



Delegated Report

Major Planning Application

Application No:	20230612
Location:	Joynes House, New Road, Gravesend, Kent, DA11 0AJ
Description:	Proposed conversion of undercroft car park to provide 10 no. flats, with associated ancillary residential communal space and plant room. Proposed cycle parking storage and the provision of private outdoor amenity space. Facade alterations and minor amendments to lower ground floor internal layout granted under application reference 20221183.
Applicant:	Mr Greg Kuzdenyi, Joynes House Development Limited
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form - dated 02/06/2023;
- Supplementary Information - Planning and Design & Access Statement (produced by Gemini Planning) - dated 06/2023;
- Supplementary Information - Transport Statement (produced by Velocity Transport Planning Ltd.) - dated 06/2023;
- Supplementary Information - Internal Daylight Assessment (produced by T16 Design) - dated 16/06/2023;
- Supplementary Information - Residential Space Standards Statement;
- Supplementary Information - Site Photographs (Appendix A);

- Drawing no. 001 – Rev. B – Elevations (South and West);
- Drawing no. 002 – Rev. A – Elevations as Proposed (North and East);
- Drawing no. 003 – Rev. A – Sections as Existing;
- Drawing no. 004 – Rev. B – Lower Ground Floor Plan as Proposed;
- Drawing no. 005 – Rev. B – Lower Ground Floor Plan as Proposed (Landscaping);
- Drawing no. 006 – Rev. A – Site Location Plan and Block Plan;
- Drawing no. 007 – Rev. A – Existing Block Plan;
- Drawing no. 008 – Rev. A – Existing Elevation (South);
- Drawing no. 009 – Rev. A – Existing Elevation (North);
- Drawing no. 010 – Rev. A – Existing Elevations (East and West).

Relevant Planning History

Reference	Description	Decision	Decision Date
20230824	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England)	PRIOR APPROVAL IS REQUIRED	27.09.2023

	Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use part-first, second and fourth floors from commercial floorspace to 28 residential units.	AND APPROVED	
20230822	Application for non-material amendment to planning permission reference number 20221183 to allow amendments to elevation facades.	PERMITTED	25.08.2023
20221336	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2010 under references 20210974 - 20210962 - 20210973 - 20210958	APPROVAL OF DETAILS	22.06.2023
20221326	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2010 under reference 20221111	APPROVAL OF DETAILS	22.06.2023
20221183	**REVISED DESCRIPTION** Proposed external alterations to existing building facade including new windows, aluminium infill panels and infill glazing to lower ground floor. Relocation of existing entrance and lobby from ground floor to lower ground floor and minor amendments to internal layout of 2 no. ground floor residential units consented under reference 20210958, as amended by non-material amendment ref 20220391.	PERMITTED	03.05.2023
20221111	Application for prior approval under Part 20 Class AA of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for upward extension of existing commercial building through the construction of 2 additional storey to provide 24no. flats along with necessary ancillary works.	PRIOR APPROVAL IS REQUIRED AND APPROVED	05.12.2022
20220799	Application for prior approval under Part 20 Class AA of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for upward extension of existing commercial building through the construction of 2 additional storey to provide 24no. flats along with necessary ancillary works.	PRIOR APPROVAL IS REQUIRED AND REFUSED	23.09.2022
20220392	Application for non-material amendment to planning permission reference number 20210962 to allow minor amendments to the internal layout.	PERMITTED NON-MATERIAL AMENDMENT	20.04.2022
20220391	Application for non-material amendment to planning permission reference number 20210958 to allow minor amendments to the internal layout.	PERMITTED NON-MATERIAL AMENDMENT	20.04.2022
20220390	Application for non-material amendment to planning permission reference number 20210974 to allow minor	PERMITTED NON-	20.04.2022

	amendments to the internal layout.	MATERIAL AMENDMENT	
20210974	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of Part Ground, First and Second Floors from Class E (previously Class B1(a)) (offices) to 26 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL IS REQUIRED AND APPROVED	16.09.2021
20210973	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of Part First, Second and Fourth Floors from Class E (previously Class B1(a)) (offices) to 22 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL IS REQUIRED AND APPROVED	16.09.2021
20210962	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of third floor from Class E (previously Class B1(a)) (offices) to 13 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL IS REQUIRED AND APPROVED	16.09.2021
20210958	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of Part Ground Floor from Class E (previously Class B1(a)) (offices) to 4 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL IS REQUIRED AND APPROVED	16.09.2021
TH2/71/82B 1	Detailed plans of office block.	APPROVED	24.01.1973
TH/2/71/82 B	Detailed plans of office block.	APPROVED	12.10.1972
TH2/71/82A	Outline application for the erection of office block of 51,280 sq.ft. and erection of dwellings.	COND PERMISSION	31.05.1972
TH2/71/112	Outline application for the erection of an office block, flats and houses on sites of 1, 2, 3, 4 New Road, 2A St. James' Road, St. James' Church and Darnley Road.	PERMISSION	21.12.1971

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development

- CS05 - Gravesend Town Centre Opportunity Area
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS16 - Affordable Housing
- CS18 - Climate Change
- CS19 - Development and Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T1 - Impact of Development on the Highway Network
- T5 - New Accesses onto Highway Network

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

External Consultees

Southern Water - Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewer in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No new development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: www.southernwater.co.uk/media/3011/stand-off-distances.pdf

Please note: There are private communication pipe within the development site.

Kent Police Designing Out Crime - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We request a condition for this site to follow SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:
 "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided."
 Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially

second bedrooms often used by children.

8. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
9. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.
10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats.
11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.
12. CCTV is advised for all communal entry points and to cover the mail delivery area.

Please note, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

KCC Flood - As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development.

According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- (a) The winning and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwelling houses where:
 - i. The number of dwelling houses to be provided is ten or more; or
 - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Notwithstanding the above, please feel free to contact us again if you consider there to be local flood risk issues on this site that may require further consideration.

KCC Highways - This is a town centre location where adequate public parking is available nearby. The traffic generation and parking requirements for the residential units is likely to be lower than the existing office use.

The submitted Transport Statement states 66 car parking spaces will be available in total across the wider development, these car parking spaces should be unallocated. To ensure vehicle and cycle parking is accessible to all future residents I would request the provision of disabled parking spaces.

Should the LPA be minded to approve this application a Car Parking Management Plan should be secured by Condition.

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

- Submission of a Car Parking Management Plan before the commencement of any development on site to include the following:
 - (a) Details of allocated/unallocated parking spaces
 - (b) Parking provision for the mobility impaired
- Provision and permanent retention of secure electric vehicle charging facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

KCC Financial Contributions - I can confirm that KCC will not be seeking contributions for this development as all the units are below our threshold of GIA 56sqm in area.

Internal Consultees

GBC Leisure & Resilience Manager - Please find some comments below from the Leisure Team - Communities Directorate; in relation to the proposed conversion of the under-croft car park to provide 10 no. flats, with associated ancillary residential communal space and plant room. Proposed cycle parking storage and the provision of private outdoor amenity space.

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. Due to the constrained nature of the site and size of the additional accommodation, it would not be expected for the developer to provide formal and informal leisure provision on site, but it is reasonable to expect the applicant to offset the impact of its development on existing leisure facilities within the area.

The approach promoted by officers is to secure a financial contribution towards the upgrading and development of existing local sporting and recreational facilities located within a reasonable distance of the application site, such that it will be directly related to the development and will contribute to offsetting the impact of the increased population.

Based on all the assessment data currently available including, the Open Space, Sport & Recreation Assessment compiled by Knight Kavanagh & Page in 2016 and updated indoor leisure feasibility study 2022; there is particular shortage in the provision of artificial pitches, a shortage of junior/youth grass pitches, municipal tennis courts and ageing leisure centre facility stock. There is also the need for major capital improvements to play equipment across the borough of which the number of total sites available within the borough is remarkably less when compared to other areas. This includes the nearest play area to the proposed development based at Rosherville Recreation Ground, Fountain Walk and the Riverside Leisure Area, which are earmarked for improvement in the future, in line with Corporate Plan priorities for improvements to play facilities across the borough at existing sites.

Using the Sport England Sports Facility Calculator (SFC) as a guide for associated costs, based on the anticipated maximum number of residents generated from the new development (1bed/1person flats x10), the SFC gives an indicative figure of approximately £5103.00 towards one of these particular leisure projects/areas mentioned above.

GBC - Environmental Protection (Regulatory Services) - The building has been the subject of previous prior approval decisions for change to residential. Bing prior approval, there were limited matters that we could comment on or request conditions for. However, as this is a full application, matters such as noise can be considered more fully. I'm aware that a noise impact assessment was submitted with an earlier prior approval application which highlighted traffic noise as the main noise source. However, I'm not aware that the NIA covered the conversion of the undercroft area for residential or looked at the roadside gardens or communal amenity areas.

I would advise that a revised NIA is submitted for approval with appropriate mitigation measures to ensure that internal noise levels and also external noise levels in the garden areas and communal amenity spaces are in accordance with the required standards.

In addition, the revised NIA should also cover the proposed plant room to ensure that noise from the plant room does not impact the proposed dwellings in the undercroft area or any dwellings on the floor above. The plant noise should be assessed in accordance with BS4142:2014.

Due to the use of the undercroft area for car parking, there could potentially be contamination from spilt fuel, leaking tanks etc. A watching brief condition is recommended.

To address these and other matters, the following conditions and informatives are recommended:

Noise Control - 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 L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- To protect residents from being adversely affected from outdoor sound levels any private garden, balcony, terrace or external communal space should not exceed 50-55dB LAeq 5 min during the day, and no more than 45dB LAeq 5 min should be exceeded 1 metre from the façade of residential properties at night, in accordance with WHO guidance. Where it is practical and feasible, the lower outdoor sound level (50dB) should be considered the maximum desirable sound level for new development.
- 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 as appropriate.

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.

GBC Highways Officer - This is an edge of centre location and I have no objections. However, the applicant should consider reducing the car parking by providing for the mobility impaired. This would not necessarily have to be allocated until a resident requested one but would be readily available and easily allocated.

Kent County Council's SPG4 suggests that for car parks between 40 and 200 spaces, 5% of the total capacity with a minimum of 4 spaces should be designated for people with mobility impairments. This would require a reduction in car parking provision by some 3 spaces to provide suitable pedestrian access between vehicles. It is accepted that the length of the spaces because of the existing layout could not be varied.

With regards to the cycle parking provision, it should be noted, the reference is to cycle and not bicycle provision. It is accepted this can be confusing, but suitable provision should be made for adaptive cycles, which could serve those with mobility issues or be used for business.

The emerging Kent County Council Parking Standards suggest.

Adaptive Bicycles - are designed to accommodate the individual needs of a disabled cyclist. The majority of cycle parking and storage facilities fail to cater for the needs of disabled cyclists. This is often because the cycle parking space is not wide enough. Therefore, the following design standards apply when catering for adaptive bikes:

- The minimum gap between cycle stands should be 1.0m;
- At least one bay for non-standard cycles should be allocated at the end of a row of standard cycle parking stands, with these bays a minimum of 1.5m wide in order to allow for dismounting.

There appears to be adequate space to meet this requirement within the development, with the possibility of four adaptive cycle spaces being provided. One at each row end. However, as this would be some distance from the entrance to the building, suitable provision for those with mobility impairment should be made closer to the building entrance even if this reduces car parking further. It is suggested that adaptive cycle parking spaces should reflect the provision for the mobility impaired for car parking, giving a minimum requirement of 2 spaces for those that are mobility impaired associated with the additional ten flats, but this excludes those that may be required for business purposes.

The applicant also needs to consider the requirement to charge electric cycles that do not have removable batteries.

Local Ward Councillors - No comment received.

Neighbouring properties

An advert was published in the Gravesend Messenger and a notice was displayed on site.

In addition, fifty-nine surrounding properties were consulted and no representations were received. The consultation period expired 16th August 2023.

Officer's Analysis

Site Description

Joynes House is a purpose-built five storey office building constructed in the early 1970s.



The principal elevation fronts onto New Road with pedestrian access via steps from New Road. The existing building is constructed in red brick with a flat roof, with dark grey coloured fire escape staircases on both sides of the building.

The building is currently “in-use” as offices, but has an extensive planning history for prior approval conversions and upward extension, as well as non-material amendments to the external elevations.



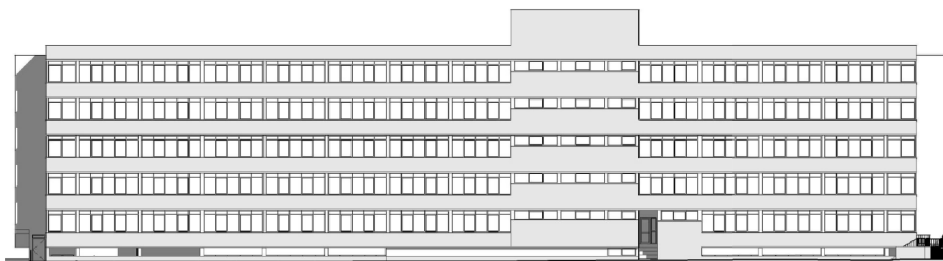
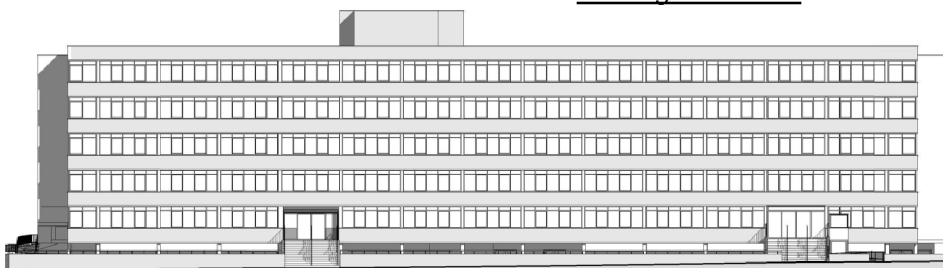
The site has a private surface car park to the rear, accessed from St James’s Road, which also provides access down to the basement/undercroft car park via a ramp.

Gravesend town centre is located to the north and west of the site with its extensive facilities and amenities. The site lies less than 180m from Gravesend Train Station, with its high-speed link to London St Pancras (journey time 24 minutes). There are bus stops along New Road and Darnley Road with bus services to Sevenoaks, Chatham, Rochester, Dartford, Ebbsfleet and Blue Water (Shopping Centre). The A2/M2 lies 2.6 miles to the west. The site also has good accessibility for pedestrians and cyclists.

Proposed Development

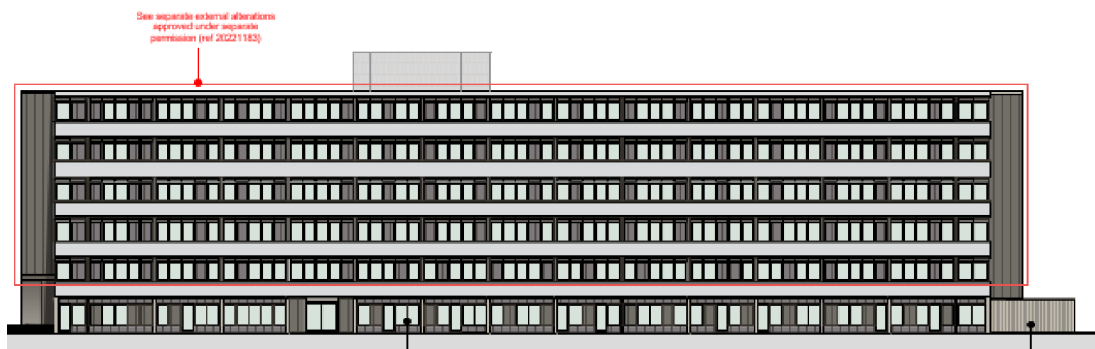
This application proposes the conversion of the undercroft car park to provide 10 flats, with ancillary communal space and a plant room. The flat would benefit from external private amenity space fronting onto New Road.

Existing Elevations

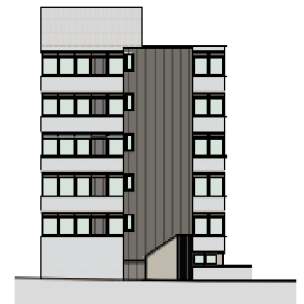


The proposed elevations are shown below, which highlight the conversion and infill of the carpark and that the material will match the existing building with facing brickwork and dark grey window frames.

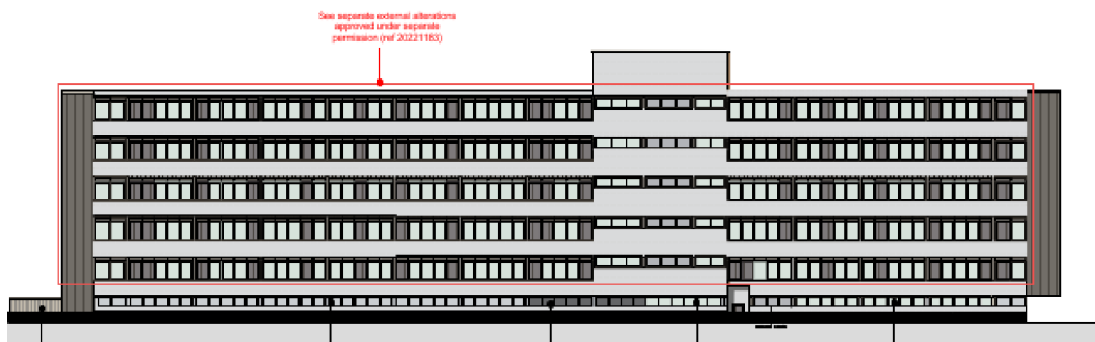
Proposed North Elevation



Proposed East Elevation



Proposed South Elevation



Proposed West Elevation



There would also be secure cycle storage provided in a timber projection on the western side of the building.

Principle of Development

The site is defined on the Policies Map of the LPCS as lying within the Town Centre Opportunity Area as designated by Gravesham's Local Plan Core Strategy (LPCS) (2014).

Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. The proposed development would comply with the requirements of Policy CS15 (LPCS), which expects development to achieve a minimum density of 40 dwellings per hectare within the urban area. As such, there is no objection to the broad principle of residential development within this location subject to it meeting the detailed requirements of government and development plan policy.

The principle considerations in the assessment of this application are:

- Housing Need
- Density of Development
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations
 - Affordable Housing, Planning Obligations and Development Viability
 - Ecology and Biodiversity (Bird Mitigation)
 - Sustainable Urban Drainage
 - Sustainable Development
 - Refuse Arrangements
 - Contaminated Land
 - Noise

- Air Quality
- Financial Benefits

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

“It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than “guidance” and as such a “material consideration” for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme.”

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council’s current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham’s Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- Habitats sites (and those sites listed in NPPF paragraph 182)
- 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)
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the

relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '10' residential units would offer a modest contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Density of Development

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area.

Policy CS15 (LPCS) requires that all new housing will be developed at a density, which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, new residential development within the urban area will be expected to achieve a minimum density of 40 dwellings per hectare. It is clear that whilst Policy CS15 (LPCS) seeks to achieve this minimum density, this should not be at the expense of compromising the character of the surrounding area.

Based on the site area of the site the density of the development would be circa 25 dwelling units per hectare thus substantially below the target minimum density. Although the density calculation might suggest underdevelopment of the site, there are existing permissions for redevelopment of the building which with the current proposal would bring the number of dwellings on the site to 99, which would exceed the 40 dwelling per hectare figure of Policy CS15 (LPCS). Therefore, the overall density calculations would be expected to show higher density.

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. The NPPF (2023) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

It also states that permission should be refused for development for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The conversion of the undercroft carpark into habitable accommodation will alter the appearance of the building by virtue of enclosing the ground floor level. However, this impact is limited by virtue of the ground floor level of the building being setback from and slightly below the footway, as well as being screened by the proposed planting for the private amenity space serving the flats. Nevertheless, the development would be constructed using matching materials to the building, being facing brickwork and dark grey window frames. Therefore, when viewed in context the converted ground floor level will integrate with the building and would have no impact on the character or appearance of the street scene.

As such, subject to conditions ensuring that details are submitted and approved in writing by the Local Planning Authority, to confirm matching bricks and frames, the proposal is considered to be appropriate design in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

Flat	Proposed Floor Space	Amenity Space	National Space Standard (m ²)
Flat 1 - (1b / 2p)	50m ²	21m ²	50m ²
Flat 2 - (1b / 1p)	40m ²	20.7m ²	37m ²
Flat 3 - (1b / 1p)	40m ²	20.7m ²	37m ²
Flat 4 - (1b / 1p)	40m ²	20.7m ²	37m ²
Flat 5 - (1b / 1p)	40m ²	20.7m ²	37m ²
Flat 6 - (1b / 1p)	40m ²	20.7m ²	37m ²
Flat 7 - (1b / 1p)	38m ²	20.7m ²	37m ²
Flat 8 - (1b / 1p)	38m ²	21.8m ²	37m ²
Flat 9 - (1b / 1p)	38m ²	21.7m ²	37m ²
Flat 10 - (1b / 1p)	45m ²	20.8m ²	37m ²

As shown above, if the flats are assessed at maximum capacity all units comply with the recommendations within the National Space Standards. Therefore, it is suggested that the units would provide acceptable accommodation and safeguards the amenity of future occupiers.

Gravesham RLG (2020)	Double Bedroom	Single Bedroom	Kitchen/Living /Diner	Bathroom
	11.5m ²	7.5m ²	25.2m ²	3.6m ²

Flat 1	12.5m ²		28.4m ²	3.9m ²
Flat 2		12.6m ²	24m ²	3.2m ²
Flat 3		12.6m ²	24m ²	3.2m ²
Flat 4		12.6m ²	24m ²	3.2m ²
Flat 5		12.6m ²	24m ²	3.2m ²
Flat 6		12.6m ²	24m ²	3.2m ²
Flat 7		12.55m ²	21.7m ²	3.1m ²
Flat 8		11.5m ²	23.3m ²	3.2m ²
Flat 9		11.5m ²	23.25m ²	3.1m ²
Flat 10		11.8m ²	28.3m ²	3.9m ²

The table above compares the rooms to the minimum requirements of the RLG and demonstrates that a number of the flats have undersized kitchen/living/diners (k/l/d) and bathrooms. The undersized bathrooms are not considered to impact on amenity, by virtue of shower basins as opposed to baths which occupy less floor area and would therefore not be cramped. In terms of the k/l/d's, it is acknowledged that there is no figure provided within the RLG, however the 25.2m² listed in the table is the total for a combined k/l/d and therefore considered to be an acceptable minimum floor area. Nevertheless, the flats are single bedroom units which accord with the national standards and the undersized k/l/d is offset by oversized bedrooms and the private amenity space afforded to future occupiers should also be considered. Therefore, on balance, the undersized k/l/d's within the flats is not considered to be detrimental to future occupier amenity.

Overall, the development is considered to safeguard future occupiers amenity in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 127 of the NPPF (2023) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The proposed development would not have any impact on the surrounding residential properties, due to it being for the conversion of the ground floor level and there being no flank windows proposed, there would be no overlooking, loss of light, loss of outlook or sense of enclosure impact.

Therefore, the development will safeguard the amenity of surrounding properties in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Parking and Highways

The development will involve a loss of the undercroft parking, which would result in a net-loss of spaces, however the existing surface carpark to the rear of the building would retain its 66 spaces. Although parking availability is positive, due to the central location of the building within a short walking distance of amenities and public transport links vehicular parking is not required.

KCC Highways and Gravesham's Highways Officer has raised no objection to the development, subject to a condition ensuring that a parking management plan is submitted prior to the commencement of the development, to provide details of allocated/unallocated parking spaces and parking provision for the mobility impaired. A condition relating to the cycle store will also be attached to the decision notice to ensure that adequate storage is provided for future occupiers.

In summary it is considered that this scheme would provide acceptable levels of parking for future occupiers, including secure bike storage and the development is in accordance with Gravesham's adopted parking standards (SPG 4) (2006), Policy CS11 (LPCS) and saved policy P3 of the Local Plan First Review (1994).

Planning Obligations

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.

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; and
- (C) fairly and reasonably related in scale and kind to the development.

Developer Contributions

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 (2023), 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.

KCC have been consulted and confirmed that the proposal does not meet the requirement for contributions.

Gravesham Leisure Services

Policy CS13 (LPCS) and the NPPF (2023) 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 being the provision of 3G artificial pitches, indoor bowls facilities, sports halls improvement and swimming pools.

Taking into consideration the development's location within the borough and real time need/deficiencies on the ground, the development needs to make a financial contribution of £5,103.00 towards a series of improvements to the Riverside Leisure Area, Gordon Promenade or Windmill Gardens Clarence Place. This figure has been accepted by the applicant and complies with local and national planning policy.

Ecology and Biodiversity (Bird Mitigation)

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

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £314.05 per new dwelling unit (total - £3,140.50).

The proposed payment of £3,140.50 would be secured as part of the S.106 agreement. A link to the Council's website where there is justification for the tariff is shown below:

<https://www.gravesham.gov.uk/heritage-conservation/nature-conservation/2>

Total Requests

The applicant has agreed to all of the above requests and the contributions have been secured through a S.106 agreement.

Obligation	Sum	Trigger Point
Gravesham Leisure Services	£5,103.00	Prior to Occupation
Bird Wise North Kent SAMMS	£3,140.50	Prior to Commencement
Total Figure:	£8,243.50	

Sustainable Urban Drainage

Policy CS18 of Gravesham Local Plan Core Strategy (2014) sets out the requirements for dealing with sustainable drainage and surface water run-off. The application as submitted makes no reference to either of these requirements and the agent will be required to provide a Sustainable Urban Drainage Strategy (SUDS) for the site which should include the following design principles.

- Pervious pavements/road surface to allow water to drain through the surface;
- Filter Drains; and
- Rainwater catchment

In order to deal with the above a condition will be required to deal with Sustainable Urban Drainage Strategy (SUDS) for the site.

Sustainable Development

Gravesham Borough Council's net zero targets are a key consideration in new developments and a core principle within Policy CS18 (LPCS). The applications does not include any details of sustainable energy sources or materials, however the proposed scheme is relatively small scale and therefore Building Regulations would cover the sustainability requirements of the development under Part S, without planning conditions being required.

Refuse Arrangements

Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.

The proposed bin store would be located to the rear of the building, on the access road into the carpark. The plans indicate no. 14 large Biffa bins and no.7 wheelie bins. It is not clear from the drawing what the allocation of the bins would be, however this is considered to be adequate in relation to the number of occupants for this development and would be in an acceptable location for collection.

It is acknowledged that the bins store is at a larger scale to accommodate the approved prior approvals on the site, however this application only proposes no.10 units and therefore can only be conditioned in relation to this proposals.

Contamination

Gravesham's Environmental Protection Team (Regulatory Services) have raised concern with the potential for contamination during the construction phase and have requested that a watching brief condition is

attached to any decision notice. For the avoidance of doubt the condition would read as follows:

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.

Noise

Gravesham's Environmental Protection Team (Regulatory Services) have requested a condition ensuring that a post-installation noise impact assessment that complies with compliance with the maximum values set out in Table 1 of BS8233:2014 and The World Health Organisation 'Guidelines for Community Noise', is submitted and approved in writing by the Local Planning Authority will be attached to the decision notice. This is due to the location of the dwellings close to a busy arterial road out of the town centre and in the interest of safeguard the amenity of future occupiers.

Air Quality (AQMA)

The application site does not fall within the Air Quality Management Area (AQMA) but adjacent to the A226 one-way systems, that forms part of the AQMA for nitrogen dioxide (NO₂).

Due to the site being adjacent to, but not within the AQMA, there would be no detrimental impact to the site as a result. Gravesham's Environmental Protection Team (Regulatory Services) have not requested any additional information or conditions relating to air handling or ventilation systems, and therefore the amenity of future occupiers will be safeguarded in accordance with Policy CS19 (LPCS).

Designing Out Crime

Kent Policy Designing Out Crime Team have raised no objection to the development, but have raised considerations which are to be taken into account in the design phase. These will be attached as an informative.

Financial Benefits

It is noted that financial benefits will accrue to the area if permission is granted. The Government wishes to ensure that the decision-making process for planning applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this instance the proposed new residential units would generate the New Homes Bonus and Council Tax receipts.

Conclusion

The proposed development would comply with local and national planning policy and subject to the suggested conditions within this report and the signing of the S.106 agreement this proposal can be supported.

Suggested Conditions

Standard Conditions

- Time Limit
- Approved plans

Pre-commencement

- Sustainable Surface Water Drainage

Prior to above ground works

- Materials/Samples

Pre-occupation conditions

- Parking Management Plan
- Hard Landscaping Scheme
- Soft Landscaping Scheme
- Noise Mitigation Measures
- Security Arrangements
- Refuse Store Details
- Bicycle Storage Details

Other/On-going conditions

- Watching Brief

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	29 th November 2023	Dated:	5 th December 2023