
SUMMARY REPORT

Application Ref:	20220728
Site Address:	Former Guru Nanak Darbar Gurdwara Clarence Place Gravesend Kent
Application Description:	Conversion of existing building to accommodate 14 residential apartments with ancillary cycle and bin storage facilities.
Applicant:	Mr Jack Rai, Guru Nanak Darbar Gurdwara Gravesend
Agent:	Mr Jeff Haskins, Haskins Design Ltd
Ward:	Central
Parish:	Non-Parish Area
Decision due date:	18 October 2022
Publicity expiry date:	19 August 2022
Decision Level:	Planning Committee – Wednesday 26 October 2022
Reason for referral:	Member call-in and at the discretion of the Service Manager (Planning)
Recommendation:	Delegated to the Service Manager (Planning) to grant PERMISSION subject to planning conditions and the completion of a section 106 legal agreement

Summary of Reasons for Recommendations

The proposal is to convert the former Gurdwara on Clarence Place and buildings to the rear (facing William Street) into 14 flats. The conversion results in a form of development that will preserve and enhance a non-designated heritage asset, whilst making a positive contribution to the surrounding Conservation Area.

The proposal will provide satisfactory accommodation for the future residents and, on balance, protects the amenity of neighbouring properties.

The site is located within the 'edge of centre' where car parking can be provided in public car parks or on street at Clarence Place (subject to obtaining a parking permit) and therefore the proposed 'car-free' scheme meets the adopted parking standards and provides for suitable levels of cycle storage.

The scheme also provides for contributions to local infrastructure. The proposed scheme accords with the Development Plan and material considerations and is therefore recommended for approval subject to the signing of the S.106 agreement

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is a former Gurdwara which was originally built as Milton Congregational Church and lecture hall in 1873. The site is centrally situated on the northern side of Clarence Place and opposite the Windmill Gardens, Recreational Grounds, which contains a Grade II Listed war memorial. The rear faces onto William Street.
- 1.2. The Grade II listed war memorial is located within Windmill Hill Gardens. It is set within a formal park layout including pathways and lawned sections with substantial trees on either side. Its immediate setting within the park provides a relatively serene environment in which it can be appreciated. The former Gurdwara building forms part of its wider visual setting within the street, although there is no historical connection between the memorial and the former Gurdwara or its previous use as a Church. Whilst the former Gurdwara is visible from it, it is not located directly opposite and is on the other side of the road to it.
- 1.3. The former Gurdwara does fall within the Windmill Hill Conservation Area Character Appraisal 2007 and is identified as one of the principal landmarks in the Conservation Area. The appraisal notes that it is a feature building in views along the street, and from other parts of the Conservation Area. It is also shown as being one of the buildings of local interest on the Designations Map within the appraisal and as a 'positive building' within the Townscape Appraisal Map.
- 1.4. Whilst Clarence Place itself is generally characterised by paired two and three storey villas, the former church provides an architectural and visual break to the predominant building form and in doing so adds considerable interest to the appearance of this part of the Conservation Area. Whilst the former Gurdwara contrasts with other surrounding buildings, its strong presence and form within the street scene is consistent with the religious and community roles it has previously performed, justifying its status as a prominent and important landmark building within the Conservation Area. As well as making a positive contribution to the character and appearance of the Conservation Area the building is also in itself a non-designated heritage asset.
- 1.5. Historic England's Advice Note 7 (Second Edition), Local Heritage Listing: Identifying and Conserving Local Heritage, sets out that non-designated heritage assets are locally-identified buildings, monuments, sites, places, areas or landscapes identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. It is important to note that some non-designated heritage assets are equivalent to designated heritage assets in terms of significance, and can be identified in a number of ways, including:
 - Local heritage lists
 - Local and Neighbourhood Plans
 - Conservation area appraisal and reviews
 - Decision-making on planning applications
- 1.6. The former Gurdwara site slopes down to the north, has a frontage of some 28m and a depth of 32m on the west side and 37m on the east side. The building presents a façade towards Clarence Place in gothic revival style, displaying features in the design and overall compositions that makes it identifiable as an early work of the architect Sir John Sulman. Since its original construction in the 19th century, the building has

undergone a series of changes both internally and externally which have compromised the building to a degree. External changes include rendering of the front of the building and some unsympathetic extensions to the side and rear.

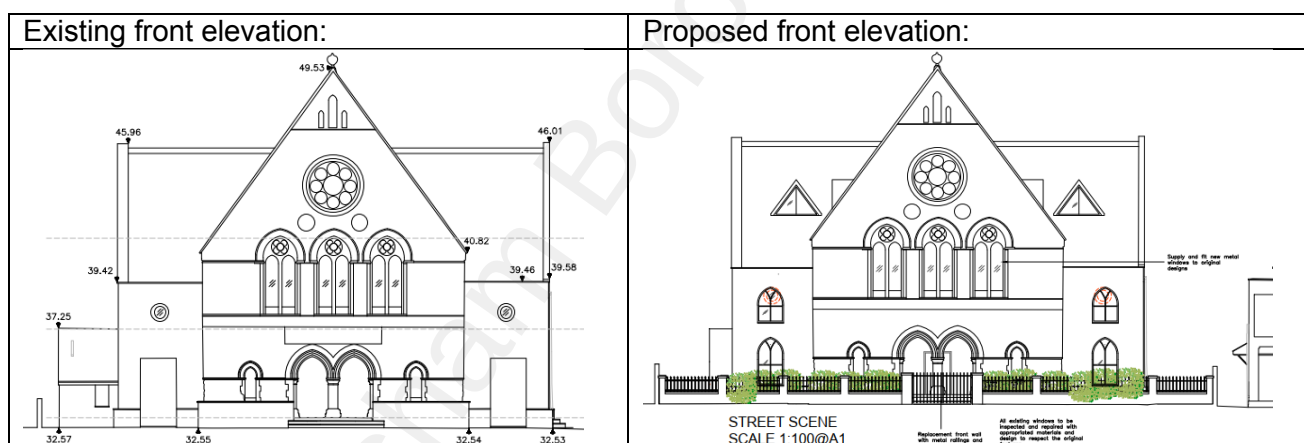
- 1.7. To the west of the site are early Victorian paired villas, stuccoed and painted under low pitched slate roofs. The fenestration has a strong vertical emphasis with timber sash windows and doors arranged symmetrically. The front entrances are located on William Street and the buildings are generally four stories in height with a lower natural ground level. To the east are a range of paired villas with similar to those to the east but with facing brickwork.

2. Planning History

20140550 - Demolition of existing building and erection of a four/five storey building to accommodate 16 two bedroom and 3 one bedroom self-contained flats with 19 parking spaces, cycle storage provision and bin stores at basement level. Refused and dismissed on appeal (17.01.2020).

3. Proposal

- 3.1. This application seeks planning permission for the conversion of the existing building to accommodate 14 residential apartments with ancillary cycle and bin storage facilities.



- 3.2. On the lower ground floor will be a library, entrance lobby, cycle store and bin store.
- 3.3. On the ground floor there will be six apartments (4no. 1 bed, 2 person and 2no. 2 bed, 4 person). On the first floor there will be five apartments (2no. 1 bed, 2 person and 3no. 2 bed, four person). On the top floor there will be three apartments (2no. 1 bed, 2 person and 1no. 2 bed, 4 person).
- 3.4. The former Gurdwara fronting Clarence Place will include ten apartments with an entrance to Clarence Place (four no. 1 bed 2 person and six no. 2 bed 4 four person apartments), with the building fronting William Street consisting of a library, entrance lobby, cycle store, bin store and four no. 1 bed, 2 person apartments.
- 3.5. The application consists of the following documents/plans
- Application form
 - Internal Illuminance Analysis
 - Heritage Impact Assessment

- Design and Access Statement
- Bat Survey
- Planning Statement
- Drawing no. 181-PD17 rev A (proposed street scene)
- Drawing no. 181-PD15 rev C (proposed site plan)
- Drawing no. 181-PD13 rev A (existing elevations)
- Drawing no. 181-PD16 rev C (proposed elevations)
- Drawing no. 181-PD11 rev D (proposed plans and accommodation schedule)
- Drawing no. 181-PD10 rev A (existing plans and section)
- Drawing no. 181-PD12 rev D (proposed sections)
- Drawing no. 181-PD15 rev D (proposed site plan, location plan and block plan)
- Drawing no. 181-PD01 (existing site plan, location plans and block plan)

4. Planning Policy, Development Plan and other Material Considerations

Gravesham Local Plan Core Strategy (September 2014):

CS01 – Sustainable Development
 CS02 – Scale & Distribution of Development
 CS09 – Culture and Tourism
 CS10 – Physical and Social Infrastructure
 CS11 – Transport
 CS14 – Housing Type and Size
 CS15 – Housing Density
 CS18 – Climate Change
 CS19 – Design & Development Principles
 CS20 – Heritage and the Historic Environment

- 4.1 Paragraph 33 of the National Planning Policy Framework (2021) sets out those 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.
- 4.2 The Council undertook such a review in September 2019 and the review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994):

P3 – Vehicle Parking Standards
 T1 – Impact of Development on the Highway Network
 H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
 TC2 – Listed Building
 TC3 – Development Affecting Conservation Areas

Other material considerations

National Planning Policy Framework (2021)

Section 2 – Achieving sustainable development
 Section 4 – Decision-making
 Section 5 – Delivering a sufficient supply of homes

Section 7 – Requiring good design
Section 8 – Promoting healthy and safe communities
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

4.3 Given Gravesham'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 Core Strategy Policy CS02 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.

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

- Habitats sites (and those sites listed in NPPF paragraph 181)
- 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.

NPPF footnote 68 states, non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

4.5 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.

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020);
- SPG 4 - KCC Parking Standards (2006);
- Housing Standards Policy Statement 1st October 2015;
- Technical Housing Standards - Nationally Described Space Standards.
- Windmill Hill Conservation Area Character Appraisal (2007)
- Management Plan – Gravesend's 19th Century Suburban Conservation Areas

(2009)

- 4.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty in respect to conservation areas when exercising planning functions. In particular it requires that Local Planning Authorities (LPAs) pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

5. Consultations and Publicity Responses

Consultations

KCC Flood and Water Management

Kent County Council as Lead Local Flood Authority (LLFA) have reviewed the Drainage Statement prepared by Haskins Designs Ltd and regard the development as low risk with regards to surface water runoff due to the scale and available space on the site. The LLFA appreciate the incorporation of rainwater storage features such as the rainwater butts on site to help reduce the surface water contributions to the existing sewer system.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

GBC Conservation Officer

The proposals follow the pre application comments and are acceptable. The success of the proposals will heavily rely on detail and materials, which need to be conditioned.

KCC Heritage inc Archaeology

The building proposed for conversion is the former Milton Mount Congregational Church, and subsequently Former Guru Nanak Darbar Gurdwara dating from the 1870s and designed by the architect John Sulman (1849-1924). The application has been made with a Heritage Statement (HCUK, 2022). The decision not to demolish the building, but to convert it is welcomed. The conversion will inevitably lead to impacts to the historic fabric of the building and I recommend that by way of mitigation of these impacts, an Historic England Level 3 survey and report is made of the building for future record and research. I consider it unlikely that the proposed works will have a significant below-ground archaeological impact.

If planning permission is granted, I recommend that the following condition is attached to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

KCC Biodiversity

We are satisfied with the results of the bat survey report, which found no evidence of roosting bats. If planning permission is granted, we advise that a breeding bird informative and ecological enhancement condition are attached. Suggested wording:

Breeding Bird Informative: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Ecological Enhancement: Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape scheme. The approved details will be implemented and thereafter retained.

Kent Fire and Rescue Service

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20220728 I would like to make the following observation.

Although it appears access to the proposed building under the County of Kent Act 1981 can be achieved; please confirm that once on site there is vehicle access for a pump appliance to within 45m of every point of the footprint of the proposed building measured along the route of the hose, or a fire mains fitted in accordance with paragraphs 13.5-6 of ADB Vol 1.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Environment Agency

We have assessed this application as having a low environmental risk. We therefore have no comments to make.

Non planning consents - Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

Drainage may be restricted in a Source Protection Zone or over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible. Developers should check <https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h> for Binding Rules information for small scale non mains discharges.

If you feel we should assess this planning application in more detail due to local issues please email KSLPLANNING@environment-agency.gov.uk.

GBC Private Sector Housing

Thank you for your recent consultation request in regard to the above-mentioned proposal.

We can confirm Private Sector Housing have no comments to relay in relation to our housing legislations and regulations. We believe the proposed scheme is currently out of our remit with Planning requirements and Building Regulations taking precedence.

GBC- Leisure & Resilience Manager (Communities)

Policy CS13 and the NPPF recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. As also outlined by Sport England, consideration should be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Due to the constrained nature of this development, it would not be expected that the developer would provide types of formal and informal leisure provision at site, but it is reasonable to expect the applicant to offset the impact of its development on existing leisure facilities in the area.

Taking into consideration the development's location within the borough and real time need/deficiencies on the ground, the development would be expected to make a financial contribution towards upgrading and improving existing leisure provisions, especially within the adjacent Windmill Gardens. For example, in relation to tennis courts, these require refurbishment/upgrading at site, as highlighted by the Lawn Tennis Association, as well as possible enhancements to the pavilion, which is listed within the Open Space Assessment/Playing Pitch Strategy as requiring an upgrade. Using Sport England Sports Facility Calculator (SFC), and if we assume 40 residents within the new development, the SFC gives an indicative contribution figure of approximately £18,108 towards enhancements/improvements at site.

GBC - Waste & Recycling Manager

I have reviewed the above planning application and have the following comments.

Location and access to the bins store appears to be fine, however there will need to be a drop kerb installed adjacent to the bin store door and some kind of parking restriction to allow access to the bin store.

The plans show that each property has been allocated 2 bins, there need to be a food waste provision for each flat. Has the developer considered large bulky bins rather than individual

wheelie bin. Full guidance can be found the Waste Management Planning Guidance Document.

It is the responsibility of the developer to pay for the bins, this can be done through the Council's Waste Management Team.

Collections from sites will not occur until containers are in place. It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints in regard to non-collection due to the fault of the developer will be passed onto to the developer for response.

The Council should be informed at least two weeks prior to the waste collections by the council taking place.

GBC Highways

This is an edge of centre development and as such no car parking is required. The provision and number of cycle parking spaces is to be welcomed.

However, I note the requirements of the Waste and Recycling Manager. A dropped kerb as it is on highway will need an agreement with Kent County Council as will any changes to on street waiting restrictions. As waiting restrictions are subject to their own legal process and the outcome cannot be guaranteed it may be necessary to have a Grampian condition to ensure any changes are implemented prior to the development taking place, if they are critical to waste collection.

No local highway objections.

GBC Parking Services

The current Traffic Regulation Order (TRO) allows any resident owning a vehicle at Clarence Place to be entitled to a parking permit. As there are no exempted properties, the TRO would allow residents of the proposed conversion to apply for parking permits.

To exempt this scheme from having permits, the TRO would need to be amended, in order to do this there would be a need to conduct a formal consultation.

It is very difficult to provide an accurate response on whether this scheme will affect parking on Clarence Place as it is not known how many additional vehicles, if any, the scheme will bring to the local area. If the scheme is car free, parking should not be an issue.

GBC Environmental Protection

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out

Smoke Control Informative:

Noise Control

In order to limit the likelihood of noise nuisance occurring due to poor construction/insulation, we would ask that the following is applied as a condition.

Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- If relevant, the rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014.

Code of Practice on Construction and Demolition

Please apply

Drainage/sewerage informative

Consultee comments inc. neighbouring properties

The application has been advertised by site notice, press notice and individual letters to 61 properties. 44 letters have been received raising the following summarised material planning considerations.

22 letters of support

- The building is in poor condition
- The planning inspector has been listened to
- Flats are a good size
- This has been a long time coming
- The original structure is being retained
- Valuable accommodation for the community
- The empty site has encouraged vandalism
- Blight on the landscape in comparison to the well-kept gardens opposite
- Support proposals for over 60s accommodation
- The buildings appearance will be improved
- Generous flats with common reading room/ library
- Support housing for the elder Sikhs and other members of the community
- There is sufficient parking – the previous use saw over 100 cars parking in Clarence Place and surrounding areas

22 letters of objection

- Do not support car-free scheme
- Difficult to park
- Details of external materials should be provided (windows, render, railings)
- Need assurances regarding surface water drainage
- Noise and disturbance
- Privacy concerns
- Right to light (*not a material planning consideration*)
- Party wall issues (*not a material planning consideration*)
- New dwellings should not have access to residents parking scheme
- There should be a section 106 agreement to stop the use of parking permits for these residents
- The double yellow lines outside of the Gurdwara should be removed now they are no longer needed and replaced with parking bays
- Retaining 1950s extensions is at odds with the rest of the building
- Parking permits are currently issued to Clarence Place occupants and Windmill Street
- New residents should have permits in Parrock Street Car Park
- The external materials should follow the colour palette that all the other residents have to abide by
- The flats appear small and should meet the Nationally Described Space Standard
- The developer has not provided outside space for all residents and therefore should contribute financially to the open space at Windmill Hill
- Overlooking into properties in William Street
- Lack of disabled parking
- Access to cycle and bin stores from William Street not possible due to no dropped kerb, narrow road
- The development should not favour sheltered housing or council assisted living as the area is already strained
- Policing should be increased due to drug dealing at the children's play park
- Traffic calming should be considered
- Development should enhance the Conservation Area
- Where will the construction workers park?
- A condition should be imposed to review zone c for Clarence Place before development starts
- Too many unanswered questions for an application to be granted
- Parking is already tight in William Street due to the spiritualist church and residents

6. Planning Analysis and Interim Development Manager Comments

Principle of Development

- 6.1 The site is within the urban boundary of Gravesend and Northfleet. Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) prioritises development in the urban area, and in particular by promoting regeneration through prioritising the redevelopment and recycling of underused, derelict and previously development land in the urban area.
- 6.2 The NPPF defines previously developed land as, "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals

extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds.”

- 6.3 The former Gurdwara site, falls within the definition of previously developed land, and given it is located within the urban area, it is a site where development is accepted, subject to wider development plan and material considerations.
- 6.4 The proposed development will achieve a density of 37 dwellings per hectare (DPH), whilst this does not meet the requirements of LPCS Policy CS15, which sets a minimum density of 40 dwellings per hectare within the urban area, LPCS Policy CS15 states, that development proposals should make efficient use of land for housing having regard to the character and location of the area. As set out earlier, the site falls within the Windmill Hill Conservation Area and is a non-designated heritage asset. These factors limit the density that can be achieved on site, as such it is considered that the proposal meets the wider thrust of LPCS Policy CS15.
- 6.5 Policy CS14 (LPCS) at 5.10.9 states that 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 evidence of local need to create sustainable and balanced communities. Evidence gathered by the Local Planning Authority to inform its Plan Making function e.g. Housing Market Assessments, has identified a need for varying dwelling types and tenures, these include a need for 1 and 2 bed apartments, as well as a need to meet the needs of general market housing, affordable housing and the needs of an aging population.
- 6.6 At a national level, the NPPF (2021) makes it clear that planning decisions should apply a presumption in favour of sustainable development, including supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes is provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places with accessible services. This should be done whilst protecting and enhancing our natural, built and historic environments and making effective use of land, adapting to climate change and minimising waste and pollution.
- 6.7 In conclusion, it is considered that the principle of residential use on this site is acceptable, but the redevelopment of the site for residential use needs careful consideration which is explored in the following section of this report. The application as a whole needs to be considered and the key issues to be considered within this application are as follows:
- Housing Need;
 - Heritage;
 - Character and Appearance;
 - Amenity (Future occupiers and neighbours);
 - Surface Water Drainage;
 - Ecology and Biodiversity;
 - Parking and Highways;
 - Planning Obligations

Background

6.8 Planning application 20140550 sought permission for the demolition of existing building and erection of a four/five storey building to accommodate 16 two bedroom and 3 one bedroom self-contained flats with 19 parking spaces, cycle storage provision and bin stores at basement level.

6.9 This was refused for the following reason:

The proposed application is accompanied by insufficient information to demonstrate that a sufficiently robust exercise regarding the use or re-use of the existing building has been undertaken. In the absence of such information there is not clear and convincing justification for the loss of the existing building which makes a positive contribution to the character and appearance of the Windmill Hill Conservation Area. As such, the development would result in an excessive and inadequately justified harm to the character and appearance of the Conservation Area, to a level which is not sufficiently mitigated by the benefits of the proposed development, and the proposal is therefore contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, saved Policy TC3 of the Gravesham Local Plan First Review (1994) and paragraph 11(d) and section 16 of the National Planning Policy Framework (2019).

6.10 The application was subsequently dismissed at appeal by the Planning Inspectorate on the grounds that the replacement buildings would harm the character and appearance on the Conservation Area through the loss of the existing building.

Housing Need

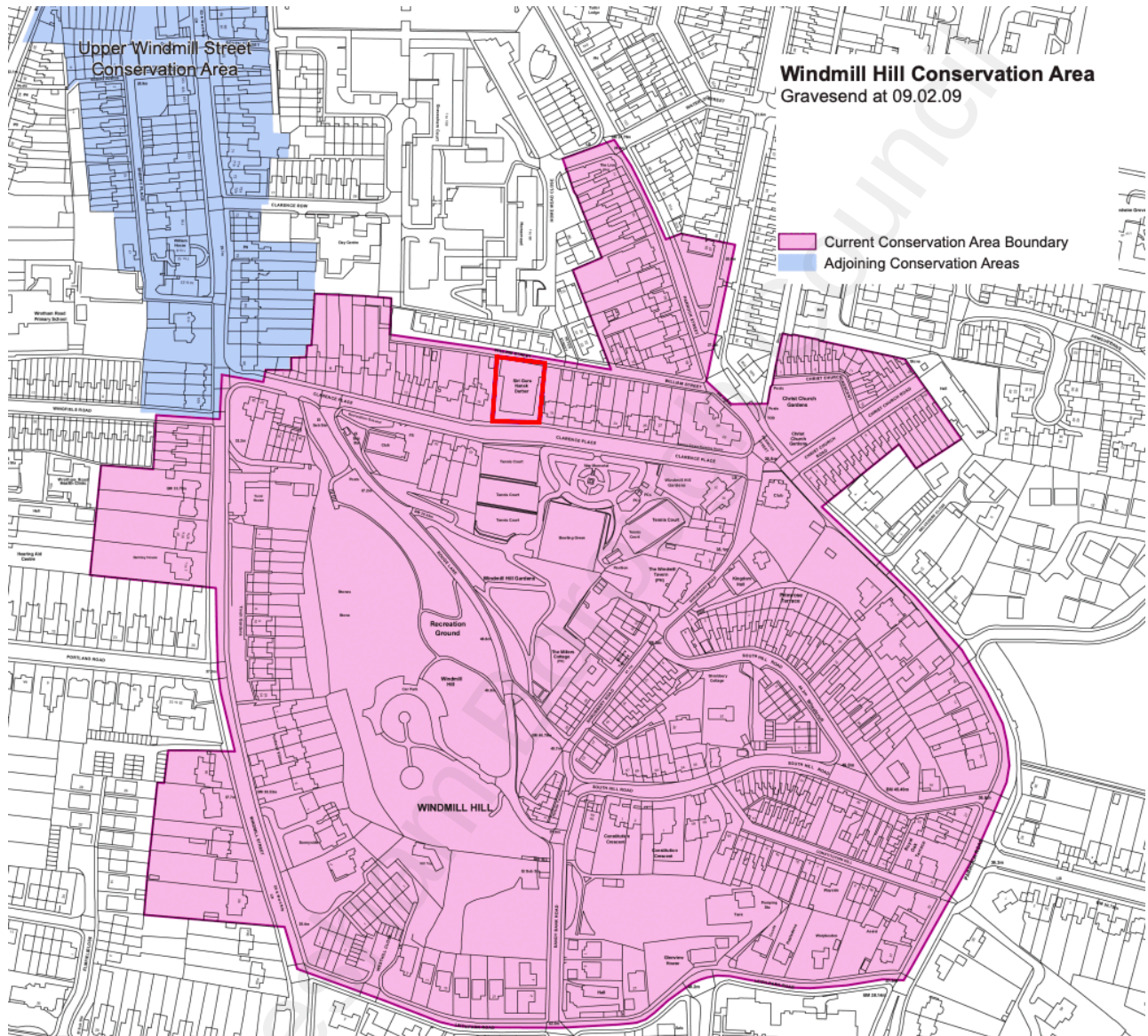
6.11 In regard to housing need, Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. This figure has been supplanted by the Government's standard method housing need calculation, which for 2021 sets out a housing need for 646 dwellings per annum (March 2021), in 2022 this figure increased to 707 dwellings per annum (April 2022). The evidence currently available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 8 of the National Planning Policy Framework and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the National Planning Policy Framework Para 11(d) unless:

- i. the application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- 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.

6.12 The proposed development for a net increase of fourteen no. dwellings would offer a modest contribution towards meeting this local need and, accordingly, officers considers that this should be accorded moderate weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) and in particular paragraphs 130, 134, 201 and 202 - of the NPPF (2021) which requires development to be add to the overall quality of the area, be visually attractive, sympathetic to local character, Conservation Area and create acceptable amenity for future occupiers. The proposed development is considered acceptable as discussed below.

Heritage

- 6.13 The application site lies within the Windmill Hill Conservation Area which is classed as a designated heritage asset, as shown on the following map (site identified with a redline boundary).



- 6.14 The Windmill Hill Conservation Area Appraisal, sets out that the former Milton Congregational Church became a place of worship for Sikhs in 1968, the former Gurdwara ceases being a place of worship upon the opening of the new Gurdwara known as the Guru Nanak Marg, Gravesend, in 2010. The Section 106 Planning Obligations for the Guru Nanak Marg, included a clause which restricted the use of the former Gurdwara, without the applicant first seeking planning permission from the Local Planning Authority. Previous attempts at gaining planning permission, have been unsuccessful in part due to the harm caused by the proposals on both the non-designated heritage asset i.e. the former Gurdwara and the designated heritage asset known as Windmill Hill Conservation Area. Whilst the site is in close proximity to a number of Grade II listed buildings, and the Grade II listed War Memorial, the previous proposals were not considered to directly or indirectly harm these designated heritage assets.

- 6.15 The current proposal seeks to retain the bulk of the fabric of the existing building, whilst making sympathetic alterations to the building and boundary treatments to allow it's conversion to residential use. Beyond increasing activity on Clarence Place, the proposed development would not directly or indirectly impact the Gravesend War Memorial. Towards the eastern end of clarence place, are a further two Grade II listed buildings at 29 Clarence Place and Homestead. However, the setting of these listed buildings including those further afield such as Tivoli House (on Windmill Street), would not be harmed as a result of the proposed conversion. The location of the proposed development (bounded with a redline) is shown in relation to listed buildings, in the following map.



- 6.15 The Windmill Hill Conservation Area Appraisal sets out that, the structures on Clarence Place and surrounding streets are predominantly 2-3 storey. However, there are structures

such as the former Gurdwara that rise above these. In terms of the Conservation Area, however the former Gurdwara when considered in context of Windmill Hill Gardens can be appreciated and forms one of the principal landmarks within in the Windmill Hill Conservation Area. The former Gurdwara is also considered to form part of a principal positive view within the Windmill Hill Conservation Area. The rat running between key routes in the Borough using Clarence Place is also recognised, as is the fact that parking spaces are at a premium. These latter points are considered to be detrimental to the appearance and character of the Conservation Area. The Conservation Area appraisal, also recognises that finding an appropriate new use for the building would be challenging, once the new Gurdwara opened. This has proven to be the case, with the building remaining vacant for some 12 years. This period of vacancy has resulted in a degree of disrepair, which the applicant is seeking to address via the proposed development.

6.16 Para. 201 of the NPPF states:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

6.17 The proposal is for the re-use rather than for the demolition of the building, with sensitive alterations that are supported by the Council's Conservation Officer and KCC Heritage. As such, this paragraph does not apply to the proposed development.

6.18 Paragraph 202 of the NPPF (2021) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal including, where appropriate, securing its optimal viable use. The designated heritage asset is the Conservation Area and, as the building positively contributes to this and it being retained, its conversion to residential is welcomed. With the Windmill Hill Conservation Area and listed buildings in Clarence Place, such as the Gravesend War Memorial, not being harmed either directly or indirectly. However, to enable the conversion of the former Gurdwara some alterations would be needed to the fabric of the building, which whilst sympathetic could be considered to cause less than substantial harm to the significance of the non-designated heritage asset. In accordance this with the NPPF this must be 'weighed against the public benefits of the proposal'.

6.19 Paragraph 203 of the NPPF (2021) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.20 The proposed development is to convert the existing building with some external alterations such as alterations to openings on the gabled front elevation; alterations to openings on the rear elevation facing William Street; demolition of the left hand side extension, and alterations to openings on this side; and minor demolitions on the right hand side, and alterations to openings.

- 6.21 As such, in terms of design, character and impacts to the Heritage Assets the consideration is the implication of the physical alterations of the property. A good starting point here is consideration of the Windmill Hill Conservation Area Appraisal (2007), which identifies the Gurdwara as a significant landmark and maintains that the building stands much taller than neighbouring villas and is therefore visible above the mature trees in Windmill Gardens: the large circular window in the southern gable elevation is a particularly recognisable feature.
- 6.22 The minor alterations proposed in terms of the new windows and doors created are considered in keeping with the host property, although, more detailing is required and this can be controlled by condition. In addition, any attempts to remove appendages to the building that may have harmed the non-designated heritage asset, such as the western extension, is welcomed. It is undeniable however, that these changes will result in less than substantial harm to the significance of a non-designated heritage asset. In such instances a decision taker is required by the NPPF to undertake a balancing exercise, the harm caused to the non-designated heritage asset would be minimal but it's repair and restoration would be in keeping with Paragraph 206 of the NPPF, which states, "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.23 On balance it is considered that the proposed development would have a positive impact upon the Windmill Hill Conservation Area, and assist in ensuring this non-designated heritage asset is appreciated for generations to come, through its repair and restoration. The proposal would also have the added benefit of delivering much needed local housing for both the local Sikh and wider community. Consideration of NPPF Para 11 d), i.e. the application of policies in the NPPF that protect areas or assets of particular importance and provide a clear reason for refusing development has been considered, but not engaged.
- 6.24 Local Plan Policy CS20 seeks to preserve and enhance the significance of the Borough's heritage assets and their setting. In the case of non-designated assets the policy states that, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset. In terms of the re-use of this building, the proposal on balance is considered to enhance the non-designated heritage asset and the surrounding Conservation Area.
- 6.25 Saved Policy TC2 of the Gravesham Local Plan 1994 relates to listed buildings. As discussed above no concerns are raised with regards to the impact of the proposal on the neighbouring listed memorial or wider listed buildings. The retention of the building with its proposed restoration will enhance the relationship between the listed memorial and the existing building.
- 6.26 Saved Policy TC3 of the Gravesham Local Plan 1994 relates to conservation areas and states that development will be expected to make a positive contribution. It also resists the demolition of unlisted buildings unless they are harmful to the conservation area. In this instance, the building will be retained and restored and its appearance improved and therefore accords with this policy.
- 6.27 There is unlikely to be any archaeology concerns as the building is to be retained, however, as this is a historic building, a condition is recommended that the fabric of the building is recorded prior to the works taking place.
- 6.58 The proposed conversion of the building to 14 flats, subject to conditions, is therefore

considered to be an appropriate use of the building and will have no detrimental impact on the character and appearance of the street scene, surrounding Conservation Area and the non-designated heritage asset in accordance with policies CS19 and CS20 of the Gravesham Core Strategy 2014, saved policies TC2 and TC3 of the Gravesham Local Plan 1994 and section 16 of the NPPF (2021).

Character and Appearance

- 6.29 Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. At a national level paragraph 126 of the NPPF (2021) maintains that 'the creation of high quality and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better communities....' and (paragraph 130a) also upholds that planning decisions should ensure that developments 'are visually attractive as a result of good architecture, layout' and 'are sympathetic to local character and history...'
- 6.30 Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.
- 6.31 As has been discussed above, the proposal will result in the removal of an unsympathetic extension as well as bringing a non-designated heritage asset back into use by its conversion. The additional windows and doors are not considered excessive in nature to allow for adequate living standards within the building.
- 6.32 With the sensitive nature of this development appropriate planning conditions are proposed to ensure the restoration of the building enhances the overall character and appearance of the conservation area. This will also ensure that the proposed development improves the immediate street scenes at William Street and Windmill Street. The following image is a screenshot taken from Google Earth, it shows the condition of the site prior to some minor clearance works being undertaken.



- 6.33 When compared to a comparable CGI of the proposed development (see below), it is clear that the proposed development will improve the immediate street scene and thus the wider Conservation Area, through enhancements to the external fabric of the building itself and the provision of a more sympathetic boundary treatment.



- 3.34 In terms of the appearance of the site from William Street, the building will be significantly improved. The google image below shows the current site from William Street:



- 6.35 The site is currently boarded up, in a state of disrepair and has been the victim of graffiti. The bringing into use of the building, new windows and façade will greatly enhance the surrounding conservation area and community as a whole. It will improve the outlook from the properties to the north.
- 6.36 The proposal therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and paras. 126 and 130 of the National Planning Policy Framework 2021.

Amenity

- 6.37 Given the urban, previously developed nature of the site. Any use of the site would propose amenity concerns for both future occupiers and neighbouring properties. Whilst challenging, a well designed scheme could satisfactorily address these challenges.

Amenity of Future Occupiers

- 6.38 A key consideration of the scheme would be whether the converted building meets the appropriate standards in accordance with adopted guidance and the new technical standards, thereby avoiding the provision of cramped living conditions for the future occupants of the apartments.
- 6.39 The apartments are required to accord with the Council's Design and Development Principles Policy (CS19) and its layout guidelines contained within SPG2. Gravesham's standards are based on guideline minimum spaces for each room whereas the National Space Standard relates to the minimum gross internal area (GIA) of the overall unit to the design level of occupancy based on bedroom size and the potential number of bed spaces that could be accommodated.
- 6.40 The following floor areas are proposed for the flats and are compared against the new housing technical standards.

Flat	Occupancy	Proposed Floor Space	Required Floor Space
1	1 bed, 2 person	72.8sqm	50sqm
2	2 bed, 4 person	84.6sqm	70sqm
3	1 bed, 2 person	58.23sqm	50sqm
4	2 bed, 4 person	112sqm	70sqm
5	2 bed, 4 person	169.4sqm	70sqm
6	2 bed, 4 person	83.12sqm	70sqm
7	2 bed, 4 person	107.5sqm	70sqm
8	2 bed, 4 person	87sqm	70sqm
9	1 bed, 2 person	51sqm	50sqm
10	1 bed, 2 person	60sqm	50sqm
11	1 bed, 2 person	59sqm	50sqm
12	1 bed, 2 person	68.8sqm	50sqm
13	1 bed, 2 person	56.8sqm	50sqm
14	1 bed, 2 person	55sqm	50sqm

- 6.41 As above, in terms of the floor area allocated, the flats would meet the nationally prescribed standards. Not all of the flats would be allocated private amenity space, but some on the ground floor flats have been allocated gardens (flats 1, 2, 3 and 4). The quality of the gardens would be questionable given the amount of light they would receive. Notwithstanding this, the adopted standards do not specifically require outside space for all flats within a converted building and, given the central location of the site and its close

proximity to Windmill Gardens directly opposite, the amount of outside space provided is considered acceptable.

- 6.42 There are no proposed habitable rooms at ground floor fronting onto William Street at street level which would have raised concerns regarding noise, disturbance and lack of privacy. The ground floor windows now serve the communal library, cycle and bin store which is considered acceptable.

Neighbouring Amenity

- 6.43 No. 18 Clarence Place is located to the west of the application site. Due to the path of the sun and the fact that the building already exists there will be no detrimental impact in terms of loss of sunlight or daylight to this neighbour.
- 6.44 This neighbour has two windows in the eastern flank elevation. No concerns are raised with regards to ground floor windows due to the presence of boundary treatment. One window in the western flank of the application site at first floor will be lost and two will be made larger. These serve a bedroom and bathroom. As the bedroom also contains a window to the front both of these windows can be fitted with obscure glass to protect this neighbour. This can be controlled by condition. The arched windows will serve a kitchen/living/dining room and a bedroom belonging to flat 6. Both of these windows face onto no. 18 and have potential to overlook the rear garden. There is much less than 26m between these windows and the rear garden of this property and the windows cannot be fitted with obscure glass as this would result in poor living conditions for the occupiers in terms of outlook. On the top floor there are a further four new windows proposed facing this property. The rear-most two windows serve rooms that are also served by other windows and therefore these two windows can be fitted with obscure glass to protect this neighbour from overlooking. The two further to the front face onto the flank of no. 18 and are served by other windows facing Clarence Place. These windows can be fitted with obscure glass in order to protect the privacy of this property.
- 6.45 Given that the windows already exist and there would be a degree of overlooking if the former Gurdwara was in active use, together with the urban nature of the area where mutual overlooking is common, on balance, the overlooking from the three clear glazed windows is not considered significant over and above the overlooking that would be caused by a continuing D1 use.
- 6.46 No. 19 Clarence Place is the Gravesend Spiritualist Church and appears to have been in such use since before 1990. Due to the plan to retain the building there will be no loss of outlook, sunlight or daylight to this building. As it is not in residential use less weight is given to loss of privacy. There are some new windows proposed in the eastern flank of the building at the first floor that will overlook rear garden of this property but this is not a concern as this is not in residential use. The rear garden of no. 20 Clarence place is within the 26m required between habitable room windows and the private rear garden and there will be a degree of overlooking from bedroom 2 and the living room of flat 7. These are both rooms that cannot have obscure glass as this would result in unsatisfactory outlook to these rooms. There would have been the potential for overlooking/perceived overlooking from these windows if the former Gurdwara was in active use and also if the building was brought back into a D1 use. Therefore on balance, due to this and the intervening land between the site and no. 20 no significant concerns are raised with regard to overlooking.
- 6.47 There are three bungalows to the rear of the site in William Street and their private gardens are located to the front. As the building already exists there will be no impact in terms of outlook, sunlight or daylight. The proposed conversion will contain habitable room windows facing onto these sites. The windows are approx. 8m away from these

neighbours and therefore there will be an element of loss of privacy from the proposed development.

- 6.48 As with the other neighbouring properties, the lawful use as D1 would have resulted in overlooking/perceived overlooking. The application site is higher than these bungalows and the windows are on the first floor. The main outlook will be over the top of these bungalows. Whilst there will be some potential for overlooking, on balance, this will not be significantly more than the overlooking from the building being in an active use or the former D1 use and therefore no concerns are raised.
- 6.49 The proposed development therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021 with regards to amenity.

Surface Water Drainage

- 6.50 Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. Kent County Council (KCC) is the Lead Local Flood Authority has reviewed the submitted drainage statement and conclude the proposed development is low risk with regards to surface water runoff due to the scale and available space on the site. The incorporation of rainwater storage features such as the rainwater butts on site to help reduce the surface water contributions to the existing sewer system is welcomed.

6.51 In summary, it is not considered that the proposal would conflict with Policy CS18 (LPCS) in regard to drainage matters.

Ecology and Biodiversity

- 6.52 The results of the bat survey report, found no evidence of roosting bats, and it is considered to be satisfactory. In order to ensure that opportunities for enhancements to biodiversity are made a condition is recommended that, within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to the LPA.
- 6.53 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 has decided to impose a tariff on new housing development. Developers will need to pay £275.88 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 Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA). The applicants have in principle agreed to pay the payment of £3,862.32 towards the required mitigation, through signing a Section 106 agreement.

- 6.54 The proposal therefore secures a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development complies with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Parking and Highways

- 6.55 The proposed development needs to be considered against Policy CS11 (LPCS) which states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities. This is also reflected by Saved Policy T1 (LPFR) which requires proposed development to be adequately served by the highway network and Saved Policy P3 (LPFR) which sets out highways parking standards for development.

6.56 The plans and application details a 'car-free' scheme. This means that there would be no parking made available off road for the residents of the flats, as part of the proposed development. This is an edge of centre development and as such no specific car parking provision is required. The provision and number of cycle parking spaces is welcomed and no objections are raised on highways grounds by GBC Highways.

- 6.57 Concern has been raised by residents regarding the availability of parking on Clarence Place. Clarence Place is subject to a TRO which seeks to 'manage' on street parking. GBC Parking Services have set out that the residents of the proposed development would have the right to apply for parking permits under the current TRO.
- 6.58 Local consultees have identified a preference for any future occupiers of the proposed development to not have any rights to access parking permits to park on Clarence Place, with a preference for future occupiers to park at Council owned car parks such as Parrock Street Car Park.
- 6.59 This would require an amendment to the existing Traffic Regulation Order so that future occupiers of the proposed development would not be eligible to apply for a parking permit and maximise parking availability for permit holders. Furthermore, Clarence Place and many of the surrounding roads have single yellow lines that allow parking from 6:30pm until 8am Monday to Saturday.
- 6.60 Whilst the Council could consider reviewing the current TRO, the outcome of this process would not be known, due to the need to follow due process. Some Local Planning Authorities have imposed restrictions on vehicle ownership on new developments through planning obligation/unilateral undertakings. The High Court has considered this matter and has firmly decided that a unilateral undertaking / planning application to not allow future residents to have a parking permit cannot be imposed outside of Greater London, and can only be applied within London due to wide ranging powers provided for under legislation specific to Greater London. Westminster City Council v Secretary of State for Communities and Local Government (1) Mrs M Acons (2) [8] is an example where the council appealed against a decision of the Secretary of State to grant planning permission where the appellant executed a unilateral undertaking pursuant to section 106. In this instance the undertaking included a covenant that the owner would not apply to the council for a parking permit in respect of the development; which in this case was the conversion of a garage space to extend an

existing sitting room. This proposed development was specifically prohibited by planning condition when the previous owner converted one of the then two garages at the property to living space.

- 6.61 The Court held that as the unilateral undertaking did not meet the requirements of section 106 regulations, it was not enforceable by the council as it was not a planning obligation but only a personal undertaking and therefore was not capable of being registered as a land charge. In this particular instance, the court quashed the decision made.
- 6.62 Therefore, the Council is unable to insist that future occupiers are prevented from applying for a town centre parking permit through a planning condition or section 106 agreement. The Council can however seek a Travel Plan, which can be secured via a Section 106 agreement. Such a management plan, would include:
- A timetable for the preparation, implementation, monitoring and review of all stages of the travel plan
 - The appointment and funding of a Travel Plan Coordinator to be responsible for the management and maintenance of the travel plan, including the relationship
 - with the local planning authority and/or other key stakeholders
 - The overall outcomes to be achieved by the travel plan; the performance indicators and targets
 - Details of the travel planning requirements for occupiers and future occupiers; the process for the monitoring and review of targets and measures
 - The measures to be implemented, such as the provision of transport infrastructure or services, or contributions with respect to their provision, parking controls and management and contributions towards other measures such as car and cycle clubs
 - A monitoring and review programme, detailing the survey methods to be used and who is responsible for funding the surveys, undertaking and reporting results
 - Any sanctions where the targets and indicators are not being met, and how and when they should be applied (e.g. a clause which sets what would happen in the event that the car mode share or total number of cars used - identified through monitoring - exceeds the target figure)
 - Any procedure for the variation by means of amendment, substitution or addition of targets or measures
- 6.63 The objective of the Travel Plan would be to promote sustainable modes of travel amongst future occupiers and to reduce their reliance upon privately owned cars and discourage car ownership. If this objective is not reached, the Travel Plan would allow for the review of the Clarence Place TRO to be considered, as well as other measures such as the implementation of a car club at the applicants expense.
- 6.64 Concerns have also been raised by local consultees regarding the impact of construction traffic and the functioning of the local highway network. Whilst some disturbance is inevitable this matter can be addressed via the Construction Traffic Management Plan.
- 6.65 The requirements of the Waste and Recycling Manager are noted. Both William Street and Clarence Place benefit from existing parking restrictions, which allow for refuse collection. Waiting restrictions are subject to their own legal process and the outcome cannot be guaranteed as such it is not considered appropriate to impose a Grampian condition at this stage to make further changes to waiting restrictions. It is preferred that a wheeled container should never encounter steps, which facilitates their efficient and safe collection. As such the Waste and Recycling Manager has requested a dropped kerb be delivered in close proximity to the bin store. It is proposed that a Grampian condition be imposed for

these highway works.

Planning Obligations

S.106 Contributions

6.66 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism that we as a Council, often use to secure financial contributions or other forms of mitigation such as affordable housing from developers, make a development proposal acceptable in planning terms.

6.67 In order for the Local Planning Authority to request financial contributions on behalf of third parties any contributions will need to meet all of the tests listed below:

- (A) necessary to make the development acceptable in planning terms;
- (B) directly related to the development;
- (C) fairly and reasonably related in scale and kind to the development; and

Developer Contributions

6.68 It is important to ensure that sufficient infrastructure is provided to meet the needs of new **residents**, employees and businesses in the Borough. As recognised in the NPPF (2021), the provision of new infrastructure is an important part of new development and the Council has worked with local service providers to identify their infrastructure needs over the plan period. Policy CS10 (LPCS) states that where new development generates a need for new infrastructure, developers will have to provide or contribute towards such provision, subject to viability consideration.

6.69 KCC have requested the following contributions.

Contribution	Amount Per Unit	Total Amount
Secondary School	1135 (x11 Units)	12485
Libraries	55.45 (x11 Units)	609.95
Adult Education	16.42 (x11 Units)	180.62
Youth Services	65.50 (x11 Units)	720.50
KCC Waste	183.67 (X11 Units)	2020.37
Social Services	146.88 (x11 Units)	1615.68
	Total amount Payable	17,227.43
Trigger Point	Prior to Commencement	

6.70 KCC's Commissioning Plan for Education Provision in Kent is clear that there is a significant deficit of secondary school provision in Gravesham there is sufficient evidence for KCC's contribution request - as secondary school children go to the school of their choice, there is not the travel distance considerations that there is primary so no school needs to be identified just within Gravesham.

6.71 In regard to Libraires, Adult Education, Youth Services and Socially Services further clarification is be sought from KCC on details of the specific schemes.

- 6.72 With regard the Waste request Policy CS06 (LPCS) states 'facilities will be provided to support development of the Springhead Quarter and Northfleet Rise Quarter Key Sites and will be accessible to both existing and future communities. These will include the provision of educational, health, social care, sports and community facilities, open space to meet a variety of needs and recycling and waste transfer facilities. These will be provided in accordance with the phasing schedule set out in the Infrastructure Delivery Schedule'
- 6.73 No site specific schemes have been identified for the KCC Waste contribution and combined with a lack of supporting information the KCC financial requests for Waste, it is the view of officers that this request does not meet the requirements of paragraph 56 of the NPPF (2021) and cannot be lawfully requested.

Gravesham Leisure Services

- 6.74 Policy CS13 and the NPPF (2021) recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. As also outlined by Sport England, consideration should be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Due to the constrained nature of this development, it would not be expected that the developer would provide types of formal and informal leisure provision at site, but it is reasonable to expect the applicant to offset the impact of its development on existing leisure facilities in the area.
- 6.75 Taking into consideration the development's location within the borough and real time need/deficiencies on the ground, the development would be expected to make a financial contribution towards upgrading and improving existing leisure provisions, within the adjacent Windmill Gardens. These enhancements would be to either the Tennis Courts or Bowls Green and a figure of £18,108 has been requested by Gravesham Leisure Services. This figure has been accepted to comply with local and national planning policy.
- 6.76 The applicant has agreed to all the requests and these are summarised in the below Heads of Terms.

Obligation	Sum
Secondary School	£12,485
Libraries	£609.95
Adult Education	£180.62
Youth Services	£720.50
Social Services	£1615.68
Gravesham Leisure Services	£18,108
SAMMS	£3862.32
Total Figure:	£37,582.07

7 Conclusion

- 7.1 The proposed scheme to convert the existing building into 14 flats provides a suitable re-use of the site that preserves and enhances the Conservation Area and the non-designated asset that the building is.

- 7.2 Internally the space provided meets the adopted standards and will deliver acceptable levels of amenity for future occupiers.
- 7.3 The proposed development will result in some overlooking of neighbouring properties however this is not deemed unacceptable given the previous use of the site and the urban location within which the site is located.
- 7.4 The site is located within the 'edge of centre' close to the town centre where parking can be provided in local car parks and therefore the proposed 'car-free' scheme meets the adopted parking standards and provides for suitable levels of cycle storage.
- 7.5 The scheme also provides for contributions to local infrastructure.
- 7.6 The proposed scheme accords with the above-mentioned Policies and is therefore recommended for approval subject to suitable conditions and informatives.
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RECOMMENDATION

Delegated to the Service Manager (Planning) to grant **PERMISSION** subject to planning conditions and the completion of a section 106 legal agreement

DRAFT CONDITIONS AND REASONS

Time Limit

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans and details, unless alternative details are approved pursuant to the conditions imposed on this decision notice:

Drawing no. 181-PD17 rev A (proposed street scene)
Drawing no. 181-PD15 rev C (proposed site plan)
Drawing no. 181-PD16 rev C (proposed elevations)
Drawing no. 181-PD11 rev D (proposed plans and accommodation schedule)

Drawing no. 181-PD12 rev D (proposed sections)
Drawing no. 181-PD15 rev D (proposed site plan, location plan and block plan)

Reason: For the avoidance of any doubt and in the interest of proper planning.

Demolition

3. The extensions to the building shall not be demolished before:
 - a) A contract for the carrying out of the works of redevelopment of the site has been made, a

copy of which shall be submitted to and acknowledged by the Local Planning Authority before development commences; and

b) Planning permission has been granted for the redevelopment to which that contract provides.

Reason: To ensure that redevelopment follows relatively soon after demolition, to avoid a visually unsightly site in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Joinery Details

4. All external joinery including windows and doors shall be of a timber construction only. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:10 & 1:2 or full-size scale, and showing the relationship to the wall opening, shall be submitted to and agreed in writing by the Local Planning Authority before the windows and doors hereby approved are installed. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Trickle Vents

5. Trickle vents shall not be inserted into the windows/doors hereby permitted at any point.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

External Facing Materials.

6. Before any external alterations commence, samples and detailed specifications of all external materials, including new brick/stone, to be used on the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed materials.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Roof Samples

7. Before the new roof(s) hereby approved is/are installed, samples or detailed specifications of the new roof tiles/slates, which shall be natural slates, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed roof materials.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Tile Vents

8. Ventilation of the roof space shall not be provided via tile vent at any time.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Verges and eaves details

9. Before any external alterations occur, details of the treatment of verges and eaves hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed verges and eaves details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure the development preserves the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Rainwater goods

10. Before any external alterations occur, samples and detailed specifications of the rainwater goods hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. It is expected that the rainwater goods will be cast metal or an imitation cast metal, finished black, with half-round gutters fixed on rise and fall brackets without fascia boards. The development shall be carried out only in accordance with the agreed rainwater goods.

Reason: To ensure the rainwater goods help to preserve the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Render Details

11. Before the render hereby permitted is applied, a specification for the external render to be used shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details. The specification shall define:

- The mortar mix,
- The number of coats and finish, including colour,
- Backing and edging materials,
- The relationship to existing finishes and openings.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Cleaning of Masonry

12. Before any cleaning of masonry is carried out, details of the method of any masonry cleaning shall be submitted to the Local Planning Authority and a test panel(s) undertaken in a position to be agreed with the Conservation Team. The submitted cleaning method and the test panel must then be agreed in writing with the Local Planning Authority. The cleaning shall only be carried out in accordance with the approved details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy

(September 2014).

Details of Dormer Windows

13. Before the rooflights, including dormer windows, hereby permitted are installed, a detailed specification of all new rooflights, dormer windows shall be submitted to and agreed in writing with the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The rooflight(s) specification shall include details of:

- Size;
- Material;
- Colour;
- Method of opening;
- Method of fixing; and
- Appearance.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Railing Details

14. Before the metal railings/handrails are installed, details of their design, scale, material(s) and finish, in the form of drawings and sections to no less than 1:20 scale (or detailed specifications), shall be submitted to and agreed in writing with the Local Planning Authority. The development shall only be carried out in accordance with the agreed railings/handrails details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Boundary Treatment

15. Within 2 months of works commencing, full details and specifications of all new boundary treatments (including any alterations to existing boundary treatments) shall be submitted to and agreed in writing by the Local Planning Authority. The information submitted shall include details of all wall/gate/fence materials, designs, brick sample(s), coping sample(s), brick bond(s) and finishes. The completed boundary treatments shall be installed in full prior to occupation of any of the residential units.

Reason: To ensure the completed boundary treatments help to preserve the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

Watching Brief (condition)

16. The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Reason: To safeguard human health and the natural environment, in accordance with adopted Local Plan Core Strategy Policy CS19 and paragraphs 130 of the National Planning Policy Framework 2021.

Building Survey

17. Prior to the commencement of works, including demolition, a Historic England Level 3 survey and report shall be made of the building for future record and research. The report shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

Reason: To ensure a suitable record is made of the building before works start in accordance with policy CS20 of the Gravesham Core Strategy 2014.

Obscure Glazing

18. The windows shown in the western elevation that serve the first floor kitchen/living/dining room of Flat 13, the bedroom and bathroom of Flat 5 and the bedroom of top floor Flat 9 shall be fitted with obscure glass and fixed shut apart from any top hung fan light. This work shall be carried out and completed before the room is occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking in accordance with adopted Local Plan Core Strategy Policy CS19 and paragraphs 130 of the National Planning Policy Framework 2021.

Landscaping Scheme

19. Prior to the commencement of above ground construction, a landscaping scheme (including details of hard landscaping materials, soft landscaping planting and external lighting design and levels) shall be submitted to and approved by the Local Planning Authority. That scheme shall be carried out in full prior to the first occupation of any dwelling hereby approved, and retained thereafter.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

External Services

20. No post boxes, meter boxes, satellite dishes, vents or flues or other service outlets or piping shall be attached to or inserted into the front elevation of the building at any time.

Reason: In order to ensure special regard is paid to protecting the character and appearance of the Windmill Hill Conservation Area pursuant to Policy CS20 of the Gravesham Local Plan Core Strategy (2014) and saved policy TC3 of the Gravesham Local Plan First Review (1994).

Biodiversity Enhancement

21. Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape scheme. The approved details will be implemented and thereafter retained prior to first occupation of any of the dwellings.

Reason: In order to enhance biodiversity of the site and surrounding area in accordance with policy CS12 of the Gravesham Core Strategy 2014.

Code of Construction

22. No development approved by this permission shall be commenced until a comprehensive Code of Construction Practice covering all environmental impacts of this development is provided by the applicant and submitted for approval to the Local Planning Authority in consultation with the Local Highway Authority. The development hereby permitted shall be carried out in accordance with the approved Code of Construction Practice. For the avoidance of doubt Code of Construction Practice shall include, but not exclusively cover the following:

- a) Construction Traffic Management Plan covering:
 - Means of direct access to the site from the adjoining maintainable public highway
 - Surface treatment of the access to avoid spill of migratory material on to the maintainable public highway
 - Details of numbers and routeing of construction and delivery vehicles to / from site
 - Timing of deliveries and waste movement
 - Loading and unloading of plant and materials away from the maintainable public highway
 - Parking and turning areas for construction and delivery vehicles and site personnel
 - Type and location of wheel washing and chassis cleaning facilities
 - Temporary traffic management / signage
- b) Details of the location of the proposed construction compound
- c) A Dust Management Plan to minimise emissions to air and to prevent nuisance from wind-blown dust including fencing and the dampening down with water of excavated construction and cover materials on site, and other areas traversed by plant vehicles and machinery
- d) Location and height of cranes and/or scaffolding;
- e) Suitable mitigation measures to minimise noise pollution and vibration during the construction phase including the insulation of fixed plant and the silencing of vehicles and mobile machinery;
- f) Predicted noise and, if appropriate, vibration levels for construction using methodologies and at locations agreed with the Local Planning Authority;
- g) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- h) Scheme for location and appearance security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) Details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded);
- j) Smoke management controls;
- k) Odour controls;
- l) Road cleaning and wheel washing facilities; and
- m) Any other matters relevant to this particular site

Reason: To ensure the free flow of traffic on the highway and to minimise the impact on residential amenity and in accordance with Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

Times of Construction

23. No noise generating building works which can be heard at the boundary of the site shall take place on site except between the following times:

08.00 and 18:00 Monday to Friday;
08.00 and 13:00 on Saturdays; and
Not at all on Sundays, bank holidays and public holidays.

Piling, excavation and demolition works must only be carried out between the following times;

08.00 and 18:00 Monday to Friday; and

Not at all on Saturdays, Sundays, bank holidays and public holidays.

Noise generating works must not take place outside of these hours unless otherwise agreed through a Control of Pollution Act 1974 Section 61 prior consent in special circumstances (for example to meet police traffic restrictions, in an emergency or in the interests of public safety).

Reason: In the interests of residential and local amenity and pursuant to Policy CS19 (Development and Design Principles) of the Gravesham Local Core Strategy, September 2014

New Vehicle Crossover Serving Refuse Store

24. Prior to first occupation, a vehicular crossover (dropped kerb) serving the refuse store must be constructed in accordance with the Highway Authority's specification and requirements and with the written approval of the Highway Authority having first been obtained. The vehicle crossover shall be commensurate with the width of the vehicular access as hereby permitted.

Reason: In the interests of highway safety and pursuant to Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 (Access to the Identified Highway Network) of the Gravesham Local Plan First Review (November 1994).

INFORMATIVES

BUILDING REGULATIONS AND PARTY WALL

The applicant is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

BREEDING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

ENVIRONMENT AGENCY

Non planning consents:

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

Drainage may be restricted in a Source Protection Zone or over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible. Developers should check <https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h> for Binding Rules information for small scale non mains

discharges.

If you feel we should assess this planning application in more detail due to local issues please email KSLPLANNING@environment-agency.gov.uk.

WASTE

It is the responsibility of the developer to pay for the bins, this can be done through the Council's Waste Management Team.

Collections from sites will not occur until containers are in place. It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints in regard to non-collection due to the fault of the developer will be passed onto to the developer for response.

The Council should be informed at least two weeks prior to the waste collections by the council taking place.

SMOKE CONTROL

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed.

When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk.

DRAINAGE/SEWERAGE

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

STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, 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, and that is in accordance with the Development Plan for the area.

AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITIONS

In accordance with The Town and Country Planning (Pre Commencement Conditions)

Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 18 October 2022 to the inclusion of the following pre-commencement conditions.

Condition 3 – Demolition

Condition 17 – Historic England Survey

Condition 19 – Landscaping

Condition 22 – Code of Construction Practice

Gravesham Borough Council