



Delegated Report

Planning Application

Planning Application No: 20211489

Location: 77 Wrotham Road Gravesend Kent DA11 0QB

Description: Change of use of the basement and ground floor from shop to a self-contained one bedroom maisonette.

Applicant: Mr Andrew Harvey

Site Visit Date: 07.01.2022

Submitted Documents/Plans

Application Form;
Cover letter;
Drawing 1 - Floor Plan Existing;
Drawing 1a - Floor Plan Proposed;
Drawing 2 - Block Plan 1:500;
Drawing 3 - Location Plan 1:1250;
Drawing 4 - Existing and Proposed Front Elevation Plan;
Drawing 5 - Rear Elevation;

Relevant Planning History

Application Ref. No.	Description	Decision
20080216	Change of use of the basement and ground floor from shop to a self contained one bedroom maisonette	Permitted 27.08.2008

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

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

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

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development;
- 5 – Delivering a sufficient supply of homes;
- 9 – Promoting sustainable transport;
- 11 – Making effective use of land;
- 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

Suggested informatives relating to code of practice on construction and demolition, drainage/sewerage and smoke control.

GBC Highways

This is an edge of town property so no car parking is welcome. The provision of cycle parking is to be welcomed but the location gives some concern as it is not particularly accessible if cycle has to be wheeled through the ground floor.

KCC Heritage

I have no comments to make on archaeological matters.

Natural England

No objection subject to SAMMs payment.

Neighbouring properties

18 surrounding properties were consulted with a press notice and a site notice displayed on site with an overall expiry date of 28.01.22. No comments were received.

Officer's Analysis

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated), 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) (2021). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance

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

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

- Habitats sites (and those sites listed in NPPF paragraph 182)
- 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); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(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 unit would offer a minimal but important contribution towards meeting this local need and, accordingly, officers consider that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) 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.

Policy CS02 (Scale and Distribution of Development) (LPCS) prioritises development in the urban area as a sustainable location for development by bringing forward a range of suitable sites on other parts of the urban area for residential. The application site lies within the urban area of Gravesend and is not subject to any specific local planning policies or constraints that restrict the principle of development, other than general policies that seek to protect the character of the area and the amenity of existing and future residents.

It is considered that local adopted Policies CS14 (Housing Type and Design), CS15 (Housing Density) and CS19 (Development and Design Principles) (LPCS) together provide an assessment framework in line with the guidance provided by paragraph 71 of the NPPF (2021). The proposal shall be assessed against these policies in the following section reviewing the character and appearance of the scheme.

Proposal

This application seeks full planning permission for a change of use of the basement and ground floor from a shop to a self-contained one bedroom maisonette. The flat will be 35.9 square metres total internal floor area.

The submitted plans show the changes to facilitate the change of use include removal of the shopfront and amendments to the window and door on the front elevation plus the addition of a bin store and cycle store in the rear garden. The internal changes will result in the shop becoming a reception room and the basement becoming a bedroom. No changes are proposed to the rear elevation. The ground floor is currently vacant. The first floor is already in residential use.

Principle of development

The application site is situated on the western side of Wrotham Road, Gravesend, within an area of mixed commercial and residential use, in close proximity to Gravesend Town Centre. There is a mix of property types and sizes in the area, including a number of smaller dwellings.

The principle of converting a commercial property into residential at this location is acceptable because the site is not located within a local centre or town centre and as such is not protected by Policy CS08 (LPCS). Planning permission has previously been granted for the change of use in 2008.

The application is in accordance with Policy CS14 of the Local Plan Core Strategy 2014 (LPCS). However, notwithstanding that the principle of conversion is acceptable, it is important to assess the quality of accommodation and the amenity of future occupiers as set out below.

The development meets the requirement of Policy CS15 of the Local Plan Core Strategy (LPCS) which states that new residential development will be expected to achieve a minimum density of 40 dwellings per hectare.

Design, Character and Appearance

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 National Planning Policy Framework (NPPF) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

It also states that permission should be refused for development for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The proposed amendments to the front elevation to facilitate the change of use will not have an unacceptable impact on the character and appearance of the property and surrounding area and the street scene. The development complies with Policy CS19 (LPCS) and Section 12 of the NPPF.

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The residential dwelling created from the proposed change of use would be 35.9 square metres and cover two floors. The national housing standard guidance provides minimum gross floor areas for single and two storey dwellings, breaking down the number of bedrooms and bed spaces. The minimum gross internal floor area required for a 1 bedroom, 2 person, 2 storey dwelling would be 58 square metres. The guidance does not provide a figure for a 1 bedroom, 1 person, 2 storey dwelling. The proposal does not meet the national space standards. The development proposed is a cramped form of development that fails to safeguard the amenity of future occupiers by providing substandard, undersized properties.

The substandard and poor quality accommodation provided is reinforced by Gravesham's RLG. The RLG breaks down the Council's individual requirements for certain rooms, these have been formulated into a table to compare with the floor area of rooms within the proposed dwelling. The rooms highlighted in red fail

to meet the standards set out in the RLG.

	Gravesham RLG (2020)	Proposed dwelling
Kitchen	7.2m ²	10.8 m ²
Living room	13.2m ²	10.9m ²
Bedroom (double)	11.2m ²	10.8m ²
Bathroom & w.c.	3.5m ²	2.8m ²

Notwithstanding the rooms provided within the development being poor quality and undersized, each of the habitable rooms are served by windows and should achieve adequate levels of natural light and ventilation.

In terms of amenity space, there is access to the rear garden area. The RLG states that 10m² amenity space should be provided for communal units, which is achieved.

Overall, the development proposal fails to safeguard the amenity of occupiers by providing undersized, cramped and poor quality units that future residents could expect to enjoy. The conversion of this property fails to comply with recommendations in the nationally described space standards and Gravesham's RLG, and is therefore contrary to Policy CS19 (LPCS) and Section 12 (NPPF).

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land. The development is not considered to impact on the amenity of any adjoining property in terms of loss of light, overlooking, sense of enclosure or outlook.

In terms of noise resulting from the change of use to residential, given the previous use and surrounding properties also in residential use this is not considered to be a material impact that harms amenity.

The development proposed does not safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Highways

Policy CS11 (LPCS) requires new development to mitigate their impact on the highway and parking standards will reflect the availability of alternative means of transport and accessibility to services and facilities.

There are no parking or highway issues related to this proposal. The property is located within the Gravesham urban area and is in close proximity to the town centre, which provides strong public transport links, as such, no vehicular parking is required within this location. The submitted plans show cycle storage in the rear garden.

There are no issue with regards to highways safety or parking in accordance with Policy CS11 (LPCS) and Section 9 (NPPF).

Any Other Material Planning Considerations

Refuse

Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste. The submitted plans show refuse storage in the rear garden.

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 water birds 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 £ 253.83 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 £ 253.83 per new dwelling unit.

The applicant has not completed the SAMMS Mitigation Contribution Agreement and therefore fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF and Policy CS12 (LPCS).

Conclusion & Recommendation

The application has been fully considered and is contrary to local and national planning policy.

The proposed conversion of the property fails to provide acceptable living conditions for future occupiers. The units are all undersized with substandard rooms, which are contrary to both the nationally described space standards (2016) and Gravesham's Residential Layout Guidelines (2020). As such the proposal is overdevelopment of the property, which provides cramped, poor quality accommodation contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).

In addition, the proposal 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, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

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

Case Officer:	Karen Cronin	Team Leader:	Faye Hobbs
Signed:	K. Cronin	Signed:	
Dated:	10th March 2022	Dated:	10 March 2022