



Delegated Report

Planning Application No: 20211057

Location: Flat 3 107 Windmill Street Gravesend Kent

Description: Conversion of existing first and second floors from a 3 bedroom dwelling to 2 x 1 bedroom self-contained flats.

Applicant: Mr Adem Abit

Site Visit Date: Desk top

Submitted Documents/Plans

Application form;
Drawing no. 01A – Floor Plans As Existing;
Drawing no. 02D – Floor Plans As Proposed REVISED;
Drawing no. 03 – Location Plan; and
Drawing no. 04 – Block Plans as existing and as proposed; and
Design & Access Statement.

~~Drawing no. 02A – Floor Plans As Proposed SUPERSEDED~~

Relevant Planning History

Application No.	Description	Status	Decision
20070849	Conversion of the first and second floors from a maisonette (Flat C) into two self-contained one bedroom flats.	Permitted	09.11.2007

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- P3 – Vehicle Parking Standards
- 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.

National Planning Policy Framework (2021)

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 12 – Achieving well-designed places
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Housing Need

Policy CS02 of the Local Plan Core Strategy sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), 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 (LPCS) must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF)(2021).

This requires that in regard to housing development, planning permission should be granted unless: "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 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 (2021) at footnote 7 (rather than those in development plans) relating to any of the following:

- Sites of Special Scientific Interest;
- Green Belt;
- Local Green Space;
- Areas of Outstanding Natural Beauty;
- Irreplaceable habitats;
- Designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 67); 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 124 of the NPPF (2021)) 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 would provide a net increase of 2 dwellings, which would offer a minimal contribution towards meeting local housing need and, accordingly, this weighs in support of the application. The NPPF (2021) also encourages the effective use of land in meeting the need for homes. However, this has to be balanced against safeguarding and improving the environment and ensuring

safe and healthy living conditions, matters which are sought throughout the NPPF (2021), including in particular the requirement for development to maintain an area's prevailing character and setting; achieve high quality buildings and places; add to the overall quality of the area, be visually attractive, and create a high standard of amenity for existing and future users. These matters will be considered further below.

Supplementary Planning Guidance

- SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006)
- Upper Windmill Street Conservation Area Character Appraisal (2007)
- Management Plan Gravesend Town Centre Conservation Areas (2007)
- Technical housing standards – nationally described space standard (2015)

Consultations, Publicity and Representations

Consultees

GBC - Highways Officer

I have no objections to this proposal this is an edge of town development, so no car parking is required and I consider the cycle parking requirement to be comparable so none is required.

GBC Conservation Officer – No comments received.

Neighbouring properties

19 surrounding properties were consulted plus site and press notices with an overall consultation expiry date of 1 October – no responses received.

Officer's Analysis

The application site consists of a four storey building converted to flats – the first and second floors as a maisonette permitted under ref. 19900180 and two flats one at basement and one at ground floor level permitted under ref. 19870812. This proposal seeks permission for conversion of the existing three bedroom maisonette across first and second floors into two separate one bed self-contained flats. There are no external alterations proposed.

Principle

The site is within the urban boundary of Gravesend which is covered by Policy CS02 (LPCS) which supports the principle of residential development within the urban area. The property has already been converted from a single dwelling to self-contained flats so the proposal would not be contrary to Policy CS15 (LPCS) which protects conversion of family sized dwellings. The property is also in an area where there are a number of other properties which have been converted to flats and so the proposal is compliant with part (i) of saved Policy H5 (LPFR) which states the building shall be in an appropriate area for conversion to flats. It will now need to be seen if the proposal will also provide sufficient living conditions for future occupiers, be acceptable in respect of parking and highway safety and protect the SAMMS/SPA.

Amenity of Future Occupiers

As originally submitted the proposal was for two, one bedroom, two person flats. The internal floor area for flat C was 36.9 sq.m and for flat D it was 39.8 sq.m. The Technical housing standards – nationally described space standard (2015) (THS) state that the minimum size for a 1 bed 2 person 1 storey dwelling is 50 sq. m. Flat C would therefore have been 13 sq.m under the minimum and flat D would have been 10 sq. m under.

A material consideration is that the proposed development has already been permitted in 2007 under ref. 20070849 which had the same sized accommodation for each flat – this would have been assessed against the Council's SPG2 - Residential layout guidelines (1996) excluding the Housing Standards Policy Statement October 2015. It was noted at the time that the proposed layout for the first floor flat failed the minimum room size for a living room and kitchen (it was 18 sq.m combined instead of 20.4 sq.m) however, it was deemed only a marginal shortfall and noted there was no specific guidance on the size for an open plan kitchen and living room.

In this current application however, given the change in national policy and guidance it was considered the flats could not be supported due to the significant amount they were undersized. The agent was advised of this and has provided revised plans and is now proposing 1 bedroom, 1 person flats (with shower rooms). The minimum size for this type of accommodation as per the THS is 37 sq.m and so both flats at 36.9sq.m and 39.8 sq.m would meet this minimum criteria and therefore provide suitably sized accommodation for future occupiers.

In terms of amenity space Flat C would have 23.4 sq.m and Flat D would have 34 sq.m therefore, both flats would exceed the minimum amenity space required for flats of 10 sq.m as set out in SPG2. Although given the layout of the rear garden area in combination with the amenity space for the other two flats it remains to be how practical this space would be. In any case the site is considered close enough to the town centre for flexibility to be given in this regard.

In respect of the amenity of occupiers the proposal is therefore considered compliant with Policy CS19 (LPCS).

Parking and Highways

The proposal provides no off-street parking but given the location of the development on the edge of town centre and that the existing three bedroom flat has no off-street parking and arguably two one bedroom flats would be less demand, it is considered the proposal would have no impact with regards parking and highway safety. In respect of these matters the proposal is therefore considered compliant with saved Policy P3 (LPFR).

Ecology/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 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 £250.39 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.

In this case a contribution agreement has been provided by the applicants (the required tariff would be £253.83 for the net addition of one flat). It is therefore considered 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 is contrary to Paragraphs 180 and 181 of the NPPF 2021 and Policy CS12 (LPCS).

Other

Design, Character, Appearance and Heritage

As no external changes are proposed there would be no impact in terms of the appearance of the dwelling, streetscene and the proposal would preserve the character and appearance of the Upper Windmill Street Conservation Area. In this regard the proposal is compliant with Policies CS19 and CS20 (LPCS) and saved Policy TC3 (LPFR).

Neighbouring Amenity

As no external changes are proposed there would be no impact on neighbouring properties and in this regard the proposal is compliant with Policy CS19 (LPCS).

Refuse

Currently refuse bins for the existing flats in the building are located in the front garden which is proposed to be the case for the proposed two flats. This is not sympathetic in terms of visual amenity. However, given the 1980s permissions for the existing flats at the premises which includes the maisonette it is proposed to convert, it is considered difficult to be able to obtain different refuse storage for this current proposal which is for two one bed one person flats in place of the existing three bedroom maisonette. Such flats could arguably have less or the same amount of refuse storage needed as the three bedroom maisonette. As such on this occasion it is considered no objections can be raised to the proposed placement of the bins for refuse storage of the two proposed flats in this location also. In respect of this matter the proposal is therefore considered compliant with Policy CS19 (LPCS).

Any Other Material Planning Considerations

None.

Conclusion & Recommendation

On the basis of the revised plans received the proposal would provide acceptable living conditions for future occupiers, would have no impact in terms of character and appearance, would preserve the character and appearance of the Upper Windmill Street Conservation Area, would have no impact in terms of parking or highway safety, would protect the SPA/SAMMS site, would have no impact on neighbouring properties and

would be acceptable in terms of refuse storage (given the existing situation).

Recommendation: Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	18th November 2021	Dated:	18 November 2021