded' and in a very isolated position, in the sense that it would not have any connection to an active street frontage. Although accessed from Brewhouse Yard, it does not front onto it forming a street scene. This is not considered good design. The building would not follow any existing build line, and would have a cramped appearance on a small site, constituting overdevelopment.

Design Principle 5.9 of the Design for Gravesham – Design Code (2024) focusses on pattern, grain and scale. And Design Principle 5.13 focusses on building lines.

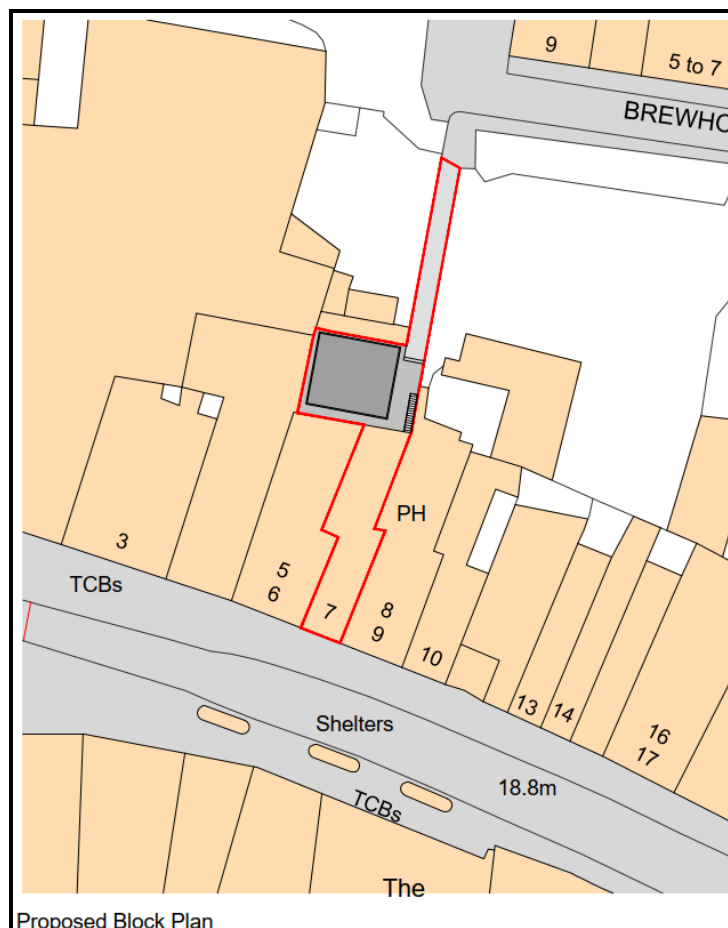
Design principle 5.9
Pattern, grain and scale

- a. New development **must** respond sensitively to the prevailing pattern and intervals of existing development to reflect the grain of the existing character area where the building (or larger development) is placed.
- b. A coarse development pattern with large monolithic buildings or uniform development frontages **must** be avoided.

Design principle 5.13
Building lines

- a. The majority of the primary frontage of a new building **must** follow the existing building line on the street. It is acceptable for architectural features such as porches, bays, balconies or limited and short protrusions to protrude beyond the building line.
- b. Garages, side extensions and outbuildings **must** be set back from the building line.

As the proposed block plan (not to scale) shows below, the proposed building would be placed haphazardly to the rear of the established development, with no connection to the prevailing pattern and grain of the existing development or established building lines, or creating a frontage into Brewhouse Yard.



Overall, the scheme is representative of a poorly designed building, haphazardly placed in a cramped location, with no connection to the prevailing build line or street pattern.

Design Principle 5.12 focusses on Density.

Design principle 5.12

Density

- a. Applicants **must** follow a design-led approach to achieve an appropriate density of development for the site.
- b. 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.
- c. Development in the rural area **must** deliver at least 30 dph and development in the urban area deliver a minimum density of 40 dph.

Policy CS15 relates to housing density and requires a minimum density of 40 dwellings per hectare in the urban area.

The site area is 249 sq Meters. This includes the existing office building, which is proposed to be converted to 3no. flats under planning reference 20240606. The proposed scheme would create 3no. flats. If both schemes were approved the density would be 241.2dph. If this scheme alone was approved independently of the the front building, 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 and six times greater than the minimum if both this scheme and the scheme under 20240606 are built. Although it is noted that in Town centre locations, it is expected that there will be instances where the minimum is exceeded, this is further evidence of the cramped and overdeveloped nature of the application which seeks to 'squeeze' a large building onto a small unsuitable plot of land.

Design Principle 5.10 relates to height.

Design principle 5.10

Height

- a. Where a development proposes variations in height, that is not consistent with the existing context, applicants **must** assess and evidence the height of existing buildings in the immediate vicinity and the local context (prevailing height). This evidence **must** be used to inform the development proposal and to demonstrate its impact on the local surroundings and the skyline.
- b. For small scale infill development where the height of existing buildings along the street is consistent or of minimal variation, new developments **must not** exceed the existing building height level of the adjacent plots along the street.
- c. Development **must not** overshadow or compromise the quality of neighbouring buildings.

7 King Street is a four storey building which falls away to the rear due to subservient outrigger elements. The proposed building would also be four storeys in height but would not fall away and so in context of the

rear elevation of 7 King Street, in this rear location the 4 storey height is further out of keeping. However, there are other buildings along King Street of varying heights. No evidence of the height of existing buildings in the immediate vicinity and the local context has been provided. The Design and Access Statement is limited and provide very little information specifically on how the local context and buildings were considered in the strategy for designing this scheme. It is therefore difficult to ascertain the visual impact of the height and whether it would respect local buildings and the extent of its visibility along King Street, which is a primary shopping area, contains listed building and forms part of the King Street Conservation Area. Nonetheless, the image below from Brewhouse Yard shows how out of context the proposed building would be in this location;



Design Principle 5.19 focusses on Aspect, orientation, daylight and sunlight.

Design principle 5.19

Aspect, orientation, daylight and sunlight

- a. New developments **must** ensure that both existing and new homes receive an adequate level of natural daylight and sunlight.
- b. Where single aspect homes cannot be avoided, these **must** pass the Building Research Establishment (BRE) guidance for daylight and sunlight.
- c. Single aspect north facing new homes **must** only be permitted in unique exceptional circumstances (such as when facing the River Thames)

The proposed building would have single aspect fenestration, facing to the north. Given that the sun runs east to west taking a southerly route, there would be a severe limitation of light into the rooms of the flats.

No exceptional circumstances have been demonstrated make this acceptable.

The proposed development fails to be appropriate in respect of design, character and appearance including heritage.

On balance, the proposed development would **NOT** comply with the requirements of Policy CS19 and CS20 of the Core Strategy 2014, Saved Policy TC3 of the Gravesham Local Plan: First Review (1994) and Section 12 and 16 of the NPPF (2023), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of design, character and appearance and impact on the Conservation Area.

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.

First Floor Flat

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen/Diner	24.13 (Including Living Room)	12
Living Room	24.13 (Including Kitchen/Diner)	13.2
Single Bedroom	7.7	6.5
WC and Bathroom	2.5	3.5

Second Floor Flat

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen/Diner	24.13 (Including Living Room)	12
Living Room	24.13 (Including Kitchen/Diner)	13.2
Single Bedroom	7.7	6.5
WC and Bathroom	2.5	3.5

Third Floor Flat

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen/Diner	24.13 (Including Living Room)	12
Living Room	24.13 (Including Kitchen/Diner)	13.2
Single Bedroom	7.7	6.5
WC and Bathroom	2.5	3.5

The minimum space required for a kitchen/Diner and Living room combined would be 25.2 m². At 24.13m², this room would not meet the required spacing for each flat. The WC and bathrooms would also be undersized. However these are very minor and not significant enough to warrant refusing the application.

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 case a 36m² amenity space is provided. However this space is considered to be of poor value as it is located at the ground floor of the building, below the first-floor element of the building, creating an undercroft area. It would have limited natural light due to its location below the main structure of the building and surrounding built form from neighbouring properties and is not considered to be a suitable outdoor amenity space.

Despite the low quality value of the amenity space provided on site, 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.



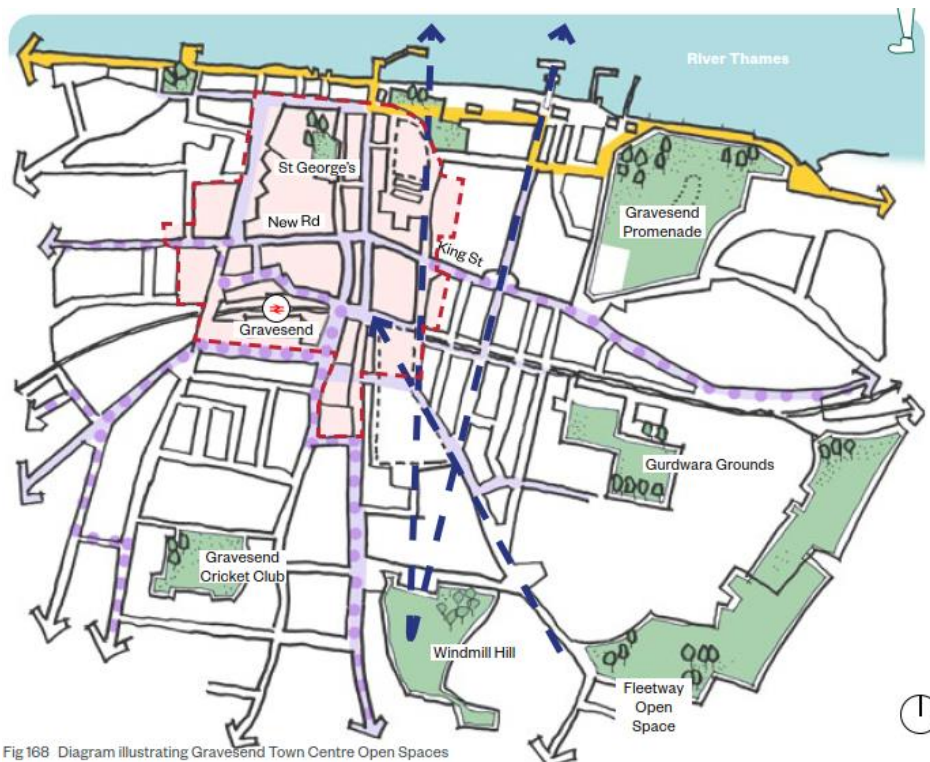


Fig 168 Diagram illustrating Gravesend Town Centre Open Spaces

Although there are slightly inadequate internal space standards, these are considered minor and on balance, the scheme would 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

Amenity Summary

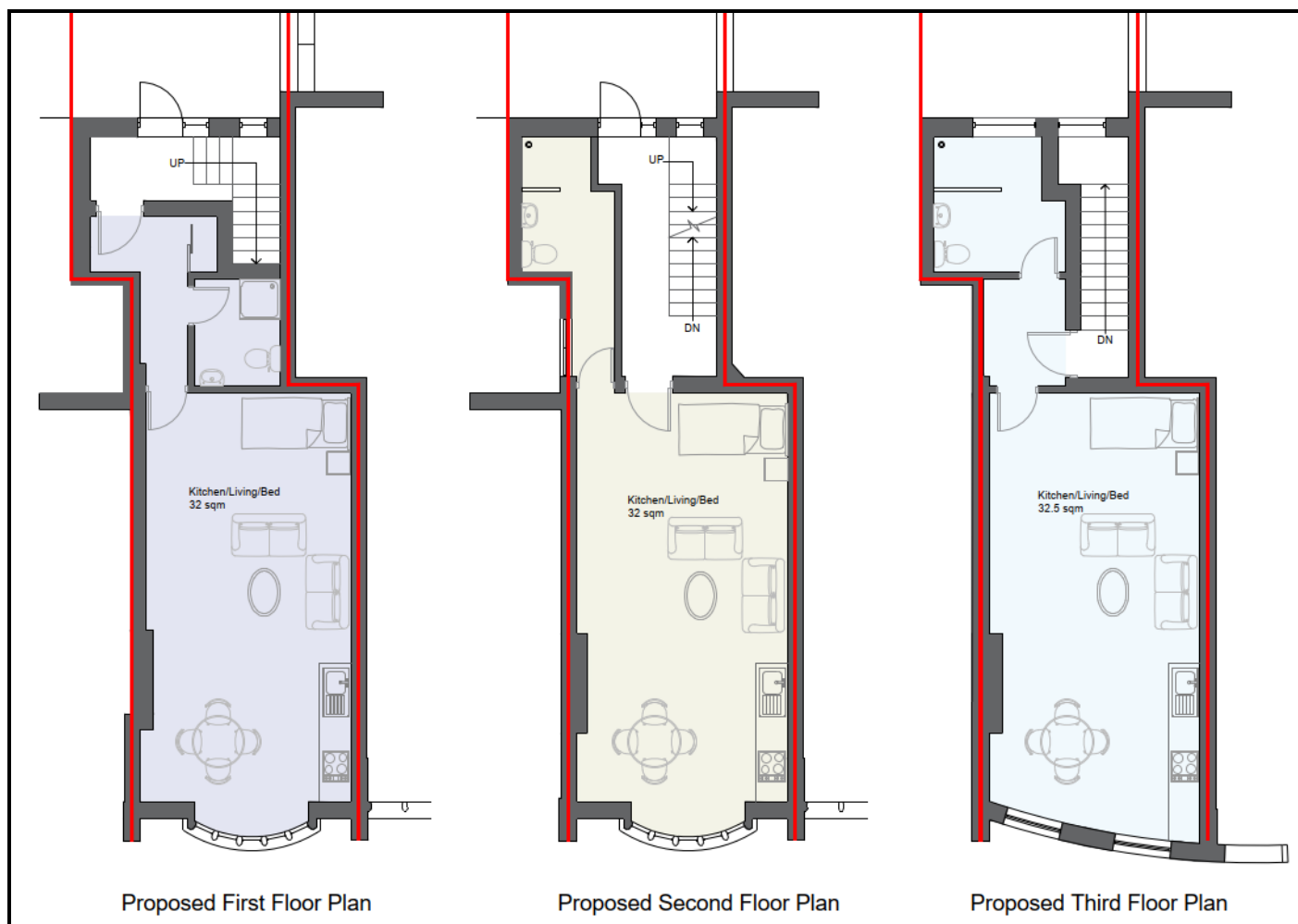
Overall, the proposed scheme would provide appropriate external space standards for future occupiers as a result of its town centre location. However, the internal amenity space standards have not been met and given the insufficient information provided in terms of a Noise Impact Assessment, it is not possible to fully assess the impact of the development on future occupiers.

Neighbouring Amenity

There are a number of buildings which surround the site and which the development would be in very close proximity to particularly the rear elevations of the buildings in King Street and also no. 1-2 King Street which have a number of windows at all levels. Consideration therefore needs to be given to the impact of the development on the residential amenity of those occupying nearby residences.

7 King Street

The proposed building would be located to the rear of The Kings Veg. Planning application 20240606, seeks to convert the existing office use on the first, second and third floors to residential use. The planning agent has confirmed verbally that the intention is to undertake both this scheme and the one proposed under 20240606, if approved. As such consideration needs to be given to the impact on the residential amenity of potential future occupiers of those floors. Assessment also needs to be given to the site as it currently is as there are no guarantees the other scheme would be successful or built. 7 King Street has office use allowed and so this also needs to be considered.

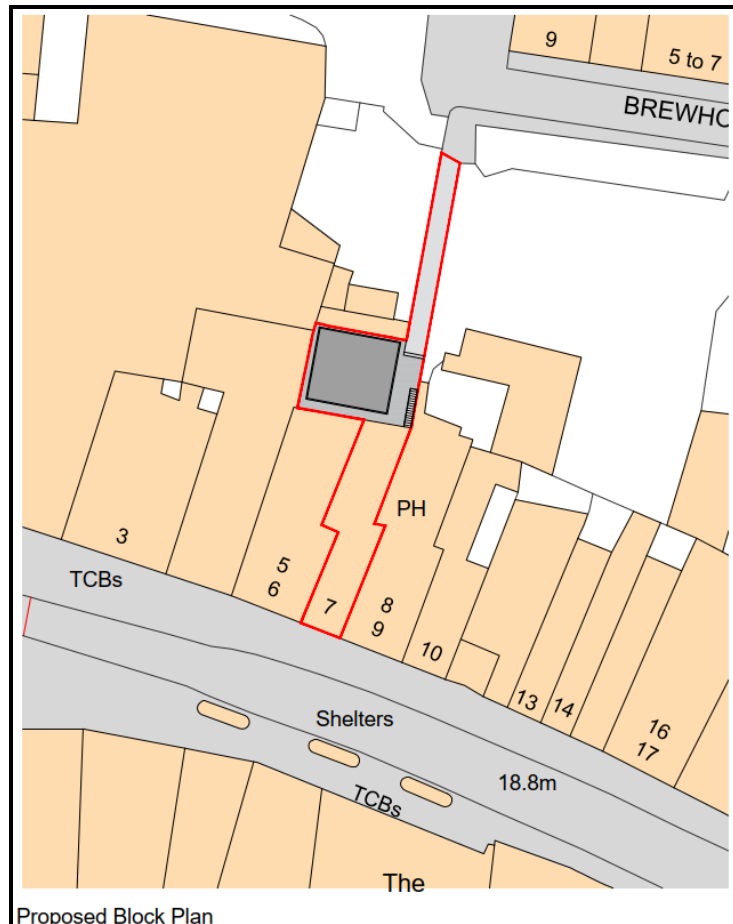


As the above proposed plans from 20240606 show, the rear openings would not be habitable space and

would provide stair access to the flats and a WC/shower on the third floor only. Therefore, the building would not overshadow habitable rooms for this building. As the building exists, it is an unoccupied office building. This proposed scheme would therefore not impact any residential openings at 7 King Street as it exists. The office building does have rear windows, but given that the proposed scheme contains no windows to the rear, the office building would not overlook windows on the proposed building.

5-6 King Street

The rear elevations of 5-6 King Street would face the rear elevation of the proposed building. The upper floor windows on the rear elevation would potentially be impacted. The block plan included below clearly identifies the proximity of 5-6 King Street in relation to the proposed scheme.





The image below clearly shows that 5-6 King Street is a much smaller building than its neighbour, and easily dwarfed by the proposed four storey building.

The latest permission for this site is 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.*' The frontage of the site shows a Nail, Beauty and Spa, with a separate access to the other floors with signage for 'Derma Sanctuary', clearly indicating the implementation of the permission. The planning history and council tax bands show no evidence of habitable accommodation to this site. And so there would be no impact to residential amenity in this instance.

4 King Street

The rear elevations from 4 King Street would also show the west elevation of the proposed building which has residential use in the upper floors.

As the below image shows there is a rear dormer on this property with a window. The proposed building would have no windows which would overlook this dormer window. As no height comparison has been provided it is difficult to ascertain how the bulk will impact this window. However, it is noted that it is north facing and so overshadowing would not be likely, and already impact by other buildings.



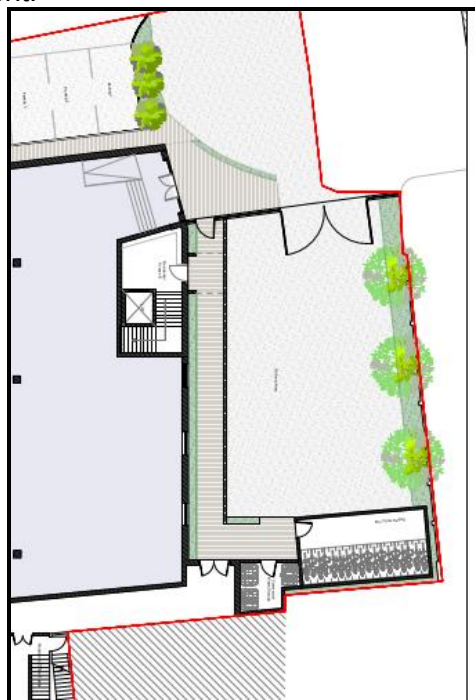
1-2 King Street

1-2 King Street has a large footprint which extends to the north of the site. Development under planning ref 20191051 allowed 'Subdivision of the existing retail units at ground floor to provide 2 x new retail units, 1 x D2 Leisure together with the conversion and extensions of the upper floors. These will incorporate 1 office, and 35 residential units ranging from studio, 1 bed and 2 beds, as well as associated amenity, landscaping, parking, waste and cycle storage.'

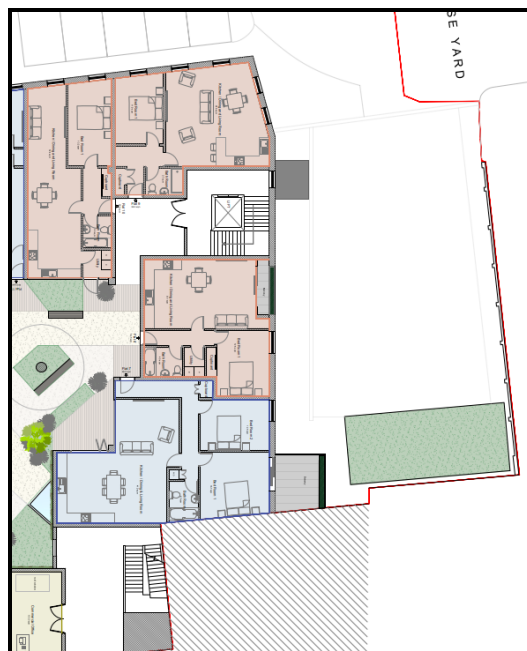
The image below shows the development in its construction phase and proximity to the proposed development site, outlined in red;



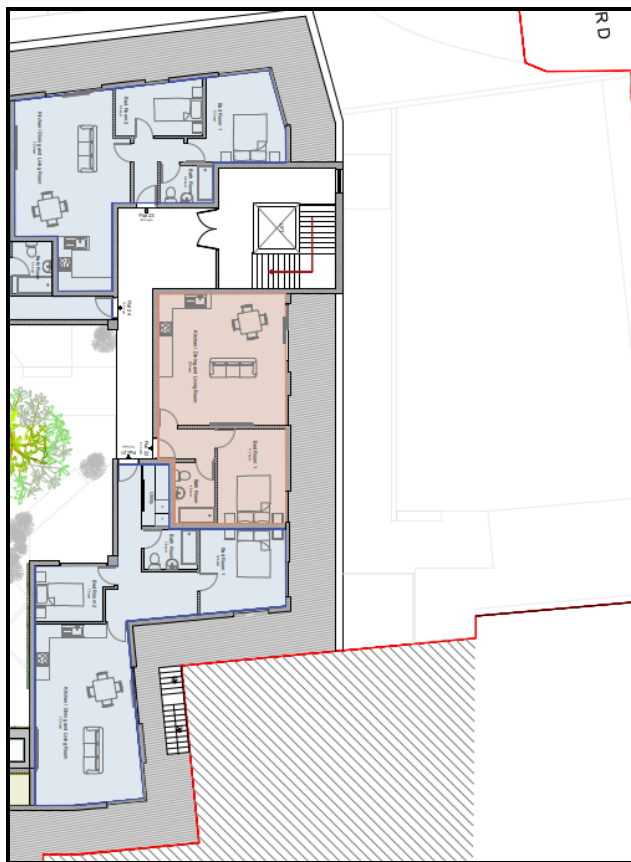
The below images show (Not to Scale) snippets images from the approved plans for the scheme. It is evident that there will be a number of residential, habitable windows which may be impacted by the development.



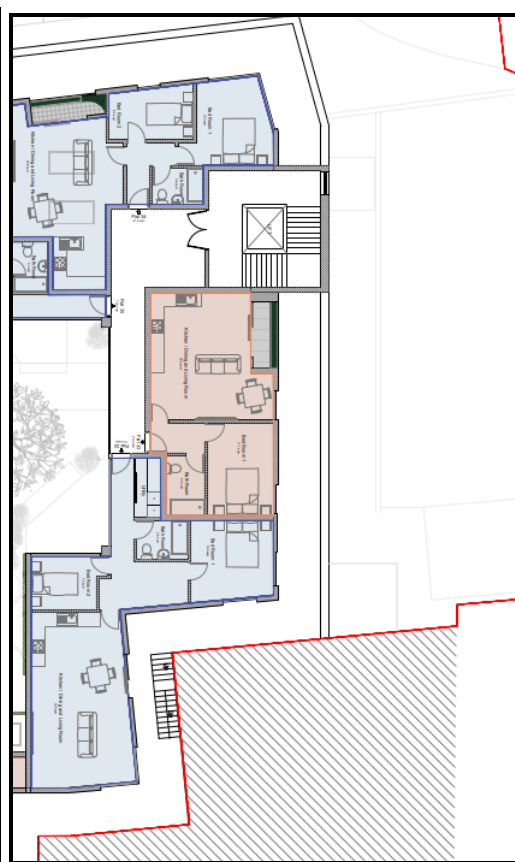
Ground Floor



First Floor

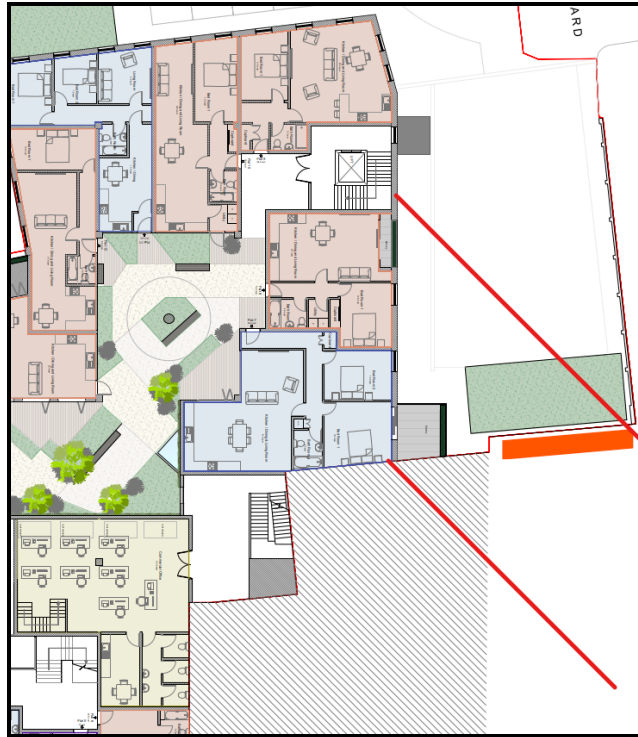


Second Floor

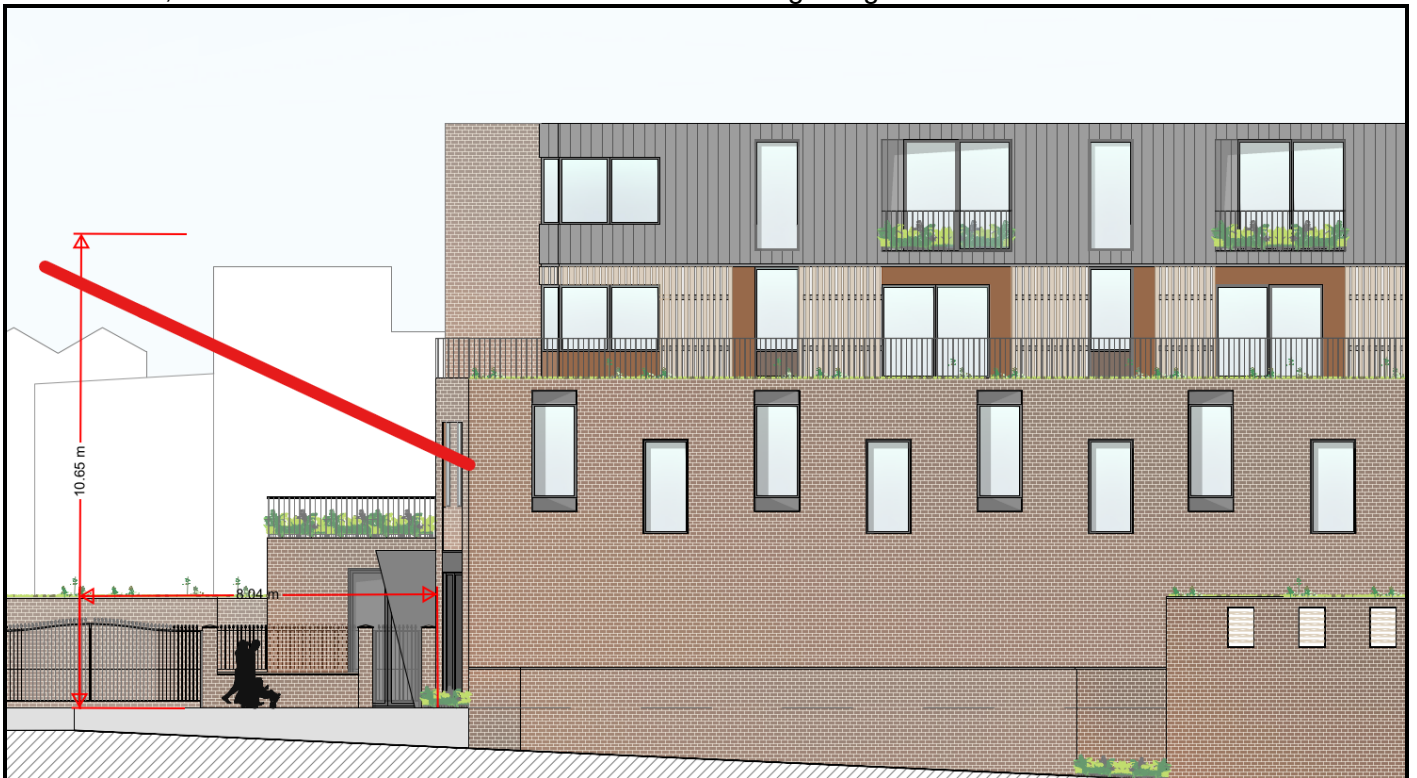


Third Floor

The below 45 degree test shows the areas of potential overshadowing from the approximate build line edge (indicated in orange).



The below 25 degree test shows that the building proposed would likely overshadow habitable windows on the first floor, which includes 3 bedrooms and a kitchen/dining/living area.

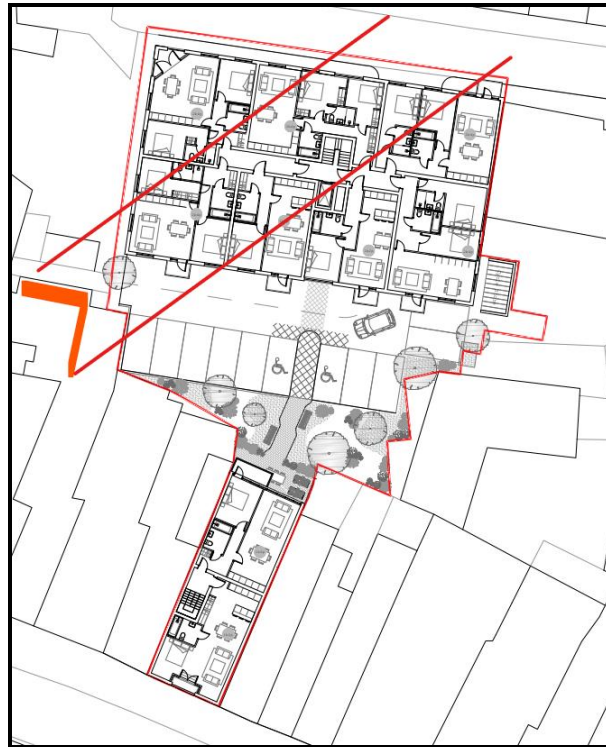


Former Cinema Site

There is currently a planning application being considered for the Former Cinema Site which is situated to the north and east of the application site for 'Repair, restoration, extension and repurposing of 11-12 King Street to provide a residents' workhub at ground floor level and 6 flats above along with the construction of a new part 6, part 7 storey building to the rear to contain 42 flats creating 48 flats in total together with car and cycle parking, refuse and recycling storage and private and communal amenity spaces.' Under

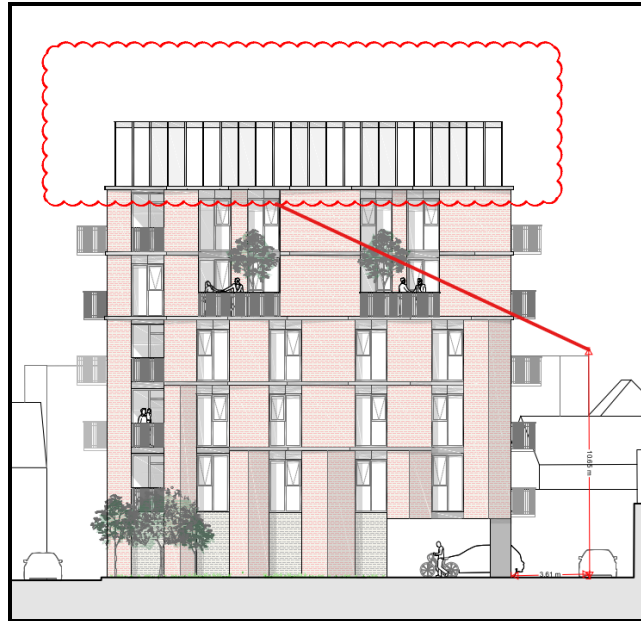
planning reference 20210453. However, the application simply has a resolution to permit from Planning Committee with no formal decision issued (subject to S.106) and as such minimal weight can be applied to impact to these residences, as there is no guarantee the building would be erected. Nonetheless is it important to consider the development.

The below 45-degree test shows the areas of potential overshadowing from the approximate build line edge (indicated in orange).



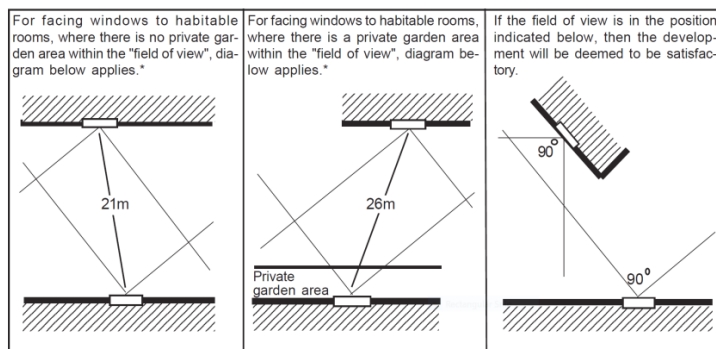
The below 25 degree tests shows that the building proposed would likely overshadow habitable windows on the ground, first, second and third floors.





The proposed scheme would therefore result in overshadowing of neighbouring habitable rooms. The residential Layout Guidelines also applies minimum privacy distances between neighbouring windows as per the below table.

Figure 1



* A 90° field of view is measured from the central point of a window of a habitable room on any elevation, to where it overlaps a 90° field of view from the central point of a window to a habitable room on any elevation of another property.

The distance of the closest windows from the development at 1-2 King Street is 9m. From the Cinema Site application, the closest facing window distance is approximately 6m.

The proposal is therefore considered **NOT** to safeguard the amenity of neighbouring properties at the developed site at 1-2 King Street, in contradiction with policy CS19 of the Core Strategy 2014 due to resultant overshadowing and overlooking of neighbouring residential windows. It would also impact The Former Cinema Site, but as this does not have formal consent yet, only limited weight can be afforded to it.

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 and is shown on the plans.

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

Details of bin storage location have been provided. Therefore, if approved, details relating to scale 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).

Any Other Material Planning Considerations

Conclusion & Recommendation

The proposed development by reason of its scale, excessive height, poor location and design would result in significant harm to the character of this area, and due to its excessive scale and small plot, constituting overdevelopment of the site. The development would not contribute to the high quality character of the Conservation Area and would as a result fail to comply with the requirements of Policy CS19 and CS20 of the Core Strategy 2014, Saved Policy TC3 of the Gravesham Local Plan: First Review (1994) and Section 12 and 16 of the NPPF (2023), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of design, character and appearance and impact on the Conservation Area.

By virtue of the excessive height, poor location and design the proposal would result in harm to the living environments of neighbouring properties. Windows to neighbouring habitable rooms would be significantly overshadowed and the proximity to facing windows would likely result in overlooking. The proposal would therefore fail to provide a high standard of amenity for neighbouring sites which conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 131 and 135 of the National Planning Policy Framework 2023.

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 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