



Delegated Report

Full Planning Application

Planning Application No: 20250425

Location: First and Second Floors, 20 Queen Street, Gravesend, Kent

Description: Change of use from an HMO to a two bedroom flat

Applicant: Mr Singh

Site Visit Date: 18/08/2025

Submitted Documents/Plans

Application form
Site Location Plan
829-4 Rev A – Existing and Proposed Site Plan
Plan 829 – 5 Rev A Existing and Proposed Block Plan
Plan 829 – 3 Rev A Existing and Proposed Elevations
Plan 829 – 02 Rev B Existing Floor Plans
Plan 829 – 02 Rev D Proposed Floor Plans
Heritage Statement

Superseded Plans

~~Plan 829 – 01 Rev A Proposed Floor Plans~~
~~Plan 829 – 5 Rev A Existing and Proposed Block Plan~~
~~Site Location Plan~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20241004	Application to determine if prior approval is required for change of use from HMO to a three bed flat	Refused	19/12/2024
20131042	Retention of the first and second floors as a one bed self-contained flat and rooms comprising a house of multiple occupation for four persons	Permitted	26/03/2024
20130784	Conversion of accommodation ancillary to café use on ground floor to self-contained studio flat involving internal alterations to the layout	Permitted	22/10/2013
20101078	Retention of attached store building as residential accommodation ancillary to the café use	Permitted	05/01/2011
20030946	Conversion of the first and second floors into two self-contained flats involving the erection of a rear infill extension at second floor level and installation of a new shopfront to incorporate a separate entrance door to the flats	Permitted	19/01/2004

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and 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 Standards (2015)
- SPG 4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)
- Gravesend Town Centre Conservation Areas Management Plan (2021)
- Queen Street Conservation Area Appraisal

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the



policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

Neighbouring properties

25 surrounding properties were consulted and the application was advertised by a means of a site notice, dated 28.05.2025, and a press notice in the Kent Messenger, dated 06.06.2025. The overall date of expiry was 27.06.25. No responses have been received.

Officer's Analysis



Site description

The site is within the urban boundary of Gravesend where Policy CS02 (LPCS) supports the principle of residential development within the urban area of Gravesend and the rural settlements inset from the Green

Belt. Policy CS14 (LPCS) at paragraph 5.10.9 states the Council will expect new housing to provide a range of dwelling types and sizes which take into account the existing character of the area, and Policy CS15 (LPCS) at paragraph 5.11.7 states development should have regard to the character and location of the area.

The application site comprises a three storey building with a diner/ grill at ground floor level and a House of Multiple Occupation in the above two floors. The site plan has been amended to include only the part of the building which relates to the existing flat related to this proposal and the shared bin store to the rear.

Principle of the Development

The main considerations for this proposal are:

- Housing Need
- Density of Development
- Design and Impact on the Conservation Area
- Amenity of the Future Occupiers
- Neighbouring Amenity
- Highways and Parking
- 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 re- emphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states 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 a 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 to 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 as being out of date, as required by paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well- designed places and providing affordable homes, individually or in combination.

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

- Habitats Sites (and those listed in NPPF paragraph 189)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- National Landscape
- Irreplaceable habitats
- Designated heritage assets (and other heritage assets of archaeological interest, see NPPF footnote 75)
- Areas at risk of flooding or coastal change

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 130(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a one residential unit would offer a minimal contribution towards meeting this local need and, accordingly, officers consider this should be accorded appropriate, limited, weight in support of the application. However, this has to be balanced against other requirements of the development plan and the NPPF (2024) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create a high standard of amenity for existing and future occupiers.

Location

The application is located within the urban boundary of Gravesend. Policy CS02 (Scale and Distribution of Development) identifies that in such areas, development will be supported. As a First Tier Settlement, Gravesend is on the highest tier of sustainable locations in the borough.

4.2.4 The Council has carried out an assessment of the facilities and services available in the Borough's settlements to identify which are more sustainable. The results are reflected in the settlement hierarchy below.

Table 2: Settlement Hierarchy

First Tier Settlements:	Gravesend/Northfleet/Ebbsfleet, i.e. the urban area
Second Tier Settlements:	Istead Rise, Hook Green Meopham, Higham
Third Tier Settlements:	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements:	Cobham, Shorne, Sole Street
Other Settlements:	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

Source: Settlement Hierarchy Technical Paper December 2009

The Council's Settlement Strategy

It is therefore considered that the location of the proposed development is sustainable in principle. However, all other matters also need to be considered.

Density of Development

Development on the site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of development types and sizes, taking into account the existing character of the area. Policy CS15 (LPCS) requires that all new housing be developed at a density which is consistent with achieving good design and which does not compromise the distinctive character of

the area in which it is situated. These policies will be considered and assessed against the proposal later in this report.

In the Urban Area, Policy CS15 (LPCS) requires that housing provide a minimum density of 40 dwellinghouses per hectare (dph). The site has an area of 170 sqm: the provision of one flat on it would be at a density of 58.8 dph. This is above the minimum density required. The proposed development would therefore be at an appropriate density, in accordance with Policies CS14 and CS15 of the LPCS (2014).

Design and Impact on the Conservation Area

The proposed change use of the property would not involve any alterations to the external appearance of the building. Therefore, the development would preserve the character and appearance of the Queen Street Conservation Area, in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy (2014), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework (2024).

Amenity of Future Occupiers

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users of a site. The impact on amenity is also considered with regard to the criteria in Policy CS19 (LPSC), which states that new development should be located, designed and constructed to safeguard the amenity, privacy, sunlight and daylight of its occupants and those of the neighbouring properties and land. The impact upon neighbours will be assessed in the next section of this report.

Policy CS19 also requires development to be 'fit for purpose' and be 'adaptable to allow change to meet the needs of users' and that 'the design and layout of new residential development including conversion, will accord with the adopted Residential Layout Guidelines' (RLG; 2020). On 25 March 2015, the Government issued a written Ministerial Statement, which introduced new national technical housing standards in England and set out how these would be applied through planning policy. The standards came into effect on 1st October 2015.

The proposed flat the subject of this application would have a floorspace of 72.6 sqm. The national technical housing standards minimum floorspace standard for a two storey, 2 bedroom, 2 person flat/ dwelling is 70 sqm. The proposed flat would therefore exceed the minimum standard for a flat/ dwelling of the size proposed.

The following table compares the internal spaces proposed against the minimum space standards contained in the Council's Residential Layout Guidance SPD (2020).

Room Type	Proposed Internal Floor Area (sqm)	Minimum Space Standard (sqm)
Lounge/ Diner	XXX	18
Kitchen	XXX	7.2
Bathroom and WC	4.8	3.6
Single Bedrooms		6.5

The combined proposed kitchen/ living room/ dining room for the proposal is 35 sqm. It is noted that the agent has confirmed that both bedrooms would be single occupancy.

In addition to the figures for the size of the flat, is the size of the individual rooms themselves. Each of the rooms would exceed the required standards. While the outlook from some of the rooms would not be ideal, it would not be unexpected is a development of this location. Nor, would it differ to the situation for the occupants of the bedrooms of the existing flats. The development would therefore provide a suitable standard of accommodation for its future occupiers and therefore accords with Policy CS19 of the Gravesham Local Plan Core Strategy (2014), the Council's Residential Layout Guidelines (2020) and the guidance in the National Planning Policy Framework (2024).

Neighbouring Amenity

Policy CS19 (LPCS) and the NPPF require development to have an acceptable impact upon the amenity of neighbouring occupiers. Given modern standards of noise insulation and the fact that the use of the property as a two bed flat rather than an HMO would not, it is considered, result in materially different levels of noise and disturbance arising from the property, the development would not give rise to a harmful impact upon neighbour amenity. It is also noted that there is an existing waste and refuse store to the rear of the property shared with other occupiers of the flat to the rear of the property. This would continue to be used by the occupiers of the proposed flat and given the reduction from a 3 bed HMO to a 2 bed flat, the existing waste management arrangements are considered to be acceptable.

Parking and Highways

The forms submitted with the application state the site does not benefit from any parking and none will be provided for the new flat. This is not objectionable as, though the Kent County Council Parking Standards would require two parking spaces to comply with their parking standards, the sustainable location of the site, in close proximity to the daily and weekly services and facilities that the future occupiers of the site are likely to need and to public transport in the form of buses and train services, is such that the future occupiers of the site would have less need for a car. Moreover, the NPPF promotes the provision of new development with a lower level of, or no, parking provision, in order to encourage a move away from the private car as a means of transport. The proposed flat with no parking would be in direct accordance with this.

Any Other Material Planning Considerations

Biodiversity

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive. This 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 as a 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 the 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 Council has mitigated the impacts of this arising from applications for 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 £337.49 per dwelling or flat). 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.

In this case, a contribution agreement would usually be sought for £337.49 per additional bedroom for the proposed development, in the event of it being found acceptable. However, in this instance there is no net gain in the number of bedrooms and so the payment would be unnecessary in this instance. The application therefore complies with the requirements for Thames Estuary and Marshes SPA/ Ramsar Site, as is in

accordance with paragraph 187 of the NPPF and Policy CS12 of the Local Plan Core Strategy.

Conclusion

The principle of the proposed development is considered acceptable as the site is in a sustainable, town centre location. The proposal would not have a harmful impact upon the character and appearance of the area and it is not considered that it would result in an adverse impact upon the amenities of the occupiers of the neighbouring properties.

Recommendation

The recommendation for this application is that it be approved.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	5 th June 2026	Dated:	5th June 2026