



Delegated Report

Full Planning Application

Application No:	20230088
Location:	Accommodate UK Ltd ,163 Windmill Street, Gravesend, Kent, DA12 1AH
Description:	Retrospective application for continued use of first floor as a self-contained office and 2nd & 3rd floors as a self-contained 1 bedroom flat; and retention of a new shop front.
Applicant:	Mr Thomas Draper
Site Visit:	15 th February 2023

Submitted Documents/Plans

- Application Form - dated 31/01/2023;
- Heritage Statement - received 01/03/2023;
- Drawing no. 001 - Site Location and Block Plans (dated 04/02/2022);
- Drawing no. 002 - Rev. B - Pre-Existing Floor Plans (dated 27/02/2023);
- Drawing no. 002 - Rev. B - Existing As Built Floor Plans (dated 27/02/2023);
- Drawing no. 003 - Rev. A - Pre-Existing and Existing As Built Elevations (dated 01/03/2023);
- Drawing no. P10 - Rev. B - Existing Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220748	Erection of a replacement single storey rear extension	PERMITTED	18.08.2022
20210145	Erection of a three storey rear extension to extend the ground floor and upper storey's, with conversion of the first, second and third floor into 2 one-bedroom self-contained flats and one studio flat.	REFUSED	12.04.2021
20150536	Erection of a three storey rear extension incorporating conversion of the roof space and installation of roof lights on the front roof slope to create 1no. one bedroom self-contained flat and 1no. two bedroom self-contained maisonette.	REFUSED	10.11.2015
20150072	Display of an internally illuminated fascia sign.	WITHDRAWN	21.07.2020

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development

- CS02 - Scale & Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS07 - Economy, Employment and Skills
- CS08 - Retail, Leisure and the Hierarchy
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Design & Development Principles
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

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

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.

Other material considerations

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which 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 (2021)

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- 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

- SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- SPG 3 - Advertisement Control Policy Guidance (1996)
- SPG 4 - Shopfront and Commercial Premises (2020)
- King Steet Conservation Area Appraisal (2009)
- Gravesham Town Centre Conservation Areas Management Plan (2009)

Consultations, Publicity and Representations

Internal Consultees

GBC Conservation Officer - I recall back in the later 1990's the then owner of Accommodate, when located in the High Street, was converting flats above 65 & 66 High Street. He was something of a visionary who was committed to doing things well, as can be seen below in the traditional shopfronts he installed in the High Street. I remember him saying that being a small property investor he was able to take a longer term view on his return, which allowed him to invest more in his property portfolio.



Google Streetview - High Street (April 2017)

Sadly this does not appear to be the case today as the shop front in 163 Windmill Street does nothing to enhance the conservation area, being a modern aluminium replacement with the additional door for access to the upper floors. We had some success recently with the replacement of an aluminium shopfront at 11-11a Windmill Street, which is now more in keeping with the adjacent shop fronts at Mann and Munns. The vision is for all modern shopfronts in Windmill Street to adopt a more sympathetic appearance that will enhance the conservation area and the vibrancy of the historic town centre. This can only come about with the support of traders and building owners, such as those at 11-11a Windmill Street.

The modern deep fascia and replacement metal shop front are out of character with the conservation area, where the opportunity should be taken to enhance the CA with a traditional shopfront. The alterations are contrary to local policy and cannot be supported.

See SPG 3 & 4 and the supporting informal guidance on shop front design sheets 1-6.

GBC Licencing - The continued use of the premise as flats is not a licensing matter.

GBC Waste - I have reviewed the attached planning application and there are no details of refuse and recycling storage for either the domestic flats or the commercial business. I am unable to comment until further details are provided.

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site 24th March 2023.

In addition, nine surrounding properties were consulted and one representation was received. The neighbour objected to the proposals, stating that the application plan is sharing a boundary line and would be congested. The redline plan submitted correlates with previous applications on the site and is considered acceptable.

The consultation period expired 14th April 2023.

Officer's Analysis

Site Description

163 Windmill Street is a three storey mid terrace building. It is currently used as an estate agent at ground floor office with a three-bed flat above. There is access to the rear of the property via a narrow alley between 19 and 20 Stone Street. The property has various additions to the rear, some original.



Site Visit (15th February 2023)

The rear of the properties on Stone Street back onto the rear of 163 Windmill Street with only the gap of the alleyway between them. It is an unlit alley way used predominantly for the storage of bins. It is by no means a primary means of access at approximately 1 metre in width. That being said, there does seem to be one access to a residential property. The ground floor levels of Windmill Street and Stone Street are commercial premises with a mixture of retail and financial and professional services. The first and second floors are a variety of offices and some residential.

The property falls within the King Street Conservation Area, designated in 1980.

Proposed Development

This application seeks retrospective planning permission for the continued use of the first floor as a self-contained office and the second / third floors as a one bedroom flat; with the retention of a replacement shopfront.

It is important to note that the advertising has been in place since at least 2017 and is immune from any enforcement action through the passage of time. However, the replacement shopfront is recent and requires consent.

Principle of the Development

The principle considerations in the assessment of this application are:

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

Housing Need

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 Policy CS02, of Gravesham's Local Plan Core Strategy (LPCS) (2014), must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. 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 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 180)
- 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.

Suitability for Conversion

The application site is E class employment floorspace [formally Class B], and as such Policy CS07 (Economy, Employment and Skills) (LPCS) is relevant. Within the Town Centre Opportunity Area (Policy CS05), the Council will:

- *Support the provision of new residential development where a satisfactory living environment can be achieved;*
- *Support the redevelopment of under-used sites where this makes more efficient use of the sites and improves townscape character; and*
- *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.*

Subject to the assessment of living conditions, a proposed office space on ground and first floors, with residential development on the upper floors, would comply with this policy.

In regards to the conversion of the upper floors into residential use, Policy H5 (i) states that buildings shall be in an appropriate area for conversion to flats, maisonettes, bedsits and multiple occupancy. It also notes that unless there are special or overriding circumstances, conversion will not normally be permitted in an area comprised for the most part of single-family dwellings. Policy H5 (ii) requires that the building shall be of such a size and arrangement to be generally unsuitable for single-family occupancy.

The site is located in close proximity to the town centre on the upper section of Wrotham Road. The properties on this section of Wrotham Road are two/three storey terraced buildings, with commercial business uses on ground floor and some residential on the upper levels. This application seeks permission for the retention of the upper floors as residential use, which is similar to other properties on this section of Wrotham Road. Therefore, this building is considered to be appropriate for conversion, located in an area which is accessible and sustainable, and is considered appropriate for conversion into a residential unit in accordance with saved policy H5 (LPFR) and Policy CS14 (LPCS).

Design, Character and Appearance

When considering the design of this proposal, it needs to be considered against the relevant local and national planning policy. Policy CS15 (LPCS) states that sites will be developed at a variety of densities depending on the sites location and accessibility to public transport. Furthermore, development needs to be delivered at a density that achieves good design and does not compromise the character of the area.

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 NPPF (2021) 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.

Policy CS20 (LPCS) sets out that the Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource central to the regeneration of the area and the reinforcement of sense of place. Proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance of the Borough's heritage assets, their setting where it contributes to the significance of the asset and their interpretation and enjoyment, especially where these contribute to the distinct identity of the Borough. Saved Policy TC2 (LPFR) requires the setting of the Listed Buildings to be protected and Saved Policy TC3 (LPFR) expects development to make a positive contribution to Conservation Areas.

At a national level, the NPPF (2021) Section 12 states development should create high quality buildings and places which will function well and add to the overall quality of the area for the lifetime of the development. Section 16 of the NPPF (2021) states that great weight should be given to a heritage asset's conservation. Account should be taken of the desirability of sustaining and enhancing the significance of heritage assets.

The conversion of the upper levels into a residential property does not involve any external alteration and would not impact on the appearance of the building nor cause any harm to the character of the King Street conservation area.

However, the shop frontage has been changed and requires planning consent. There are no permitted development rights for the alteration or replacement of a shop front, as restricted under Part 7, Class A.1 (h) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Gravesham's Conservation Officer provided comment, stating that *"the shop front in 163 Windmill Street does nothing to enhance the conservation area, being a modern aluminium replacement with the additional door for access to the upper floors... [and] The vision is for all modern shopfronts in Windmill Street to adopt a more sympathetic appearance that will enhance the conservation area and the vibrancy of the historic town centre"*.

The replacement shopfront comprises of modern deep fascia and metal are out of character with the historic character of the conservation area, where local and national planning policy state that care should be taken to preserve and enhance their historic character, which in this case would be through a more traditional shopfront. Therefore, the alterations are contrary to local policy and cannot be supported.

Overall, it is considered that the replacement shop front fails to preserve the character and appearance of the King Street Conservation Area. The proposal does not therefore meet the statutory test of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Policies CS19

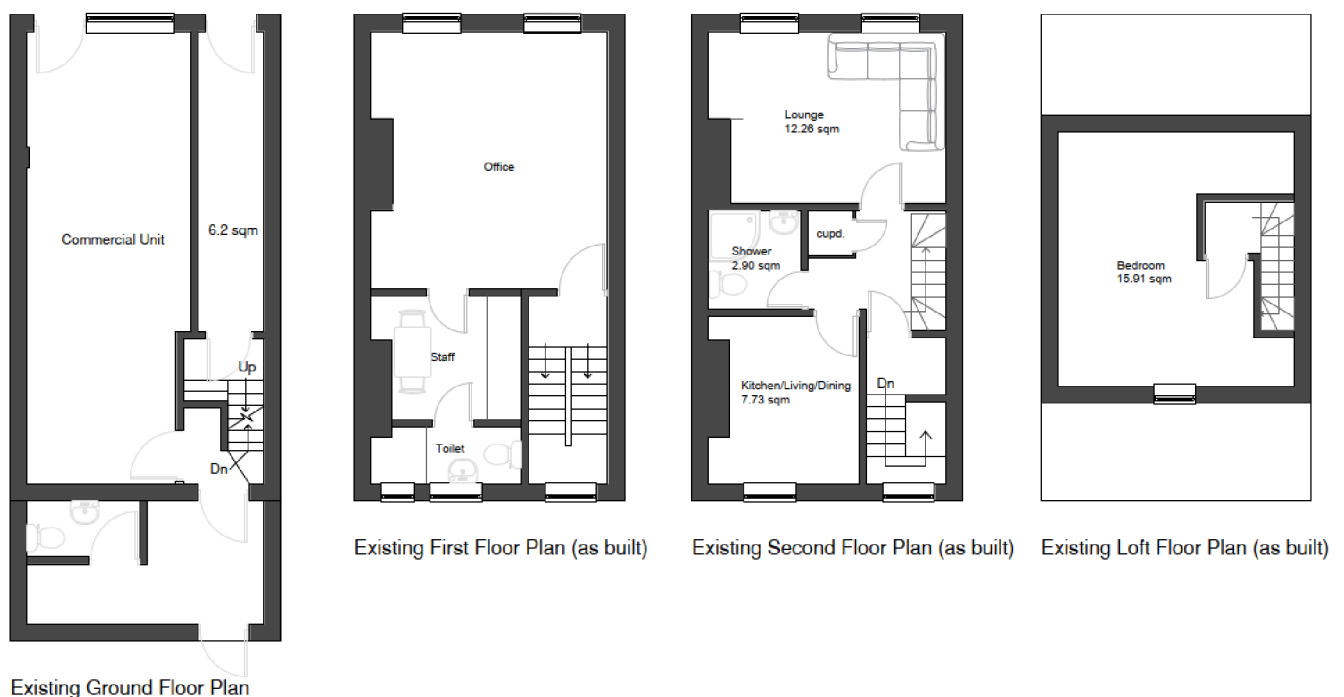
(Development and Design Principles) and CS20 (Heritage and the Historic Environment) (LPCS), saved policy TC3 (Development Affecting Conservation Areas) of the Gravesham Local Plan First Review (1994) as well as Sections 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) NPPF (2021).

Note: within the vicinity of the application site there are good examples of new shopfronts that enhance the character of the King Street Conservation Area. These are nos. 11 and 171 Windmill Street. The replacements and altered shopfronts include timber frontages and slim glazing panels that are in keeping with the historic character and meet the vision of sympathetic shopfronts within Conservation Areas.

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, the Nationally Described Space Standards (NDSS) (2015) and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

This application seeks to formalise the internal alterations of the upper floors. The first floor is to be utilised as office space, with a staff room and toilet. The second and third floors are to be in use as a residential flat, containing a kitchen/diner, lounge, bathroom and double bedroom split across the two floors. The proposed floor layouts are shown in the screenshot below:



The retention of the office space has been discussed in an earlier section of this report and is considered to be in accordance with policy.

In terms of the residential property, the NDSS (2015) sets out minimum gross floor areas for a 2 storey, 1 bedroom dwelling. These figures vary depending on the number of persons occupying the dwelling. In this case the flat has a double bedroom, with a maximum capacity of 2 persons. Therefore, the flats should be assessed against the 58m² minimum floor area for 2 storey, 1 bedroom, 2 person unit.

National Housing Standard Guidance	Unit Floor space
58m ²	52.9m ²

The table demonstrates that the flat fails to comply with the minimum floor space in the NDSS (2015) and would therefore provide poor quality living conditions for future occupiers. However, Gravesham's RLG (2020) breaks down the measurements further, recommending minimum floor areas for specific rooms. These recommended floor areas have been compared to the proposed room sizes within the flat unit, as shown in the table below.

	RLG (minimum floor area)	B01 Room Size(s)
Kitchen/Diner	12m ²	7.73m ²
Living Room	13.2m ²	12.26m ²
Double Bedroom	11.5m ²	15.91m ²
Bathroom	3.6m ²	2.9m ²

Table 2 has been colour coded (green complies / red fails) to show which rooms within the flat meet the guidance within the RLG. The table demonstrates that all of rooms within the flat fail to comply with the minimum standards, with the exception of the bedroom. Therefore, the proposed flat would have undersized rooms contrary to the minimum guidance set out in the RLG and would be poor quality living accommodation.

The new flat will not be overlooked or overshadowed and the habitable rooms will receive adequate levels of natural light.

Overall, the development would provide undersized and cramped form of development which fails to provide acceptable living conditions for future occupiers to the detriment of their amenity. As such, the development is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 12 of the NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings".

The proposed development does not involve any extension to the property and therefore there is not considered to be any detrimental impact on the amenity of neighbouring properties in terms of overshadowing, overlooking, loss of outlook or sense of enclosure.

A neighbour representation was received and expressed concerns with the shared boundary and congestion resulting from the development. The plans demonstrate that access for the flat and first floor office would be exclusively to the front of the property, and therefore the development is not considered to have any significant or harmful impact on the amenity of neighbouring properties.

Overall, the development will safeguard the amenity of surrounding occupants in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Parking and Highways

The site is in a central location in the town where public transport links are good and there are sufficient

parking restrictions in the locality and public car parks available nearby. There are no parking spaces available on site, which is considered acceptable given the central location of the property.

Gravesham's adopted parking standards (SPG 4) (2006) seeks to ensure that adequate secure cycle storage is provided in developments, with a recommendation of 1 space per bedroom/flat unit. In this case the plans do not show any secure storage and due to the site being constrained the provision of cycle parking cannot be conditioned and details would be required prior to determination. However, given the town centre location there are available bicycle storage facilities at the train station and other public bike locking areas in the vicinity of the site. Therefore, although a secure cycle store would be preferred with this development to accord with SPG4, it is not sufficient grounds to refuse the application.

Any Other Material Planning Considerations

Waste Management

Policy CS19 (LPCS) requires new development to incorporate facilities for the storage and recycling of waste generated. In order to ensure this proposal complies with Policy CS19 (LPCS) a refuse strategy should have been submitted.

No details relating to waste management have been submitted and concern is raised from Gravesham Waste Services on how the residential unit and commercial businesses would store refuse nor any collection strategy.

With the site being so constrained this information would need to have been provided with the application and could not be conditioned.

Therefore, without the required information the proposal fails to comply Policy CS19 (LPCS).

Ecology and Biodiversity (Bird Mitigation)

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £314.05 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 £314.05 per net gain in dwellings within the property.

The applicant has not paid the SAMMS Mitigation Contribution Agreement and therefore failed to meet the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS) (2014).

Conclusion

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

The replacement shopfront fails to preserve or enhance the character and appearance of the King Street Conservation Area, and has a harmful impact on its historic character by virtue of its modern deep fascia, aluminium material and large glazing panels. The proposal does not therefore meet the statutory test of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Policies CS19 and CS20 of Gravesham's Local Plan Core Strategy (2014), saved policy TC3 of the Gravesham Local Plan First Review (1994) as well as Sections 12 and 16 of the National Planning Policy Framework (2021).

The new flat unit on the upper floors of the building is undersized and would provide a cramped, poor quality living environment for future occupiers, contrary to the Nationally Described Space Standards (2015) and Gravesham's Residential Layout Guidelines (2020). The proposal is also considered to provide a lack of refuse storage facilities for future occupiers. Therefore, the development fails to safeguard future occupier amenity contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).

Lastly, the development fails to safeguard biodiversity or mitigate harm caused to the Special Protection Areas. Therefore, the development fails to comply with the requirements of the Habitat Regulations and fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework (2021) and Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy (2014).

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	26 th April 2023	Dated:	26 th April 2023