

Delegated Report

Full Planning Application Listed Building Consent

Application No:	20231165 - Full Planning Application 20231166 - Listed Building Consent
Location:	24 Stone Street, Gravesend, Kent, DA11 0NP
Description:	20231165 - Change of use of the first and second floor levels to a house in multiple occupation including internal alterations. 20231166 - Application for Listed Building Consent for the change of use of the first and second floor levels to a house in multiple occupation including internal alterations.
Applicant:	Mr Lakh Kallar, Kallarview Construction Limited
Site Visit:	Numerous

Submitted Documents/Plans

- Application Form (20231165) - dated 14/11/2023;
- Application Form (20231166) - dated 14/11/2023;
- Design and Access Statement - Rev. A (dated 02/2024);
- Heritage Statement - Rev. A (dated 02/2024);
- Supplementary Information - Air Quality Assessment by Redmore Environmental (11/09/2023);
- Supplementary Information - Acoustic Assessment Report by RBA Acoustics (ref. 12973.RP01.AAR.3 – Rev. 3) (05/04/2023);
- Supplementary Information - Titon HRV 1.6 Q Plus Declaration of Conformity Document;
- Supplementary Information - Titon HRV Maintenance (from Product Manual)
- Supplementary Information - Titon HRV 1.6 Data Sheet;
- Supplementary Information - MVHR System Noise or Dust Checklist (Master);
- Supplementary Information - Response to GBC Environmental Protection Comments;
- Supplementary Information - Existing Site Photographs (dated 07/2023);
- Supplementary Information - Email from Architect confirming roof plant equipment is not visible;
- Drawing no. 2997-57-00 - Rev. P5 - Ground, First and Roof Ventilation Services Layouts;
- Drawing no. 3580/L/01 - Existing Site Location Plan (scale - 1:1250);
- Drawing no. 3580/P/01 - Rev. B - Existing Floor Plans;
- Drawing no. 3580/P/02 - Rev. A - Existing Elevations;
- Drawing no. 3580/L/03 - Rev. A - Proposed Block Plan (scale - 1:500);
- Drawing no. 3580/P/03 - Existing Block Plan (scale - 1:200);
- Drawing no. 3580/P/04 - Existing Roof Plan and West Elevation;
- Drawing no. 3580/P/11 - Rev. C - Proposed Floor Plans;
- Drawing no. 3580/P/12 - Rev. B - Proposed Elevations;
- Drawing no. 3580/P/13 - Proposed Roof Plan and West Elevation;
- Drawing no. 3580/P/21 - Rev. B - Typical Section Details.

- ~~Design and Access Statement (dated 11/2023) – SUPERSEDED;~~
- ~~Heritage Statement (dated 11/2023) – SUPERSEDED;~~
- ~~Supplementary Information – Acoustic Assessment Report by RBA Acoustics (13/11/2023) – SUPERSEDED;~~
- ~~Drawing no. 3580/P/11 – Rev. A – Proposed Floor Plans – SUPERSEDED;~~
- ~~Drawing no. 3580/P/12 – Rev. A – Proposed Elevations – SUPERSEDED;~~
- ~~Drawing no. 3580/P/21 – Typical Section Details – SUPERSEDED.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20211196	Application for a minor material amendment to planning permission reference no. 20191187 for Demolition of outbuildings, excavation of soil to form a lower ground and upper ground floor B1 use, unloading bay and refuse areas with construction floors 1 to 4 providing a total of 3no. one bedroom self-contained flats and 11no. two bedroom self-contained flats and associated external works to allow alterations to the main entrance from Rathmore Road to Athboy Road and amendments and substitution to approved plans.	PERMITTED	14.02.2022
20191187	**REVISED PLAN** Demolition of outbuildings, excavation of soil to form a lower ground and upper ground floor B1 use, unloading bay and refuse areas with construction floors 1 to 4 providing a total of 3no. one bedroom self-contained flats and 11no. two bedroom self-contained flats and associated external works.	PERMITTED	11.06.2021
20160037	***REVISED DESCRIPTION/REVISED PLANS*** Demolition of outbuildings, excavation of soil to form a lower ground floor B1 use, unloading bay and refuse areas with construction of upper ground floor and floors 1 to 5 providing a total of 4no. one bedroom self-contained flats and 15no. two bedroom self-contained flats and associated external works.	PERMITTED	29.08.2017
20160038	***REVISED DESCRIPTION*** Application for Listed Building Consent in respect of demolition of perimeter wall, conservatory and reinstatement of rear elevation of 24 Stone Street.	PERMITTED	27.06.2017
20160038	***REVISED DESCRIPTION*** Application for Listed Building Consent in respect of demolition of perimeter wall, conservatory and reinstatement of rear elevation of 24 Stone Street.	PERMITTED	27.06.2017
20150697	**REVISED PLANS** Demolition of the rear single storey extension and conservatory and erection of a new single storey rear extension and associated works; replacement of the ground floor facade and alterations to provide A2/B1 office use on ground floor and use of the upper floors as 3no. self-contained dwellings comprising 2no. one	PERMITTED	01.04.2016

	bedroom flats and 1no. two bedroom duplex.		
20140145	Application for Listed Building consent for the retention of minor remedial repairs and redecoration to the stucco, moulded surrounds and parapet to facade plus removal of one signage bracket and replacement of remaining two brackets.	PERMITTED	07.10.2014
20070382	Application for Listed Building Consent for the erection of a single storey store/servery; shelter over existing seating area and bandstand style shelter in rear garden.	PERMITTED	25.06.2007
20070381	Erection of single storey building provide store/servery; shelter over existing seating area and bandstyle style shelter in rear garden.	PERMITTED	21.06.2007

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS07 - Economy, Employment and Skills
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS16 - Affordable Housing
- CS18 - Climate Change
- CS19 - Development & Design Principles
- 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
- P5 - Change of Use of Building and Vehicle Parking Standards
- 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 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed and beautiful places
- Section 15 - Conserving & enhancing the natural environment
- Section 16 - Conserving & enhancing the historic environment

Supplementary Planning Guidance

- SPG 2 - 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)
- Gravesend Town Centre Conservation Areas Management Plan (2009)
- Upper Windmill Street Conservation Area Appraisal (2009)

The Council has a statutory duty under 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects the settling of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning Listed Building and Conservation Areas Act 1990 (as amended) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Consultations, Publicity and Representations

External Consultees

Kent Fire & Rescue Service - 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 appear to have been met.

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.

Internal Consultees

GBC - Environmental Protection (Regulatory Services) –

First Comment (08 February 2024) - There have been concerns with previous applications at this site in relation to noise (from both external and internal sources), air quality and also potential issues with the extract flue of a wood burning pizza oven at the rear of the adjacent premises. A Noise Impact Assessment (NIA), an Air Quality Assessment (AQA) and also details regarding the proposed Mechanical Ventilation Heat Recovery System (MVHR) have been submitted with this application and have been reviewed. Comments are as follows:

- *Noise* - As with the earlier application, there are still some inconsistencies in stacking arrangements

of the rooms. Bedroom 4 (1st floor) is under the kitchen on the 2nd floor and bedroom 8 (2nd floor) is over the kitchen on the 1st floor. Kitchens are inherently noisier than bedrooms particularly if being used later at night and this could lead to noise problems. Ideally these rooms should be swapped over so that kitchen are under/over each other and the same for the bedrooms. If these rooms can't be swapped over, then it is recommended that the floor/ceiling partition between these are upgraded so that they are of a standard greater than that required under Building Regulations – this is ideally an enhancement of the minimum levels stated in the Building Regulations of 10dB.

With regards to the 'Acoustic Assessment Report' dated 13 November 2023 by RBA Acoustics (ref 12973.RP01.AAR.1), there are some concerns with this report:

- Although the report has apparently been revised to consider the MVHR system that is to be installed for the HMOs, no consideration of this been given in terms of any impact on internal noise levels in relation to the criteria in BS8233:2014. This is essential as silencers may be required, ducting may need to be insulated/boxed in etc. This also needs to include the MVHR system working in the summer to provide effective cooling (see further details in the MVHR section below).
 - The report recognises that the sound insulation between the internal partition needs to be addressed. For partitions (both wall and floor), between the HMOs this needs to be at the minimum levels as required by Building Regulations Document E. The exception to this is where stacking inconsistencies occur (see above). The report recognises that this can be difficult in historic buildings, and due to decorative/historic features on the ceilings, only the floor areas can be upgraded. The report advises 100mm of mineral wool between timber joists but does not provide any information as to what sound reduction this will provide or how this measures against the Building Regulations criteria. This is required.
 - With regards to the floor/ceiling partition between the pub/commercial on the ground floor and the HMOs on the 1st floor, the levels of sound insulation required is greater than that in the Building Regulations This is recognised in the report (6.1) as needing to be an improvement of 5-10 dB above the Building Regulations criteria. We would require a 10 dB improvement, particularly as the ground floor is a pub (inherently noisy). Again, the report has stated this requirement, but has not provided any means to achieve this. More information is therefore needed.
- *Air Quality Impact* - The methodology and findings of the AQA are accepted. Although the site falls within an existing AQMA area, monitoring has shown a slight decrease in NO₂ levels recent years. In addition, as the proposed HMO's are at 1st and 2nd floor levels, the ingress of exhaust fumes is likely to be less that at the ground floor level. In this respect, air quality issues are therefore reduced.

The scheme proposes the use of a mechanical ventilation (MVHR) system and a layout plan and details have been proposed. There are some concerns with the proposal which are detailed further in the next section. However, in terms of air quality, the introduction of an MVHR system is a positive way to address any concerns as it will provide a alternative means of ventilation and cooling to the HMO's to opening windows.

The air intakes for the MVHR system are at roof level which is acceptable. This will ensure that clean air is drawn into the building and the MVHR system will provide an alternative means of ventilation to keeping windows open which will address the noise at the front and side and also any ingress of fumes being expelled from the extract from the wood burning pizza oven at the rear of the property. Ventilation can be via openable windows for purge ventilation at the rear and acoustic trickle vents at the front and side.

- *Mechanical Ventilation Heat Recovery System (MVHR)* - Clarification and more information is needed on this. Two Titon HRV 1.6 Q units, which Titon also refers to as MVHR are proposed – 1 for each floor of the HMO units. There do not appear to be any individual controls per HMO room as the main unit (and therefore it's assumed the controls) will be in the kitchens. One of the boxes at the bottom left of the plan advises that 'The individual apartment shall be provided with independent MVHR within each apartment...'. Possibly, the system has been designed with the idea that each floor is an

individual apartment as opposed to each room being a separate tenancy unit? This needs to be clarified as not having individual heating/cooling units could cause problems if for example, the occupant of one HMO wanted to be warmer than another etc.

The units do have 'summer boost' and 'summer bypass' controls. This means that the supply and extract fans can run on full speed when in summer bypass mode in hot weather so that external air can be brought in without being preheated. Although this isn't an A/C system as such, it will result in more air being brought in from outside and the stale air inside being extracted out at a higher 'turnover' – so keeping the rooms more comfortable. Whether the units proposed are capable of adequately dealing with the amount of air changes needed to do this with the number of individual HMO units is not clear. To provide effective cooling to a space more air changes per hour are typically needed to standard MVHR air flow rates. The applicant needs to demonstrate that in the summer boost/bypass mode, the MVHR systems are capable of the extensive cooling needed with the windows being kept closed to keep out the external noise. If not, larger MVHR units may be needed which would also involve larger ducts, larger silencers, insulated ducting etc, which might not work either from the cost perspective or installation in a listed building.

An MVHR Checklist is available from Environmental Protection which details the information that is usually required to be submitted.

Based on the comments above, the application cannot be supported as it currently stands and more information is needed. Although these matters can in some instances be dealt with by suitable conditions, it is recommended that these matters are resolved prior to determination. It is crucial that the necessary means to address the noise issues and provide the mechanical ventilation are appropriate and feasible/acceptable in a Listed building.

Second Comment (02 May 2024) - The revised plans, comments in response to concerns raised in the EP consultation dated 8th February 2024, revised acoustic assessment report and MVHR details have been reviewed. The following comments are made:

- *Noise (Sound Insulation)* - Issues/concerns raised previously with regards to sound insulation between the various wall and floor/ceiling partitions have generally been resolved. A scheme has been designed to upgrade partitions between the residential uses to ensure that the Building Regulations target is met. In addition, the partition between the commercial use on the ground floor and the floor above will be further upgraded to ensure that the target advised previously of sound insulation being 10dB above the Building Regulations criteria is met.

It's noted that the kitchen location has been changed so that only 1 large kitchen is now available, this being on the 1st floor. However, this is below Bedrooms 4 and 5, so the comments that were made with regards to stacking inconsistencies are still valid. This needs to be addressed, and an enhanced scheme of sound insulation applied to the ceiling partition above the kitchen, to the same specification as that between the ground and 1st floor (ie sound insulation 10dB better than the Building Regulations criteria).

- *Noise (MVHR)* - In line silencers will be used for the MVHR system which will address sound transfer via ductwork. This is accepted and agreed.
- *MVHR system* - The comments and details regarding the centralised design, layout, specifications and completed checklist are noted and all accepted. The confirmation of summer bypass setting, and boost features is also noted. This will help prevent the flats becoming over hot in warmer months. The proposed MVHR system is deemed as being acceptable.

It is recommended that the following conditions are applied to any permission:

Sound Insulation

- i) Prior to the first occupation of the HMO units, upgrading works to enhance the sound insulation

performance of the internal wall partitions and internal floor/ceiling partitions between the residential uses in accordance with the details contained in the Acoustic Assessment Report (Ref: 12973.RP01.AAR.3) shall be undertaken. The sound insulation performance of these partitions 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.

- ii) Prior to the first occupation of the HMO units, upgrading works to enhance the sound insulation performance of the internal floor/ceiling partition between the commercial use on the ground floor and the residential use on the first floor, and the kitchen on the first floor and Bedrooms 4 and 5 above shall be undertaken in accordance with the details contained in the Acoustic Assessment Report (Ref: 12973.RP01.AAR.3). The sound insulation performance of these partitions shall resist the transmission of airborne sound and impact sound to an enhanced level of 10dB better than the minimum levels stated in the Building Regulations.

Any additional 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.

Mechanical Ventilation Heat Recovery System (MVHR)

- i) The MVHR system must be fitted in accordance with the submitted details which include the MVHR System checklist, Titon HRV 1.6 Q Plus Data Sheet, Titon HRV 1.6 Q Plus Declaration of Conformity, Titon HRV Maintenance details, Ventilation Plans (2997-57-00 Rev P5) and Floor Plans (3580/P/11 Rev C). In addition the MVHR system shall be attenuated for noise in accordance with the details in the Acoustic Assessment Report (Ref: 12973.RP01.AAR.3)
- ii) The approved scheme must be installed and commissioned before occupation, by an independent ventilation engineer to ensure that the system has been fitted in accordance with the submitted details. The commissioning report must be submitted to the LPA including a signed declaration from the engineer that they are satisfied that it is fit for purpose.

The LPA will visit the site following commissioning to ensure the approved systems are installed, seen working in ache of the residential units.

- *Code of Practice on Construction and Demolition:* - Please apply to prevent nuisance from noise and dust during the conversion and construction occurring to nearby premises.
- *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.
- *Asbestos informative* - Owing to the likelihood of the existing building containing asbestos products, the applicant should be informed to contact the Health and Safety Executive (HSE) for advice on the submission of a suitable method statement for removal. Any asbestos found on site must be removed

in a controlled manner by an appropriately qualified operator. This is in the interests of safeguarding the amenities of the surrounding area and safety.

GBC - Private Sector Housing - Thank you for your recent consultation request regarding the above-mentioned proposal. In relation to Drawing No: 3580/P/11 Rev A, we are satisfied the proposal meets the HMO amenity and space standards for an 8 occupant, 8 household HMO.

Where the HMO is the applicants preferred option, the team would welcome a conversation or site visit to the premises to discuss licencing requirements.

In addition, we welcome and support suitable site redevelopment and for the premise to be brought back into residential use within our capacity as the Empty Homes service function.

GBC - Waste Manager - I have reviewed the attached planning application and I can confirm that I am happy with the proposal.

GBC - Conservation Officer:

First Comment (18 January 2024) – The principle of the development is acceptable, however there are a number of issues with the proposal that need to be addressed:

- New Entrance / Hallway
 - Partition, as proposed, would be visible through the window – the hallway could be wider upon entrance and narrow later to not interfere with the window
 - Door should be central to the windows and symmetrical
 - Door can be slightly narrower with narrow windows either side
 - Adopt timber window and door frame details to reflect the brick mullion and transom profile of the ground floor pub brick transom/mullioned windows
- Historic Painted Sign on the corner needs to remain exposed – this is essential as it formed part of previous enforcement to have it restored after being over painted.
- Basement stair alteration
 - Not considered to be neutral harm as stated in the Heritage Impact Assessment.
 - The staircase is original and the proposal would involve rebuilding of the stairs to kick back in the other direction.
 - The previously approved application accepted the need for cross circulation to retain the basement staircase and should be adopted in this proposal.
 - Impact assessment should provide justification for the harm/alteration to original stairs, which is unlikely to be accepted.
- 1st Floor – hierarchy of importance
 - Arched niches on bedroom 1 originals – the proposed ensuite would cause significant harm as a result of their loss
 - Subdividing back-room beds 1/2 causes harm – would have originally been a large lounge area for the hotel overlooking the train station.
 - Consideration should be given to retaining this back room as one space
- More detail/information required
 - Show the boxing in / partitions of air ducting onto the floor plans. Basically, transfer the engineers proposals onto the architects drawings.
 - Show the kitchen layouts and boilers / other services and ventilation ducts externally on the plans/elevations
 - Rear elevations should be provided to illustrate ventilation
 - External vents concealed behind cast iron vent grilles must be minimal and not on primary elevations.
- Re-evaluate the Heritage impact assessment – specific attention paid to basement stair and reconsider the original layout specifically at first floor level. Historically there was a hierarchy of architectural detail – 1st floor more detailing / 2nd floor less detailing, cornicing, architraves, skirting boards etc.

Second Comment (09 July 2024) – I have reviewed the comments from the architects and revised drawings, and these are now acceptable.

Local Ward Councillors - No comment received.

Neighbouring properties

An advert was published in the local paper and notices were displayed on site.

In addition, eight surrounding properties were consulted and no representations were received. The overall consultation period expired 30 April 2024.

Officer's Analysis

Site Description

No. 24 Stone Street forms the northern end of a Grade II Listed terrace of five buildings, having been listed in 1975. It also lies within the northern boundary of the Upper Windmill Street Conservation Area, adjacent to the King Street and Darnley Road Conservation Areas.

No. 21-23 were constructed in 1797 and originally formed the earlier Gravesend parish workhouse, with accommodation for 50 people. As well as the buildings that form 21 to 23 Stone Street, the earlier workhouse complex included another building of similar size parallel to the rear. The front workhouse building was converted into housing and an additional house added at each end around 1847 following the opening of a larger Gravesend and Milton Union Workhouse in Trafalgar Road. The rear workhouse building was demolished at this time.

The house at 24 Stone Street was established as the Bricklayers Arms PH sometime around 1851.

Towards the end of the 20th century, the pub became known as the Station Inn. It was around this time that the prosperity of the public house went into a period of decline. A conservatory was constructed at the rear of the building sometime during the later 20th century. Alterations were made to the rear and second floors along with the erection of the existing brick toilet block at the rear of the building 1991.

The building has now been vacant for a number of years now, having last been in use as a nightclub (Bar 24) on the ground floor with staff accommodation on the upper floors.

A modern brick extension contained a toilet block and wooden glazed conservatory used to be attached to the northern side of the property, but this was demolished in 2019. A garden area, formally the beer garden, is located immediately to the west of the building. A small paved yard is located on the eastern side of the building, accessed via two steps from pavement level and enclosed by a modern brick and concrete wall with colonnades and cast iron railings.

It is important to note, that the rear garden of the application site has an active planning approval for the construction of a 5 storey mixed-use building containing a B1 use on the ground floor and 14no. flats above.

Proposed Development

This application proposes the change of use of the upper floors of the building into a house in multiple occupation (HMO) for up to 16 persons. The ground floor of the pub would remain as a commercial use, however no further details or information relating to the ground floor have been provided in this application.

The HMO would consist of the following:

- 8 Bedrooms (double)

- 8 Ensuites
- 1 Kitchen (communal)
- Store

As part of the development a new entrance would be created on the front elevation onto Stone St. The new entrance would be formed in the existing brick framed window on the southern side of the building, adjacent to the listed terrace.

There would also be replacement windows installed at the rear, however no details have been provided of this in the supporting plans and documents.

Principle of the Development

The site is located within the Town Centre Opportunity Area (Policy CS05), Gravesham's Primary Shopping Area (Policy CS08) and the King Street Conservation Area. Moreover, the application property is a Grade II Listed Building. As such, a key consideration in this application will be if the development preserves the Grade II Listed Building or any of the features of special architectural or historic interest that it possesses, and whether the proposal would preserve or enhance the character and appearance of the Upper Windmill Street Conservation Area.

It is also considered that local adopted policies CS07 (Economy, Employment and Skills); CS15 (Housing Density); and CS19 (Development and Design Principles) provide together an assessment framework in line with the guidance provided by paragraph 53 of the NPPF. Therefore, these policies are key to the whether the scheme is appropriate.

The principle considerations in the assessment of this application are:

- Housing Need
- Suitability for Conversion
- Design and Impact on Listed Buildings and Conservation Area
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- 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 (NPPF) (2023) 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 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 (2023) 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 (2023) 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) of the NPPF (2023)) 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 8 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.

Suitability for Conversion

Adopted Policy C14 (Housing Type and Size) (LPCS) provides protection for existing housing stock by seeking to prevent the conversion of family sized units to smaller properties. In line with the NPPF (2023), it also stipulates that new housing development is expected to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

Policy CS14 (LPCS) is supported by saved policy H5 of Gravesham's Local Plan First Review (LPFR) (1994) which seeks to accommodate the growing numbers of smaller households and provide low cost accommodation, while taking into consideration the character and amenity of existing housing areas where single family occupancy is the norm.

Policy H5 (i) states that buildings shall be in an appropriate area for conversion to flats, maisonettes, bedsits and multiple occupancy. It also notes that unless there are special or overriding circumstances, conversion will not normally be permitted in an area comprised for the most part of single-family dwellings.

The application property is located in close proximity to the town centre, in an area where many properties

have been converted into flats and maisonettes, or HMOs. Stone St is part of the A226 one way system, which is a busy route around the town centre, carrying large volumes of traffic and adjacent to the train station. The proposed change of use to a HMO is considered to be appropriate in this location, and the conversion of the building itself into residential units have been granted permission by the Local Planning Authority in the past (ref. 20150697), albeit now expired.

Therefore, it is considered that the building is appropriate for conversion into smaller units in accordance with saved policy H5 and policy CS14 (LPCS).

Design and Impact on Listed Buildings and Conservation Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 135(a) of the NPPF (2023) seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 (LPCS) reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The NPPF (2023) also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 203). This is echoed in Policy CS20 (LPCS), which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC2 of the Local Plan 1994 sets out that for development affecting the setting of listed buildings, the primary consideration is the maintenance of the integrity of the original listed building, and whether the character or appearance of the listed building will suffer as a result. Proposals must be sympathetic in terms of their appearance and materials.

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

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 123 of the NPPF (2023)), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF (2023). Relevant to this proposal, paragraph 128 of the NPPF (2023) which states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places.

From a historic building/conservation point of view, the application site forms part of a terrace of listed buildings

A small terrace of houses. The core of Nos 21, 22 and 23 was originally the old workhouse erected in 1797. About 1847, it was converted into houses, Nos 20 and 24 added and the back part of the old building pulled down. 3 storeys and basement stuccoed. Parapet and cornice, 11 sashes in all with most glazing bars intact. Mainly moulded surrounds with architraves and cornices and brackets to 1st floor windows. Nos 20-23 have rusticated stuccoed ground floors. No 24 has a modern brick ground floor. Doorcases with rectangular fanlights to Nos 20 and 21. No 20 has a small modern shopfront, No 22 a shopfront and No 23 has a large round-headed arched shopfront with keystone.



The proposed development will involve the following alterations to the building in order to accommodate the conversion to the HMO:

External Alterations

- New Entrance
- Restoration of building

Internal Alterations

- Reconfiguration of interior to accommodate HMO
- New detailing
- Stairs to first floor replaced and extended
- First Floor layout altered
- Second Floor layout altered

The external alterations to the building would remove the window on the southern window fronting Stone Street, to create a new entrance for the proposed HMO. The profile of the window would be retained, with the door inserted centrally which creates a balanced appearance and is an improvement on the originally submitted proposal.



The Conservation Officer has raised no objection to the new entrance and is satisfied that the proposal would preserve the historic character of the Listed Building. Moreover, the agent has confirmed that the decorative sign will be retained.

Internally, on the ground floor, a new partition would be constructed to separate the entrance lobby for the HMO and the commercial unit. This space will be shared, with access from the commercial unit to utilise the cellar basement. The staircase to the basement will be retained and the stairs up to the first floor will not be altered at ground floor level.

The Conservation Officer considers there is a hierarchy of architectural details within the building. The site photographs supporting this application demonstrate that the first floor has greater detailing, cornicing, architraves and skirting boards, with the second floor having less historic characteristics. It was also highlighted in the review of the scheme that the rear room at first floor was the former lounge area for the hotel, which has since been separated into rooms.

The proposal seeks to install the shared kitchen in the former lounge area, with the existing partition wall r being removed. As part of the reinstatement of the room, the corniced arches and fire place will be retained and the room will be returned to its original social function as a shared space. A new staircase will be installed up to the second floor. Other changes on the first floor include the removal of some non-original partitions and the installation of some new partition walls to form the three bedrooms and a new suspended ceiling in the hallway area to accommodate ventilation ducts.

At second floor level, the internal layout would be revised with new partition walls to create the five bedrooms and a new suspended plasterboard ceiling on the hall to accommodate and conceal the ventilation ducts.

Overall, subject to conditions, the proposal would not cause harm to the character or architectural or historic interest of this Grade II Listed Building or the setting of the adjoining listed buildings and in this respect would be compliant with Policies CS19 and CS20 of the Local Plan Core Strategy (LPCS) (2014) and saved Policy TC2 of the Local Plan First Review (1994). It will also bring an empty property back into use.

Residential Amenity

Having established that the site is located in an appropriate area for conversion, the key to ensuring a satisfactory living environment can be achieved for future occupants. Policy CS19 (LPCS) seeks to ensure that the design and layout of new development accords with the adopted Residential Layout Guidelines (RLG) (2020). It also seeks to ensure that new development is fit for purpose and located, designed and constructed to safeguard the residential amenity, including privacy, daylight and sunlight, of existing and future occupants.

Internal living space

In relation to the internal living space, Gravesham's RLG (2020) and the Nationally Described Space Standards (2016) which set out minimum internal areas for new dwellings based on the level of occupancy, bedrooms size and number of storeys. However, these relate more to flat conversions rather than HMOs.

The Council's own adopted 'Guidance for HMO Amenity Standards' (2023) includes more appropriate room sizes for this application type. For one person unit there should be a minimum bedroom floor area of 6.51m² and a two person unit should have a floor area of 10.22m². The table below highlights the floor area of each unit within the proposed development. All rooms would be served by ensuite bathrooms and as such the overall unit sizes are shown alongside the bedrooms:

	Unit Size (m ²)	Bedroom (m ²)
1 <i>First Floor</i>	14.2m ²	11.6m ²
2 <i>First Floor</i>	17.8m ²	15.8m ²
3 <i>First Floor</i>	14.4m ²	12.3m ²
4 <i>Second Floor</i>	18.8m ²	16.6m ²

5 <i>Second Floor</i>	14m ²	11.8m ²
6 <i>Second Floor</i>	14.8m ²	12.7m ²
7 <i>Second Floor</i>	15.3m ²	13m ²
8 <i>Second Floor</i>	18.2m ²	16.2m ²

Table 1 - HMO room breakdown

There will be one kitchen on the first floor with an area of 33.3m². The kitchen would be used by the eight rooms within the HMO, all of which can accommodate 2 persons in accordance with the HMO Amenity Standards and therefore the kitchen could be used by 16 persons. The HMO amenity standards guidance provides minimum standards for kitchens/dining areas:

Where a kitchen is shared by (communal)	1-3 occupants	4 occupants	5 occupants	6 occupants	7-10 occupants
Kitchen (minimum)	5m ²	6m ²	7m ²	9m ²	11m ²
Dining Area	2m ² per person	2m ² per person	2m ² per person	2m ² per person	2m ² per person

Table 2 - Kitchen Size Requirements (Gravesham's Guidance for HMO Amenity Standards 2023)

The kitchen space should have a minimum area of 20m² to accord with the HMO Amenity Standards, with 30m² of dining space recommended for the 16 occupants. Therefore, the kitchen space provided as a combined dining area (33.3m²) would fall below the overall area suggested within the Standards, however it is important to note that the dining requirement is a recommendation and the bedrooms exceed the minimum floor areas, which would allow occupants to use their rooms as a dining space if required. As such, the undersized dining area requirement is considered to be acceptable, on balance, as the bedrooms exceed the minimum standards and would allow sufficient space for future occupiers and amenity will not be significantly impacted.

It is noted that all of the ensuite bathrooms are internal, with no natural light or ventilation. Gravesham's Residential Layout Guidelines (2020) states that wherever practical, all kitchens and bathrooms shall have openable windows. Therefore, the proposal is contrary to this recommendation. However, the guidance only gives a recommendation, 'where practical', and as such this is not sufficient grounds to refuse the application. Moreover, the extraction for the ensuites will be covered by building regulations.

Previous approvals on the site are material planning considerations and could impact on the amenity of future occupiers of the HMO. The approvals are the 2019 application (ref. 20191187) and later minor material amendment (ref. 20211196), for the demolition of outbuildings and construction of a four storey block containing 14 flats within the rear garden area of 24 Stone St. The proposed block would be approx. 20m from the rear wall of the Listed Building and the rear bedroom windows of the new bedroom units within the proposed HMO. This distance is within the minimum 21m window-window distance stated in the RLG and could have direct overlooking impact on the amenity of future occupiers of the HMO. However, while this is a material planning consideration, the Local Planning Authority cannot be certain that the other development will be built out and the distance is not significantly below the RLGs window-window distance, therefore this is not sufficient grounds to refuse the application.

External Amenity

There is no amenity space provided for future occupiers. Nevertheless, the building is within walking distance of open spaces at the Riverside leisure area and Windmill Gardens, which is considered to

overcome any concerns with the amenity space provided in this development.

Neighbouring Amenity

There is not considered to be any detrimental impact on the amenity of neighbouring properties in terms of overshadowing, overlooking, loss of outlook or sense of enclosure.

Summary

Overall, it is considered that the proposed conversion will provide satisfactory standards of living accommodation, in line with local and national space standards. In addition, there will be no adverse impact on the amenities of future occupiers or neighbouring occupiers. As such, the proposal safeguards the residential amenity in accordance with Policy CS19 (LPCS), Section 12 of the NPPF (2023) and specifically the guidance on HMO amenity standards (2023).

Parking and Highways

The site is in a central location in the town where public transport links are good and there are sufficient parking restrictions in the locality and public car parks available nearby. There are no parking spaces available on site, which is considered acceptable given the central location of the property.

No secure cycle storage is shown on any of the plans provided. There is also no side access to achieve secure cycle storage to the rear, without dragging cycles through the property. This is contrary to Gravesham's adopted parking standards (SPG4) (2006), however it is unlikely that this would be sufficient grounds to refuse the development, given the nearby location of public cycle lockups.

Overall, on balance the proposal is considered acceptable as a car and cycle free development given the proximity to the town centre and public bicycle lockups.

Any Other Material Planning Considerations

Waste Management

The provision of suitable arrangements for waste storage is a condition of issuing a HMO license. The plans indicate that the bins will be stored at the front of the property, with adequate space for the HMO. The Council's Waste and Recycling Manager raised no objections to the proposed arrangement, however highlighted that the proposed allocation of bins for the HMO:

- 3 x 240ltr residual bin
- 2 x 240ltr recycling bin
- 2 x 23ltr food caddies

A condition relating to refuse will be attached to the decision notice to ensure that adequate bins are provided and that the store will not have a detrimental impact on the character or appearance of the street scene. Moreover, an informative will be attached to the decision notice detailing that bins should be purchased from the Council.

Noise

The application site is in Gravesend Town Centre, close to a heavily trafficked and often congested road and the railway station. There is a public car park and taxi rank at the rear, is on one of the main routes by people to accessing late night licensed and takeaway premises and the ground floor use is to remain in use as a pub. In addition, the adjacent premises has a wood burning pizza oven with a single-story flue at the rear.

Therefore, the potential for noise disturbance for future occupiers is a material consideration. Gravesham's

Environmental Protection Team reviewed the originally submitted details and raised concerns with a lack of information to ensure that amenity of future occupiers is safeguarded in terms of noise, ventilation and air quality.

Following the objection, the agent provided revised details and the concerns raised by Environmental Protection were addressed. Therefore, based on the information provided, the amenity of future occupiers would be safeguarded in terms of noise impacts, subject to conditions relating to upgrading works to internal sound insulation performance between the residential units, and between the commercial use and residential units. Therefore, subject to these matters being secured by condition, the proposal is acceptable.

Air Quality

The application site is located within the A226 one way system Air Quality Management Area (AQMA). This area is declared for exceedances of nitrogen dioxide from traffic above annual air quality objectives, and the development would introduce residential units into an area with poor air quality.

The proposal includes a Mechanical Ventilation Heat Recovery System (MVHR), which has been reviewed by Environmental Protection and considered to be acceptable in the revised details, with the centralised design, layout, specifications and completed checklist accepted. Moreover, the information submitted confirms a summer bypass setting and boost feature, which will prevent flats from becoming overly hot in warmer months. As such, the MVHR system is considered to be acceptable, subject to conditions, and will ensure that future occupiers do not suffer from poor air quality.

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 £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.

In this instance, the proposed development would result in the creation of an 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 £328.27 per net gain in bedrooms within the property.

The applicant has paid the SAMMS Mitigation Contribution Agreement for 8 additional bedrooms (£2,626.16) and therefore meets the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 186 and 187) of the NPPF (2023) and Policy CS12 (LPCS) (2014).

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

Subject to conditions the proposal would not cause harm to the character, architectural or historic interest of this Grade II Listed Building or the setting of the adjoining Listed Building. There are minimal external or internal alterations proposed, with the exception of the installation of a new entrance and minor internal alterations, which involve the reinstatement of original rooms and features. The development will safeguard the amenity of future occupiers, by providing acceptable living conditions, introducing noise and air quality mitigation, as well as adequate waste storage. There is no impact for neighbouring residents nor the highway network.

As such, it is recommended that permission is granted subject to conditions.

Recommendation

20231165 – Permission (Planning Application)

20231166 – Permission (Listed Building Consent)

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	30 th July 2024	Dated:	31 July 2024