



Delegated Report

Planning and Listed Building Consent Applications

Planning Application No: 20240813 & 20240814

Location: 38 Windmill Street Gravesend Kent DA12 1BA

Description: 20240813 - Change of use from a funeral directors with maisonette above to an eight bedroom House of Multiple Occupation (HMO) including internal and external alterations.

20240814 - Application for Listed Building Consent for change of use from a funeral directors with maisonette above to an eight bedroom House of Multiple Occupation (HMO) including internal and external alterations.

Applicant: Mr Mehmet Celik

Site Visit Date: 15 November 2024

Submitted Documents/Plans

- Application form;
- Drawing no. 1124.WD.01B - Existing Ground/Site, First and Location Plans;
- Drawing no. 1124.WD.02B - Existing First, Second Floor and Block Plans;
- Drawing no. 1124.WD.03 – Existing Photos Basement Floor;
- Drawing no. 1124.WD.04 – Existing Photos Ground Floor Part I;
- Drawing no. 1124.WD.05 – Existing Photos Ground Floor – Part 2;
- Drawing no. 1124.WD.06 – Existing Photos First Floor;
- Drawing no. 1124.WD.07 – Existing Photos Second Floor Generally;
- Drawing no. 1124.WD.10B - Proposed Ground/Site and First Floor Plans;
- Drawing no. 1124.WD.11 – Proposed First and Second Floor Plans;
- Drawing no. 1124.WD.12A – Existing and Proposed Rear Elevations;
- Planning, Design and Access Statement;
- Brink Air for Life Installation regulations Sonair
- Technical Data Sheet Envirograf Product Number: 42 HW01;
- Sonair 3 Acoustic (sound attenuating) filtered air supply units);
- Drawing no. 1124.WD.08 – Existing Photos External Part I;
- Drawing no. 1124.WD.09 – Existing Photos External Part 2; and
- Drawing no. 1124.WD.13 – Proposed Works Specifications.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230897	Conversion of the property into 2 x 1-bed and 1 x 2-bed residential flats.	Refused	23.11.2023
20230400	Application for Listed Building Consent for the conversion of the property into 2 x 1-bed and 1 x 2-bed residential flats.	Refused	13.06.2023

20230249	Conversion of the property into 2 x 1-bed and 1 x 2-bed residential flats.	Refused	10.05.2023
19880262	Application for listed building consent for external alterations and refurbishment.	Withdrawn	20.02.1989
19840877	Erection of single storey front extension to form garage fronting Lord Street	Refused	31.01.1985
19840878	Application for Listed Building Consent for the erection of single storey front extension to form garage fronting lord street	Refused	31.01.1985
19820221	Application for Listed Building Consent for alterations in connection with the reconstruction and extension of existing covered way at the rear internal alterations and reinstatement of balustrading on the Windmill St. frontage including the provision of a brick built planter.	Permitted	17.05.1982
19820097	Reconstruction and extension of existing covered area at the rear	Permitted	17.05.1982
19490611	Alterations and additions	Permitted	29.10.1949

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
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas
- TC7 – Other Archaeological Sites

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.

Other material considerations

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works 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.

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting 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 Buildings and Conservation Areas) Act 1990, as amended, states that with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 6 – Delivering a sufficient supply of homes
- Section 7 – Ensuring the vitality of town centres
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving Well-Designed Places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

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

Other

- GBC Guidance for HMO Amenity Standards' (2023)

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

Although this application (unlike previous applications), has details of a mechanical ventilation system to address noise and air quality concerns, the submitted details refer to technical specifications of the Sonair system/equipment only. No plans showing the location of the MVHR system or layout of the proposed ducting, inlets and outlets etc have been shown. As this is a listed building, it is important that the system can be fitted to address both Environmental Protection's requirements in a way that is acceptable to the Conservation Officer. Therefore, it is advised that this information is submitted prior to determination of the application.

The MVHR system needs to address the following:

The MVHR system (or systems – the HMO rooms may each require a unit) which positively pressurises all relevant residential units i.e. brings in more air than it extracts so that no air seeps into the residential unit through the fabric of the building or doors when people are entering and leaving etc. This requirement applies to all habitable rooms with windows. The scheme must include the following:

- a heat exchange unit,

- noise attenuation
- must bring in air from the upper most and furthest point away from the source of pollution i.e. the traffic and car park and
- must be sited away from other pollution sources e.g. flues, soil and vent pipes, and must not bring in odour from any commercial extraction system.
- Windows to the affected rooms must not have trickle vents and shall be fixed shut.

The applicant can be provided with a checklist of points that must be considered and included in the scheme. Detailed plans will need to be submitted that include the layout of the MVHR system including the location(s) of the units, all ducting, air flows rates/pressures and inlet and outlet vents.

The previous application included a Noise Impact Assessment (NIA) and it's noted that the NIA has not been submitted with this application. The findings of that report are valid to this application. The report concluded that internal noise levels as given in BS8233:2014 would be exceeded with standard glazing. Glazing specifications were given in section 6.1 and mechanical ventilation was also recommended so that suitable ventilation can be provided when windows are closed to keep out the traffic noise. As with the mechanical ventilation system, as this is a listed building, the Conservation Officer will need to also approve is happy to accept the proposed noise mitigation measures, so again, it would be better for full details and specifications to be submitted prior to approval. From our perspective, a condition can be recommended to address the noise concerns if required. Conditions and informatives to address other matters are as follows:

Code of Practice on Construction and Demolition

A condition requiring a Construction Environmental Management Plan (CEMP) is required primarily to address the construction phase dust effects on air quality within the AQMA. A suggested condition is as follows:

Prior to the commencement of the development, a scheme for the control of noise, vibration and dust shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with guidance found in BS5228-1:2009 and BS5228-2:2009 Noise and Vibration Control on Construction and Open Sites; the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) document 'Guidance on the assessment of dust from demolition and construction'. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

Smoke Control Informative

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

Drainage/sewerage informative

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

GBC Private Housing

Considering the ensembles to Room 5 and Room 7, the property lacks the required second wash facility for 6 occupants

As per the HMO amenity standards for the borough, 6-10 occupants requires:

2 x bath or shower “wash facility” 2 x WCs 2 x wash hand basin in each WC Important; where WCs are both contained within full bathrooms, a separate WC and wash hand basin will be required

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

KCC Highways

Development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Kent Police

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an “active” window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:
“18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.”
Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and

is not suitable for this development.

6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.

8. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

9. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats.

11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

12. CCTV is advised for all communal entry points and to cover the mail delivery area.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

No response from:

- GBC Conservation Officer
- GBC Waste

Neighbouring properties

20240813 - 19 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 06.12.2024 – no responses received.

20240814 – The application was advertised by way of site and press notices – overall consultation expiry date was 06.12.2024 – no responses received.

Officer's Analysis

The application site consists of a three storey building plus basement situated on the eastern side of Windmill Street at the junction with Lord Street. The building was last used as a funeral directors at basement and ground floor levels with maisonette above.

The proposal is for planning and listed building consent for change of use from a funeral directors with maisonette above to an eight bedroom House of Multiple Occupation (HMO) including internal and external alterations.

The building is a grade II listed building, located in the Upper Windmill Street Conservation Area, on the Gravesend A226 One Way System, in the Thames Estuary And Marshes Ramsar Buffer Zone, in the Gravesend Town Centre Opportunity Area and in an Area of Archaeological Potential.

There have been two previous planning applications for conversion of the building to three flats (refs 20230249 & 20230897) and a Listed Building Consent (ref. 20230400) which have all been refused, with the grounds of refusal for the most recent application ref. 20230897 consisting of:

1. The proposal would result in the loss of historic fabric and an alteration to the original plan form of the building and the mitigation works that would be required to the building to address poor air quality and noise impact to protect the amenity of future occupiers such as the removal of the existing original/historic windows and replacement with double glazed windows and the installation of a mechanical ventilation system would all be harmful to the significance and character of this listed building. The proposal would therefore be harmful to the architectural and historic interest of this grade II listed building and would not preserve the character and appearance of the Upper Windmill Street Conservation Area but would cause harm to it. The proposal would therefore be contrary to Policies CS19 and CS20 (LPCS), saved Policies TC2 and TC3 (LPFR) and section 16 of the NPPF (2023).

2. The site is situated in the A226 One Way System Air Quality Management Area and on a busy road with high levels of traffic with possible other potential noise sources in the vicinity. Given that the mitigation works that would need to be carried out to the building in order to address poor air quality and noise impact to protect the amenity of future occupiers would not be supported due to the harm that would be caused to the architectural and historic interest of this grade II listed building and the character and appearance of the Upper Windmill Street Conservation Area, future occupiers would not be protected from noise impact and poor air quality. The proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 130 (f) of the National Planning Policy Framework (2023).

3. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 180 and 181 of the National Planning Policy Framework (2023).

The applicant has now submitted planning and listed building consent applications for change of use of the building from a funeral directors with maisonette above to an eight bedroom House of Multiple Occupation (HMO) including internal and external alterations.

The principle considerations in the assessment of the application are as follows:

Housing Need

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

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

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

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:

1. 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
2. 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 paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
- 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 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '1' residential units would offer a minimum 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 Development Plan and NPPF (2024) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Principle of Development

The existing lawful use of the property is a funeral director's with a flat above. Although not detailed on these floor plans, in the previous application the existing floor plans had detailed annotations of the existing rooms being at basement level a body cold storage area, body wash area and coffin storage area; at ground floor a reception, office, chapel of rest, body reception area and a kitchen; at first floor a lounge, bedroom, kitchen and bathroom and at second floor two bedrooms. From Google Streetview the frontage can be seen with signage going back a number of years for different funeral directors and which also occupied the neighbouring building no. 39 Windmill Street. It is considered that the premises operated more as a funeral directors in combination with no. 39 next door rather than offices in the traditional sense. As such it is considered there is no requirement to comply with Policy CS07 (LPCS).

The site is within the urban boundary of Gravesend which is covered by Policy CS02 (LPCS) which prioritises development in the urban area; this proposal for conversion of an existing building would therefore be in keeping with this.

The site is located within the Gravesend Town Centre Opportunity Area. Policy CS05 (LPCS) states that

the Opportunity Area will be the principal focus for town centre related economic and social activity in the Borough. This will be achieved by consolidating the existing retail area, encouraging a mix of employment and residential uses, improving its role as a transport hub by the creation of a public transport interchange, promoting an evening economy through giving support to the provision of leisure uses and taking full advantage of its heritage and riverside setting. It is stated that within the Opportunity Area the Council will support existing retail, commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors subject to achieving a satisfactory living environment.

No. 38 is located in Sub-Area 3.3 South of Town Centre.

In the pre-amble to Policy CS05 (LPCS) on Sub-Area 3.3 it is stated:

4.6.28 There are a number of larger scale office buildings located in the South of Town Centre area (sub-area 3.3). The former Police Station on Windmill Street is vacant. The council considers that this site is suitable for a range of town centre uses including a significant component of residential development. Active commercial uses should occupy the ground floor to complement The Woodville to the north and existing business uses on the east side of Windmill Street. The site currently has an outstanding planning permission for redevelopment to provide residential uses on the upper floors and shops/financial and professional services/business/non-residential institutions (use classes A1/A2/B1/D1) on the ground floor. Cygnet House is currently being redeveloped for residential use.

4.6.29 The Lord Street/Parrock Street sites are used as car parks. There is a planning permission for the Lord Street car park site, involving the provision of residential development, live-work units and commercial/community floorspace at ground floor level along the street frontages. The sites may offer scope for mixed use development but their future will depend on the outcome of work being carried out on public car parking provision. Lord Street is within the defined town centre and Parrock Street is just outside it and neither site is within the Primary Shopping Area. It may be possible to accommodate additional retail/leisure/hotel/office uses and/or residential development on one or both of the sites but the sequential approaches to these uses outlined in Policies CS08 and CS09 will be applied.

4.6.30 Outside these development sites, there is a mixture of predominantly commercial uses which are likely to remain over the plan period. The shops on the east side of Parrock Street are peripheral to the town centre and their future role will be considered if the Lord Street/Parrock Street sites come forward for regeneration.

It is therefore clear that Policy CS05 (LPCS) wishes to support existing commercial premises at ground floor with residential above being acceptable.

The proposed loss of the commercial use at ground floor level will therefore be in conflict with the aims of Policy CS05 (LPCS) undermining the local centre function of the area and the vision for Gravesend Town Centre Opportunity Area to build on its strengths as a commercial centre.

The proposed change of use of the building to a House of Multiple Occupation would result in the loss of the commercial use at ground and basement levels and the proposal would therefore fail to safeguard the vitality of Gravesend Town Centre Opportunity Area as a local centre, where the primary focus for the ground floor of units is commercial uses with residential uses on upper floors. As such the proposed change of use would be inappropriate in this location and therefore contrary to Policy CS05 (LPCS).

Whether the proposal would protect the architectural and historic interest of this grade II listed building and preserve or enhance the character and appearance of the Upper Windmill Street Conservation Area

This matter related to ground of refusal no. 1 of previous application ref. 20230897.

The application building is grade II listed and situated in the Upper Windmill Street Conservation Area.

The Planning, Design and Access Statement submitted with the application states that the scope of works are mainly internal upgrading standards for building regulation approval in terms of fire escape, fire warning, fire resistance and insulation which are all required for the HMO use. The Statement notes how it was identified in previous application ref. 20230897 that there was no detail in the application as to how the works would need to conform with modern standards, building regulations and address the potential noise levels from traffic and that the building is sited within an Air Quality Management Area (AQMA). It is stated that the proposal will attempt to show in detail how the works will comply and the impact upon the existing fabric of the building and the remaining original features. The Statement goes on to state that there are very few original features within the building with the internal staircase and external stone steps being the main features remaining and that the scheme includes the refurbishment and repair of both features. It describes how there are some original fireplaces and cupboards all of which are proposed to remain. It is stated that drawing nos. 02 to 09 go through on a room-by-room basis the proposed works together with a description of the proposed refurbishment works. It is stated that the existing timber sash windows will still remain as they are in good condition and it is intended to repair and restore the windows. It advises that secondary glazing would be introduced to match the sash windows and window configuration and this will also be part of the noise mitigation strategy.

As well as the Planning, Design and Access Statement, a Proposed Works Specification has also been submitted with the application. This goes through each room of the building, describing what remains and what works are proposed.

The application is also accompanied by several supplementary pieces which include Sonair Installation Regulations, Technical Data Sheet for Envirograf, and details relating to Sonair 3 Acoustic (sound attenuating) filtered air supply unit details.

In previous application ref. 20230897 for the proposed flats there were a number of walls to be removed and new ones to be installed at basement and ground floor levels. In this current application for an HMO the works are generally works in line with the existing rooms and there is little sub-division. At basement level it is proposed to remove a wall but this is modern. It is proposed to install a new wall but given the existing sub-division (with the wall that is to be removed) this is considered acceptable. There are new walls proposed to create a kitchen in the existing back room which would affect the plan form. However, this would be at basement level where the significance of the building is less. At ground, first and second floor levels there would be no sub-division of the plan form at all.

In previous application ref. 20230897 there was insufficient information submitted in relation to air and noise mitigation and the Building Regulations.

Air Quality Mitigation

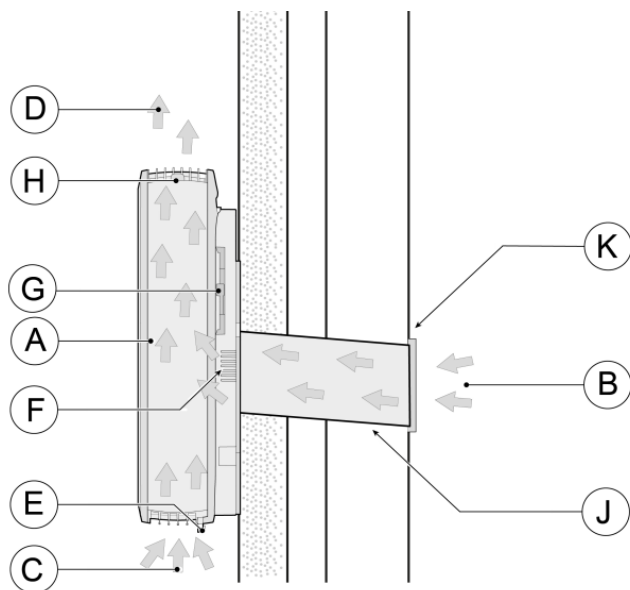
In relation to air quality, in the previous application an Air Quality Assessment was submitted which found that monitored levels of NO₂ close to the site have been found to be below the Air Quality Objectives so there were no concerns. However, GBC Environmental Protection advised that as the site is in an AQMA air quality is a consideration and the mechanical ventilation scheme which was being recommended for noise mitigation would also address air quality issues and provide better living environment in terms of ventilation for future occupiers. It was stated in the Delegated Report for application ref. 20230897 how mechanical ventilation systems result in a number of openings and ductwork etc. throughout a building which could be harmful to the architectural and historic interest of this listed building.

In this application some details have been submitted in relation to air quality. The Proposed Works Specification has the following details:

VENTILATION - The building by virtue of being on the Gravesend one way system is also within a designated Air Quality Management Area (AQMA). Interpolating previous Air Quality Assessment Reports for other residential proposals on the Gravesend one way system it has been predicted using Breeze Roads to identify air quality constraints associated with the proposed use of this existing building. Previous detailed modelling has identified that the likely level of NO₂ and PM₁₀ are below the relevant objectives for

these pollutants. However, it recognised that the introduction of secondary glazing and the necessary use of the existing timber sash windows in a listed building provides no scope of background trickle ventilation or purge ventilation facilitated by the opening of windows. It is therefore, proposed to install wall mounted, remote controlled, acoustic (sound attenuating) filtered air supply units as Sonair 3 or similar (see accompanying manufactures details and specifications) one to each bedroom and sitting room. The insulated duct to the outside is 125mm in diameter and terminates at the exterior with a brown plastic louvered grille either round to match the brickwork or pebble dash.

Manufacturers details and operating instructions for the 'Sonair 3' system have also been submitted which shows an internal wall mounted system whereby a hole needs to be drilled through the external wall, a duct inserted and a grille mounted on the outside. The location of the wall mounted Sonair and ducts have been shown on the proposed floor plans and an image of the proposed brown plastic grilles has been shown on the Proposed Works Specification.



- A = Sonair
- B = Outside Air
- C = Recirculation Air
- D = Clean Air
- E = Knob recirculation valve
- F = Air inlet valve
- G = Operation handle air inlet valve
- H = Filter
- J = Duct (not supplied)
- K = Outside grille (this must be ordered separately)



IMAGE OF PROPOSED EXTERNAL VENTILATION GRILLE

GBC Environmental Protection advise that the details of the MVHR system submitted with this application refer to technical specifications of the 'Sonair 3' system only and no plans showing the location of the MVHR system or layout of proposed ducting have been submitted. They state that the MVHR system must positively pressure all relevant residential units i.e. bring in more air than it extracts. They list what the scheme must include and advise that GBC Environmental Protection can provide a checklist of points that must be considered and included in the scheme. They state that detailed plans will need to be submitted that include the layout of the MVHR system including the location(s) of the units, all ducting, air flows rates/pressures and inlet and outlet vents.

As the details of the MVHR system are not sufficiently detailed enough it is not possible to assess the full impact of the proposed air quality mitigation that is required to the building. In any case the proposed brown plastic grilles for the ducts would not be acceptable as they would be harmful to the significance of

this listed building.

Noise Mitigation

In relation to noise, in the previous application a Noise Impact Assessment was submitted. This found that that internal noise levels as given in BS8233:2014 would be exceeded with standard glazing; the report gave glazing specifications in section 6.1 and mechanical ventilation was also recommended so that suitable ventilation could be provided when windows in the building are closed to keep out the traffic noise. This Noise Impact Assessment has not been submitted with this current application. GBC Environmental Protection advise that the findings of that Noise Impact Assessment are valid to this application.

In this application the floor plans show the location of the secondary glazing and the Proposed Works Specification has the following details on secondary:

“SECONDARY GLAZING - As a general principal in HMO bedrooms, rooms 1, 2, 6, 14, 19, 22, and 21 new white aluminium framed secondary glazing is to be fitted in the existing reveals to the openings. The min gap will be 100mm. The internal glazing will be sashes to match with no glazing bars so that they will not be noticed from the exterior. This to maintain the character and appearance of the Upper Windmill Street Conservation Area as well as the appearance of the Grade II listed building. The secondary glazing is necessary to up grade the limiting window U value to 1.4 W/sqmK to comply with Part L of the building regulations. The secondary glazing is also required to limit external noise as the building is located on the Gravesend on way system close to the town centre. Previous experience gained from other similar proposals on the one way system in Gravesend has recognised from previous reports, that to achieve the targets for noise levels in living rooms and bedrooms that are set by the World Health Organisation and British Standard BS 8233:2014, have found that standard grades of double glazing are sufficient, achieved by secondary glazing in this case.”

However, although these details have been submitted no actual scaled drawings of the proposed secondary glazing have been submitted. Drawings are needed to fully assess the proposed secondary glazing and how it would relate to the existing windows and how it would be fixed etc. This is not something that could be conditioned should permission be forthcoming.

Similarly, as stated in detail above insufficient details of the mechanical ventilation scheme have been submitted (required when windows are closed to keep out traffic noise). As the details of the secondary glazing and the mechanical ventilation are not sufficiently detailed it is not possible to assess the full impact of the proposed noise mitigation that is required to the building.

Building Regulations

In previous application ref. 20230897 no details were provided of the works required under the Building Regulations. In this application the proposed floor plans and the Proposed Works Specification do show the works that would be required.

In relation to fire doors there are a number of original doors remaining that will need to be made 30 mins fire resistant including some original doors. It is proposed to retain those existing original doors and repaint the stair side with Envirograf Product 43 intumescent paint, details of which have been submitted. This is considered acceptable.

Other works

In the front elevation there would be five new openings - at basement level there would be one for the cooker ventilation at basement level and then one for an acoustic air supply unit. Then at ground, first and second floor levels there would be one on each floor for the acoustic air supply units. In the rear elevation there are three new openings proposed at ground, first and second floor levels for acoustic air supply units. In the south side elevation of the rear extension there would be two new openings at first floor, one for cooker ventilation and one for an acoustic air supply unit. These would be terminated on the exterior with brown plastic louvered round grilles. As stated above by virtue of their material and design these vent

grilles would not be acceptable.

At ground floor level on the rear elevation, a new double glazed window is proposed and a new door. Given the new window and door would be in the later addition a window and door are considered acceptable in principle but double glazing would not be acceptable as it is not authentic or appropriate in listed buildings.

In summary, there has been more information submitted with this application than the previous one to show what works are required for air and noise mitigation and under the Building Regulations. Unfortunately, not enough detailed information on secondary glazing or the mechanical ventilation scheme has been submitted to know what the true impact of the noise and air quality mitigation would be on the significance of this listed building and the Upper Windmill Street Conservation Area. Furthermore, some of the detail which has been provided such a number of proposed plastic circular brown vent grilles in the elevations of the building or the double glazed window in the ground floor rear elevation would be harmful to the significance of this listed building. It must therefore be concluded that the proposal would be harmful to the architectural and historic interest of this grade II listed building. As there would be external works which would be harmful such as the vents and the window, the proposal would also not preserve the character and appearance of the Upper Windmill Street Conservation Area but would cause harm.

The proposal by virtue of insufficient information on the noise and air quality mitigation, the proposed plastic circular brown vent grilles in the elevations of the building and the double glazed window in the ground floor rear elevation would not protect the architectural and historic interest of this grade II listed building and would not preserve the character and appearance of the Upper Windmill Street Conservation Area but would cause harm. As such the proposal is contrary to Policies CS19 and CS20 (LPCS), saved Policies TC2 and TC3 (LPFR). Ground of refusal no. 1 of previous application reference 20230897 concerning the impact on the listed building and the Conservation Area has therefore not been addressed.

Occupier Amenity

This matter related to ground of refusal no. 2 of previous application ref. 2023897.

Policy CS19 (LPCS) seeks to ensure that the design and layout of new development accords with SPG2 Residential Layout Guidelines (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 SPG2 (2020) and Nationally Described Space Standards (2015) 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.

Bedrooms

For a one person unit there should be a minimum bedroom floor area of 6.51 sq. m. The table below highlights the floor area of each unit within the proposed development and the facilities serving each room:

	Bedroom (sq. m)	Facilities
1 (ground floor)	13.2	N/A
2 (ground floor)	14	N/A
3 (ground floor)	9.3	N/A
4 (ground floor)	13.2	N/A
5 (first floor)	17	En-suite

6 (first floor)	9.8	N/A
7 (second floor)	17	En-suite
8 (second floor)	9.8	N/A

As demonstrated in the above table all rooms within the HMO would comply with the minimum bedroom floor area in Gravesham's 'Guidance for HMO Amenity Standards' (2023).

Bathrooms & wc's

Two of the rooms would have en-suites. The other six bedrooms would not and would have to use the shared bathroom and toilet in the property.

There is one toilet proposed at ground floor level and one bathroom proposed at first floor level.

The Council's HMO Amenity Standards' (2023) state that for 6-10 occupiers (in this case there would be 6 needing to share bathroom and toilet facilities) there should be '2 x bath or shower "wash facility" 2 x WCs 2 x wash hand basin in each WC' and that 'where WCs are both contained within full bathrooms, a separate WC and wash hand basin will be required'.

In this case, as confirmed by Private Housing, the proposal would lack the required second wash facility for 6 occupants.

Kitchen

The HMO Amenity Standards (2023) provides minimum requirements for communal 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

There is one kitchen proposed at first floor level which would be 6.8 sq. m. The kitchen therefore does not meet the 11 sq. m required for 8 occupiers. There would be a small kitchen area at basement level which would be 2.6 sq. m. However, this would not help as it too is undersized and in any case is more than one floor away from some of the rooms (those at first and second floor levels).

Living room

The HMO Amenity Standards (2023) states that a communal living room should be at least 13 sq. m for 3 people, plus 1 sq. m for every additional person. With 8 occupants this would therefore require a living room of 18 sq. m. The proposed living room is 16.4 sq. m (including the kitchenette area). Even including this the living room would still be not meet the minimum standard required.

As such the proposal would result in inadequate washing facilities and undersized kitchen and living room.

Light

At ground floor level bedroom 3 would be an inner room and have no external window just a high level internal window which it would share with bedroom 4. Room 3 would therefore have no natural light and a shared high level window is also not acceptable in respect of the privacy of occupiers of rooms 3 & 4.

Odours

Cooker hood ventilation for the first floor kitchen would exit in very close proximity to the window of bedroom 6 and could therefore impact on occupiers of this room in respect of cooking odours; could also impact on bedroom 8 above at second floor.

Private amenity space

There is no external space but given the town centre location where there are a number of parks in the vicinity, this is considered acceptable.

Air Quality & Noise Impact

This matter related to the reasoning for ground of refusal no. 2 of previous application ref. 20230897. The site is situated in the A226 One Way System Air Quality Management Area and on a busy road with high levels of traffic with possible other potential noise sources in the vicinity.

In that previous application an Air Quality Assessment had been submitted which found that monitored levels of NO₂ close to the site have been found to be below the Air Quality Objectives so there were no concerns. However, GBC Environmental Protection advised that as the site is in an AQMA air quality is a consideration and the mechanical ventilation scheme which was being recommended for noise mitigation would also address air quality issues and provide better living environment in terms of ventilation for future occupiers. The report has not been submitted with this application. In this application some details have been submitted such as some details in the Proposed Works Specification and some manufacturers details and operating instructions for the 'Sonair 3' system however, as noted by GBC Environmental Protection, no plans showing the location of the MVHR system or layout of proposed ducting have been submitted. They explain how the MVHR system must positively pressure all relevant residential units i.e. bring in more air than it extracts and list what the scheme must include. They state that detailed plans will need to be submitted that include the layout of the MVHR system including the location(s) of the units, all ducting, air flows rates/pressures and inlet and outlet vents. Also that the scheme needs to address the requirements of GBC Environmental Protection but also be acceptable in heritage terms. As full details of the proposed air quality mitigation have not been submitted it has not been demonstrated that future occupiers of the HMO would be sufficiently protected from poor air quality.

In previous application ref. 20230897 a Noise Impact Assessment had been submitted which stated that the existing windows would not be able to meet the internal noise levels specified in BS8233:2014 and as such double glazing would be required or that secondary glazing may be considered given it is a listed building. The report also recommended that a ventilation system be installed for the rooms fronting the road so that suitable ventilation could be provided when windows were kept closed to keep out the traffic noise. That report has not been submitted with this application although GBC Environmental Protection advise that the findings of the report are valid to this application. They advise that from their perspective a condition could be recommended to address the noise concerns however, as for the air quality mitigation scheme the noise mitigation needs to meet GBC Environmental Protection's requirements and also be acceptable in heritage terms to know that it is acceptable. Although some written descriptions of the secondary glazing have been submitted, no actual scaled drawings have been submitted to know if it is acceptable in heritage terms. Similarly, insufficient details of the mechanical ventilation scheme have been submitted (required when windows are closed to keep out traffic noise). As insufficient details of the noise mitigation have been submitted it has not been demonstrated that future occupiers would be protected by noise.

In summary, the proposal by virtue of insufficient details of the proposed noise and air quality mitigation, inadequate washing facilities and undersized kitchen and living room, no natural light to bedroom 3, lack of privacy between bedrooms 3 and 4 due to high level window, potential cooking odour impact to several

bedrooms from the kitchen extract would result in unacceptable living conditions for future occupiers which would be harmful to their amenity. As such the proposal is contrary to Policy CS19 (LPCS) and ground of refusal no. 2 of previous application reference 20230897 still stands in respect of occupier amenity.

Ecology & Biodiversity

This matter related to ground of refusal no. 3 of previous application ref. 20230897 as the applicant had not paid the required SAMMS tariff.

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £314.05 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of 7 units and the applicant has still not paid the required tariff (£328.27 x 7 = £2,297.89). The Local Planning Authority cannot therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore, the proposal in respect of ecology and biodiversity is contrary to Policy CS12 (LPCS) and Paragraphs 193 and 194 of the NPPF (2024) and in this regard ground of refusal no. 3 of application ref. 20230897 has not been resolved.

Other matters

Neighbouring Amenity

The proposal does not raise any issues in respect of the amenity of neighbouring properties and as such in this respect the proposal is compliant with Policy CS19 (LPCS).

Parking and Highway Safety

The application site has no off-street parking and this would remain the case with the proposal. The existing lawful use of the application building is a funeral directors with a 3 bedroom maisonette above and it is proposed to convert the building to an 8 bedroom HMO. It is considered that the proposal would not result in any additional demand in parking over the existing use and therefore no requirement for additional parking at the property. In any case the site is located in the town centre close to a public car park and public transport links. Overall, therefore it is considered the proposal would not have any impact with regards parking and highway safety and as such the proposal is in accordance with Policy CS11 (LPCS).

Archaeology

The site is located in an Area of Archaeological Potential but there are no below groundworks therefore no impact on any archaeology and in this respect the proposal is compliant with saved Policy TC7 (LPFR).

Refuse

The proposed ground floor plan shows the provision of a refuse area to the north side of the building. There is an annotation on the plans to state that it would be a timber framed open front bin enclosure comprising 3no 240 litre bins, 2no 180 litre refuse, and 2no 23 litre food waste bins on concrete base with back inlet gully waste. It would be a close boarded enclosure to match fence 4500mm long by 640mm deep and max 1200mm high with green roof as attach illustration however, none has been attached. There is no room for refuse storage at the rear of the building as the applicant does not own that land. Refuse at the area to the front of the building would not be acceptable as to the front of a listed building would be extremely harmful to its setting. The side of the building is therefore the only place that refuse storage could reasonably be positioned. Subject to details, which could be conditioned if permission were forthcoming, the refuse storage would be acceptable.

Access

The proposal due to a new rear access door proposed in the rear elevation would result in occupiers accessing the adjacent garage site. It is stated that there is an existing pedestrian right of way on the proposed plans and notice has been served on the owners of the site. It would be the responsibility of the owner to ensure the permission of the landowners are obtained which is separate to the matter of planning.

Any Other Material Planning Considerations

None.

Balancing Exercise & Conclusion

The proposal would contribute seven additional units which would be a minimal contribution to the Borough's housing supply. The proposal is considered acceptable in respect of neighbouring amenity, parking and highway safety and archaeology.

In respect of the proposal the applicant has provided more information in respect of the works that are proposed in relation to noise and air quality mitigation and what works are required under the Building Regulations. However, despite this insufficient information has still been submitted in relation to the noise and air quality mitigation and some of the proposed works such as a number of proposed plastic circular brown vent grilles in the elevations of the building and the double-glazed window in the ground floor rear elevation would be unacceptable in heritage terms.

The proposal would be unacceptable as it would result in the loss of the existing commercial use of the building thereby failing to safeguard the Gravesend Town Centre Opportunity Area, would not protect the architectural and historic interest of this grade II listed building, would not preserve the character or

appearance of the Upper Windmill Street Conservation Area but would cause harm, would provide unacceptable living conditions for future occupiers and would not mitigate potential significant effects on the Thames Estuary and Marshes SPA/Ramsar site.

Paragraph 212 of the NPPF (2024) requires that great weight be given to conserving and enhancing designated heritage assets. Paragraph 193 (a) also states that if significant harm to biodiversity resulting from a development cannot be avoided, including being adequately mitigated, then planning permission should be refused. As stated in paragraph 194 of the NPPF (2024) SPA's and Ramsar sites should be given the same protection of habitats sites.

The weight of all of the other considerations does not outweigh the harm identified and provides a clear reason for refusing permission. The proposed development is therefore contrary to Policies CS05, CS12, CS19 and CS20 (LPCS) and saved Policies TC2 and TC3 (LPFR).

Recommendation

20240813 – Refusal
20240814 – Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	6 February 2025	Dated:	6th February 2025