

Delegated Report

Full Planning Application

Planning Application No: 20250870

Location: 6 Stonebridge Road Northfleet Gravesend Kent

Description: Change of use to first floor commercial storage space to staff accommodation.

Applicant: Mr Rajalingam Mathusan, Mathu Retail Ltd

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Site Location Plan;
Existing Site Plan;
Drawing No. PL/6SR/SD100 – Existing Plans;
Drawing No. PL/6SR/SD102 – Existing Elevations;
Drawing No. PL/6SR/SD103 – Proposed Plans;
Drawing No. PL/6SR/SD104 – Proposed Elevations; and
Supporting Information – Justification Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20250455	Retrospective application for a rear partial infill single-storey extension, a partial first-floor extension, and internal alterations to the existing shop.	Permitted	01.07.2025
20230710	Prior Approval application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)Change of use from business to residential use.	Permitted	29.08.2023

Development Plan

Gravesham Local Plan Core Strategy (2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 – Transport
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design & Development Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- Section 12 - Achieving well-designed places

Supplementary Planning Guidance

- SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

GBC Environmental Protection Team

It's understood that the ground floor use of this property is as a convenience store. However, although a 'justification statement' has been provided, there is no information regarding the operation of the store – opening hours, whether there is any plant/equipment etc. This property was originally used as a family dwelling so the ceiling/floor partition between the ground floor and 1st floor is unlikely to have much in the way of sound insulation.

Although the accommodation is stated as being for staff accommodation, there are concerns that if permission is granted, they will be little to prevent it being rented out to a 3rd party.

With any residential premises above a commercial use such as a convenience store, a noise impact assessment is required in order to assess the impact of the commercial use on the residential above. In addition, this should include sound insulation test.

To address the above, the following conditions are advised:

External Noise:

- a) A noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:
 1. The internal ambient noise levels in all habitable rooms of the proposed residential dwelling shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014
 2. The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{max} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.

The noise impact assessment must take into account traffic noise, mechanical plant and equipment associated with commercial activities and any other noise associated with the commercial activity on the ground floor.

Internal noise:

Prior to the first occupation of the flat, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the internal wall partitions, internal floor/ceiling partitions, adjacent party wall partitions and the partition between the commercial on the ground floor and the flat above.

The sound insulation performance of partitions between the floors of the flat and any adjacent residential property shall resist the transmission of airborne sound and impact sound to demonstrate that the minimum levels stated in the Building Regulations are capable of being complied with. The assessment will also include details of any proposed works to achieve these levels.

The construction that separates the residential and commercial unit shall aim to resist the transmission of airborne sound such that the weighted standardised difference ($D_{nT, W} + C_{tr}$) shall not be less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB). The assessment will also include details of any proposed works to achieve these levels.

Any works identified being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation. Overheating and ventilation must also be considered in the design of any mitigation.

GBC Waste Services

No comments received.

Neighbouring properties

Four letters were sent to surrounding properties were consulted. The overall consultation period expired on 20th October 2025. No comments have been received.

Ward Members were also consulted with no comments received.

Officer Analysis

Procedural Matters

This application is for the full planning permission for the change of use of the first floor storage area (Class E) to residential for staff accommodation (Class C3). As such, if permission were forthcoming, the first floor area would be changed from retail storage to residential, which could potentially lead to it being rented out privately. It would be difficult to regularise or control the occupancy of the unit through the imposition of conditions and thus, the following assessment of the proposal would be as if it were for a change of use as a separate residential unit.

It is possible that ancillary accommodation could be achieved through the lawful process, however this is not for this application to determine.

Principle Issues

The site lies within the urban boundary of Gravesend and has no particular site constraints or designations, with the exception of being in an existing local centre and in an archaeological notification area (with regards to the latter, due to the built-up nature of the site there are unlikely to be any significant below-ground archaeological impacts). As such, the main issues for consideration in the determination of this application are as follows:

- Housing Need
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Noise
- Parking and Highways
- Refuse
- Any Other Material Planning Considerations

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 February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 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) (2024). 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnotes 7 and 9 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 189)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty (National Landscape)

- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 71)
- 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 130(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 '1' residential units would offer a minimal 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 (2024) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Design, Character and Appearance

The proposed development would comprise of a change of use of the existing first floor commercial storage area to a studio flat. There would be no front or rear elevational changes and the proposed flat would not benefit from its own access and would have to be accessed from the rear shop door and internal staircase. Internally, the layout of the first floor would be repurposed to provide an entrance hall, separate wc/shower room and open plan kitchen/living room/bedroom.

Streetscene

Existing and Proposed Front and Rear Elevations



As there are no elevational changes, the proposal would not have any detrimental impact on character or design and would be compliant with Policy CS19 (LPCS).

Amenity of Future Occupiers

Policy CS19 (LPCS) states that new development will be fit for purpose and will be located, designed and constructed to safeguard the amenity of its occupants and those of neighbouring properties and land.

The NPPF (2024) states that planning decisions should aim to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 135f).

	Actual floor area	National Standard
Flat (1b, 1p)	35.51sqm	37sqm

As can be seen from the table above the minimum gross internal floor area recommended by the National Housing Standards would not be met by the proposal flat and there would be a shortfall of the gross internal floor area of 1.49sqm. Therefore the proposed flat would not meet the minimum space standards.

However, the Gravesham Residential Layout Guidelines (2020) requires Bedsits (including Kitchen/bathroom/WC) should have a floorspace of 30sqm and as such, the proposed studio flat would accord with this minimum.

In terms of outlook, the main living area would be served by a single window within the front elevation and as such is considered acceptable. The shower room would be served by a window to the rear. As such there would be access to natural light and ventilation for the habitable rooms. In terms of outlook, the main living area would have views over Stonebridge Road.

Overall, it is considered that the proposed flat would not meet the minimum space standards in terms of gross internal floor area for a one bedroom flat, however it would accord with the minimum standards for a bedsit as laid out within the Gravesham Residential Layout Guidelines.

However, the unit does not benefit from its own access and would have to go through the rear of the shop. This would be an unacceptable arrangement and would pose further security risks for the commercial unit.

Taking all of the above into consideration, whilst the proposed flat would provide acceptable living accommodation for a bedsit/studio flat in terms of floor area and outlook, it does not benefit from its own access and would rely on the shop opening and would result in an unacceptable arrangement and as such would be contrary to Policy CS19 (LPCS), which states that new development will be located, designed and constructed to safeguard the amenity of its occupants and those of neighbouring properties and land.

Due to the lack of separate access to the proposed residential unit, the development fails to secure the amenities of future occupiers and would be contrary to Policy CS19 of the Core Strategy and paragraph 135(f) of the NPPF (2024).

Neighbouring Amenity

The upper floor of the application site is currently used ancillary to the shop and for storage. Stonebridge Road is mixed use area with both residential and commercial properties and therefore the introduction of an additional residential dwelling on the first floor, would not have any detrimental impact on neighbouring amenities.

Overall, it is considered that the proposed development would have no significant adverse impacts on the residential amenity of any surrounding neighbouring premises and in respect of neighbouring amenity the proposal would be compliant with Policy CS19 (LPCS).

Noise

The proposal is for one additional residential unit located within a mixed-use area. There are residential properties located within the vicinity and therefore the principle of residential development is acceptable as previously discussed. Stonebridge Road is a busy road and the proposed residential unit would face onto the road. No noise impact assessment was submitted with the application, however should the permission be forthcoming, this could be secure through the imposition of planning conditions.

The site is not located in an AQMA and therefore there the flat having openable windows and doors is considered acceptable. As the resident has a choice of whether to experience the noise or not i.e. they can close the windows. A condition will be added to the decision for the submission of a sound insulation assessment in order to safeguard the amenities of future occupiers.

Parking and Highways

The supporting application form states that there would be parking for one vehicle. The site is located in a local centre location, close to a variety of shops and services and because the site is accessible by public transport, there would be no significant adverse impact on highway safety or parking as a result of the proposal, which would be in line with Policy CS11 of the Core Strategy 2014 and Saved Policy P5 of the Local Plan 1994.

Refuse

The site is an existing commercial unit and the proposed plan shows an area for 'bins' to the front. It would be necessary to have separate residential and commercial bin storage to serve the existing shop and the proposed residential unit. If planning permission were forthcoming, further details of this could be secure through planning conditions.

Any Other Material Planning Considerations

Ecology and Biodiversity (Bird 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 £337.49 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.

In this instance, the proposed development would result in the creation of one additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £337.49.

The applicant has not paid the SAMMS Mitigation Contribution Agreement and therefore does not meet the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 192 and 194) of the NPPF (2024) and Policy CS12 (LPCS) (2014).

Biodiversity Net Gain (BNG)

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

In this case, the proposed development is covered by an exemption: it is a development below the threshold as it does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats such as hedgerows. There is no existing 'habitat' on the site, and any space that could be used as such measures 10m². BNG is therefore not required in this case.

Conclusion

Due to the lack of separate access, the proposal would not result in an acceptable level of living standard for future occupants and as such would be contrary to the objectives of Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 135(f) of the National Planning Policy Framework (2024).

The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 193 and 194 of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Recommendation:

Refusal

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

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	24 th November 2025	Dated:	24th September 2025