

Delegated Report

Full Planning Application

Application No:	20240471
Location:	Universal Food Centre, 4 - 5 Milton Road, Gravesend, Kent, DA12 2RE
Description:	Alterations to the front entrance door on ground floor and rear dormers along with internal alterations above shop to create a four bedroom HMO
Applicant:	Mr. Ramandeep Singh Do Sanjh
Site Visit:	N/A Desktop Assessment

Positive and Proactive Decision Making

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) (2024), the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area.

The application site is in disrepair and not in use following a serious fire in 2022 at the New Inn which spread to this site. Following a previous refusal and in the interest of positive and proactive decision making the Local Planning Authority have undertaken negotiations with the applicant to bring forward a policy complaint development creating new homes within the HMO and retaining an A1 retail use on the ground floor.

As part of the negotiations the Local Planning Authority set out a number of concerns with the proposal, based on the previous refusal, being the previous use of the upper floors, the waste provision and design impacts on the Conservation Area. The alterations requested were in relation to the dormers, materials and bin store, and in addition, to attempt to mitigate discharge of conditions application, further details and information were requested in terms of joinery details and air quality. The agent provided the required plans and information, however as set out later in the report some details are not acceptable and require amendment based on noise/air quality considerations, as such conditions will be attached to ensure that these are approved in writing by the Local Planning Authority.

Submitted Documents/Plans

- Application Form – dated 25 May 2024;
- Supplementary Information – Air Quality Assessment by NoiseAir Acoustics and Air Quality (ref. P7792-R1-V1) – dated 01 October 2024;
- Drawing no. 01 – Site Location and Floor Plans as Existing;
- Drawing no. 02 – Roof Plan and Elevations as Existing;
- Drawing no. 03 – Rev. A – Ground and First Floor Plans as Proposed, with Existing and Proposed Block Plans;
- Drawing no. 04 – Rev. A – First Floor and Loft Plans as Proposed;
- Drawing no. 05 – Rev. A – Elevations as Proposed;
- Drawing no. 07 – Proposed Shop Front Plan and Elevation;
- Drawing no. 08 – Proposed Hanging Sign and Eave Details;

- Drawing no. 09 – Proposed Window Detail;
- Drawing no. 10 – Proposed Shopfront Details.
- ~~Drawing no. 03 – Ground and First Floor Plans as Proposed, with Existing and Proposed Block Plans – SUPERSEDED;~~
- ~~Drawing no. 04 – First Floor and Loft Plans as Proposed – SUPERSEDED;~~
- ~~Drawing no. 05 – Elevations as Proposed – SUPERSEDED.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20240094	Formation of 2 x 1 bedroom self contained flats and 2 x studio flats along with first floor rear extension and roof conversion above shop.	REFUSED	27.03.2024
20171308	Installation of a new timber framed shopfront.	REFUSED	06.02.2018
20120848	Installation of new shopfronts.	PERMITTED	06.12.2012
20120132	Continued display of internally illuminated fascia sign and internally illuminated projecting sign.	REFUSED	11.06.2012
20000595	Conversion of part of first floor and second floor into 2 no. self-contained one bedrooms flats and installation of a separate entrance door for the flats in the existing front elevation.	REFUSED	30.10.2000
19980579	Internal alterations and alterations to shop front.	PERMITTED	04.11.1998
19910563	Alterations to the front elevation at ground and first floor levels.	PERMITTED	05.03.1993
19850638	Display of illuminated neon tubing fascia sign	CONSENT	23.10.1985
19850637	Installation of a new shopfront	PERMITTED	11.10.1985

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesham Town Centre Opportunity Area
- CS08 – Retail, Leisure and the Hierarchy of Centres
- 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 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 8 – Promoting Healthy and Safe Communities
- Section 11 – Making Effective Use of Land
- 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 Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham - Design Code (2024)
- King Street Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

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.

Consultations, Publicity and Representations

Internal Consultees

GBC Environmental Protection (Regulatory Services) – If Planning are viewing this as a new residential for an HMO, then as the property falls within an AQMA we would usually require mechanical ventilation as an alternative to opening windows (and allowing polluted air to enter) as new sensitive receptors are being introduced into an area of poor air quality.

The submitted Air Quality Assessment does indicate that levels at the property will be below the Air Quality Objectives based on nearby monitoring data, however, this is still a polluted area, and with bedroom windows on the front façade, this is likely to have an impact on the quality of life of the occupants. In addition, a noise impact assessment (NIA) is usually required for this area due to traffic noise. NIA's submitted for similarly placed properties have shown that internal noise levels exceed the criteria in BS8233:2014 with windows open for ventilation. Whilst it may be considered unreasonable to request an NIA be undertaken at this late stage as it hasn't been asked for before, in my professional opinion, upgraded glazing will be needed to ensure that internal noise levels will be compliant with the criteria in BS8233:2014.

Therefore, it is advised that habitable rooms windows fronting Milton Road are upgraded and sealed to prevent pollution from entering the residential units and a mechanical heat and ventilation systems (MVHR) be installed as a means of alternative ventilation and cooling. This will also provide the occupants with a means to shut out noise from traffic.

As you're probably aware, with other residential conversions in Milton Road, being in a conservation area,

measures that we may consider acceptable for dealing with noise and air quality issues, may not be acceptable to the conservation officer, so are usually required up front. Below is the standard requirement for air quality in this type of situation. Part a) should be provided now and part b) can be addressed by way of a condition:

- a) The applicant must submit a scheme of air quality mitigation for approval which should include the installation of an air system which positively pressurises the residential unit 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 the rooms on the first and second floor roadside of Milton Road. 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 on Milton Road, 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 on the front facade shall not have trickle vents and shall be fixed shut.

The applicant will be provided with the checklist of points (attached) that must be considered and included in the scheme, and which must be adequately demonstrated to the LPA by the submission of required information, plans, commitments etc. in order for the scheme to be approved.

- b) The approved scheme must be installed, before occupation. The installed scheme must be commissioned, before occupation, by an independent ventilation engineer to ascertain if the flow rates are correct and that it is fit for purpose i.e. that it fulfils its purpose of positively pressurising the residential units so that pollution cannot enter from the roadside and is not drawn into the property through the air system. The commissioning report must be submitted to the LPA including a signed declaration from the engineer that they are satisfied that it is fit for purpose it has been required for i.e. prevention of air pollution entering the building.

The LPA will visit the site following commissioning to ensure the approved systems are installed, seen working and are in the correct residential units etc.

GBC Waste and Recycling Manager – I have reviewed the attached planning application and I can confirm that I am happy with the bin storage details within this application.

Please note, it is the responsibility of the property owner to purchase the bins for the domestic properties and the business owner to ensure that suitable collection regime is in place for the business waste.

GBC Conservation Officer – Generally acceptable in principle subject to details.

If the double doors are to be accepted we would want to require a double pilaster to reduce the scale of the fascia width to be in proportion with the traditional shop front, see below.

The dormer windows, front and rear appear to have been drawn too large and need to be reduced in size and the opportunity should be taken to enhance the windows which should be side hung multipaned flush casements.

Roof tiles should be clay and samples submitted for approval as these need to tie in with the adjacent buildings when they are restored.

If demolition and rebuild is proposed then details of eaves and wall finish need to be approved.

See attached annotated screen grab.

Gravesham's Residential Layout Guidelines (2020). The proposal is also considered to provide a lack of refuse storage facilities for future occupiers and the commercial unit. 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 (2023).

3. *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 185 and 186) of the National Planning Policy Framework (2023) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).*

Although the proposal is different from the refusal (ref. 20240094), some of the previous grounds of refusal are relevant and must be overcome as part of this proposal.

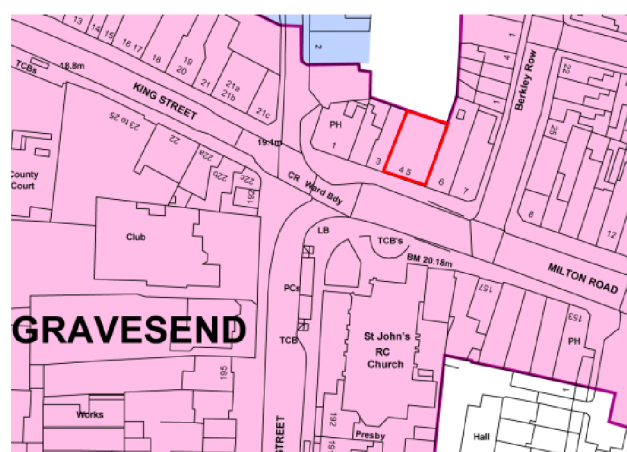
Officer's Analysis

Site Description

The application site consists of a two storey building located towards the north side on Milton Road. The ground floor is in A1 retail use, with residential flats above.



The site is situated within the King Street Conservation Area.



The proposal is located within the King Street Conservation Area and adjacent to the grade II listed New

Inn (Number 1 Milton Road). On the opposite side of the road is the Grade II listed St John's RC Church and 157 & 158 Milton Road. The building itself forms a part of the original range of buildings that were the New Inn, which was later subdivided and is therefore of local historic interest and a non-designated heritage asset.

The application site was damaged in a fire at the New Inn, 1 Milton Road in May 2022.

Development Proposal

This application proposes repairs to the building, which include alterations to the shopfront entrance, rear dormers and other internal alterations. As aforementioned above, the site was damaged by a fire in 2022, which caused damage to the roof of the building and the loft area.

The proposed development seeks to convert the upper floor dwellinghouse into a four bedroom HMO, with the internal and external works and the retention of the Class A1 shop on the ground floor. The below screenshots demonstrate the changes to the building:



As part of the development, replacement dormers will be installed on the front elevation with new roof tiles. There will be new windows at first floor level and the first floor façade will be re-rendered. The shopfront will be altered, with a false front installed to accommodate the bin store and a new double door into the

commercial unit, with new pilasters and alterations to the signage. On the rear elevation, the dormers will be re-tiled, with new windows installed and a velux window on the flank slope of the western pitched roof gable projection.

Principle of Development

The site is located within the Town Centre Opportunity Area (Policy CS05), Gravesham's Primary Shopping Area (Policy CS08) and the King Street Conservation Area. As such, a key consideration in this application will be if the development preserves the Grade II Listed Building or any of the features of special architectural or historic interest that it possesses, and whether the proposal would preserve or enhance the character and appearance of the King Street Conservation Area.

The principle considerations in the assessment of this application are:

- Design and Impact on the Conservation Area
- Residential Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Design and Impact on the Conservation Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 135 of the NPPF (2024) seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 (LPCS) reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The NPPF (2024) also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 210). This is echoed in Policy CS20 (LPCS), which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC2 of the Local Plan 1994 sets out that for development affecting the setting of listed buildings, the primary consideration is the maintenance of the integrity of the original listed building, and whether the character or appearance of the listed building will suffer as a result. Proposals must be sympathetic in terms of their appearance and materials.

Saved Policy TC3 of the Local Plan 1994 also states that development is expected to make a positive contribution to the conservation area. As the application site lies within the King Street Conservation Area, in close proximity to Listed Buildings, these policies are all relevant to the consideration of this application.

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 124 of the NPPF (2024)), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF (2024). Relevant to this proposal, paragraph 129 of the NPPF (2024) which states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places.

The King St Conservation Area Appraisal highlights, as aforementioned in this report, that the application property is a non-designated heritage asset which has townscape merit and is a relatively unaltered building that makes a positive contribution to the special interest of the Conservation Area.

The proposed changes to the external appearance of the building on the front elevation include replacement dormers and windows, with alterations to the shopfront, as well as replacement materials such as render and tiles. On the rear elevation, the proposal seeks replacement windows reinstate and retile the dormer windows and install new velux windows onto the side slope of the hipped roof projection.

The alterations to the shopfront were subject to lengthy negotiations to include a waste store for the residential and commercial uses. To accommodate the store, a false shopfront will be introduced with the bins screened behind etched frosted glass and cast-iron metal grills for ventilation, with a new doorway introduced. Notwithstanding the proposed false shopfront being acceptable, conditions will be attached to ensure that details are submitted and approved in writing. Further to this, the plan states that halo lit advertising would be included on the shopfront, which is not acceptable within the Conservation Area and a condition will be attached to ensure that appropriate lighting is submitted and approved in writing.

The Conservation Officer reviewed the proposal as originally submitted and requested a number of changes, including reducing the size of the dormers to match the original scale with multi-paned windows, timber multi-paned sash windows, introducing double pilaster on double doors, and recommended changes to the shopfront to create an integral bin store. The comments were shared with the agent and revised plans were submitted, which demonstrate the changes requested, however lack certain details and include unacceptable content such as halo backlit signage. Therefore, conditions will be attached to ensure that notwithstanding the supporting information, details are submitted to and approved in writing by the Local Planning Authority.

The proposed development will preserve and enhance the character of the Conservation Area by virtue of bringing a building damaged by fire back into good condition with appropriate materials and details to be secured through conditions. Therefore, subject to conditions, the proposal meets the statutory requirement of S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and is in accordance with saved policy TC3 of the Local Plan (1994), Policies CS19 and CS20 (LPCS) and Section 16 of the NPPF (2024).

Residential Amenity

Although the conversion of the upper floors to a HMO would be permitted development, it is important to ensure a satisfactory living environment can be achieved for future occupants. Policy CS19 (LPCS) seeks to ensure that the design and layout of new development accords with the adopted Residential Layout Guidelines (RLG) (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, Gravesham's RLG (2020) and the Nationally Described Space Standards (2016) which 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 a more appropriate room sizes for this application type. For a one person unit there should be a minimum bedroom floor area of 6.51m² and a two person unit should have a floor area of 10.22m². The table below highlights the floor area of each unit within the proposed development:

	Bedroom (m ²)	Persons	Unit (m ²)	Facilities
1	11.35m ²	1	15.45m ²	ensuite
2	13.4m ²	2	16.3m ²	ensuite
3	14.4m ²	2	18.4m ²	ensuite
4	19.1m ²	2	23.95m ²	ensuite

Table 1 - HMO Room Breakdown

As demonstrated in the Table 1 all rooms within the HMO would comply with the minimum bedrooms floor area in Gravesham's 'Guidance for HMO Amenity Standards' (2023). It should also be noted that all rooms are served by an ensuite.

There will be one kitchen/diner located on the second floor and a utility room on the first floor of the building. 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

Table 2 - HMO Communal Kitchen and Dining Requirements

The kitchen/diner has a floor area of approx. 29.2m², which exceeds the minimum requirement for a HMO with up to 7 occupants (11m²) and the 14m² dining requirement. Moreover, the shared utility rooms containing washing facilities has a floor area of 6.4m². As such, the development would provide acceptable communal living facilities for future occupiers.

Moreover, the allocation of the kitchen and living/dining rooms spread across the first and second floors accord with the HMO Guidance and are easily accessible to all occupants of the building.

External Amenity

There is no amenity space provided for future occupiers. Nevertheless, the building is within walking distance of open spaces at the Riverside leisure area and the Gravesend Promenade, which is considered to overcome any concerns with the amenity space provided in this development.

Neighbouring Amenity

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.

Summary

Overall, it is considered that the proposed change of use of the building into a HMO will provide satisfactory standards of living accommodation, in line with local and national space standards. In addition, there will be no adverse impact on the amenity of neighbouring occupiers. As such, the proposal safeguards the residential amenity in accordance with Policy CS19 (LPCS), Section 12 of the NPPF and specifically the guidance on HMO amenity standards (2023).

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.

No secure cycle storage is shown on any of the plans provided. There is also no side access to achieve secure cycle storage to the rear, without dragging cycles through the property. This is contrary to Gravesham's adopted parking standards (SPG4) (2006), however it is unlikely that this would be sufficient

grounds to refuse the development, given the nearby location of public cycle lockups.

Overall, on balance the proposal is considered acceptable as a car and cycle free development given the proximity to the town centre and public bicycle lockups.

Any Other Material Planning Considerations

Noise

The application site is in Gravesend Town Centre, close to a heavily trafficked and often congested road on the one way system and on one of the main routes used by people to access late night licensed and takeaway premises.

Therefore, the potential for noise disturbance for future occupiers is a material consideration. Gravesham's Environmental Protection Team have highlighted that the application has not been supported by a noise impact assessment and have recommended that planning conditions are attached to ensure that noise impacts do not harm the amenity of future occupiers of the HMO.

Therefore, subject to these matters being secured by condition, the proposal will safeguard the amenity of future occupiers through acceptable noise management in accordance with Policy CS19 (LPCS).

Air Quality

The application site is located within the A226 one way system Air Quality Management Area (AQMA). This area is declared for exceedances of nitrogen dioxide from traffic above annual air quality objectives, and the development would introduce residential units into an area with poor air quality.

The application is supported by an Air Quality Assessment, that indicates that levels at the property would be below air quality objectives based on nearby monitoring data. This has been reviewed by Gravesham's Environmental Protection Team who reaffirmed that the property falls within the AQMA, which is a highly polluted area, and with bedrooms on the front façade would likely impact on the quality of life of future occupiers, to the detriment of their amenity.

Environmental Protection Officers have requested that the windows fronting Milton Road are upgraded and sealed to prevent pollution entering residential units, with a mechanical heat and ventilation system (MVHR) to be installed as a means of alternative ventilation and cooling. This can be secured through a planning condition.

The requirement of this condition will mean that the window details provided will likely require amendment and therefore a condition requiring revised window joinery details will be attached to the decision notice, to be approved in writing by the Local Planning Authority, to ensure that the units meet noise and air quality requirements while preserving the quality of the heritage asset.

Therefore, subject to these matters being secured by condition, the proposal will safeguard amenity of future occupiers through good air quality in accordance with Policy CS19 (LPCS).

Waste Management

The provision of suitable arrangements for waste storage is a condition of issuing a HMO license and adequate waste storage must be provided for both the residential and commercial uses.

The proposal includes a shared bin store for the HMO and commercial unit, behind the false shopfront. The bins provided are adequate for the size of the commercial unit and HMO, with no objection raised by GBCs Waste and Recycling Manager. There will be a standard waste informative attached to the decision notice.

Therefore, the proposal provides adequate waste storage and is in compliance with 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 water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £328.27 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 convert a four bedroom dwelling into a four bedroom HMO and as such no additional recreational activity would result. Therefore, it is considered that there would be no adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, and the proposal is in accordance with Section 15 (specifically paragraphs 193 and 194) of the NPPF (2024) and Policy CS12 (LPCS) (2014).

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

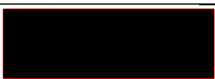
Subject to conditions the proposal would not cause harm to the character, architectural or historic interest of this non-designated heritage asset or the setting of the adjoining Listed Building. Although there are a number of changes to the appearance of the building, the proposal follows similar characteristic of the original features and would preserve the character and appearance of the Conservation area, subject to conditions for additional details to be submitted. Furthermore, the development will safeguard the amenity of future occupiers, by providing acceptable living conditions, subject to introducing noise and air quality mitigation, as well as adequate waste storage. There is no impact for neighbouring residents nor the highway network.

As such, it is recommended that permission is granted subject to conditions.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	18 th December 2024	Dated:	20 December 2024