



Delegated Report

Planning Application

Application no: 20211430

Location: 11 - 12 East Milton Road Gravesend Kent DA12 2JL

Description: Retention of existing 1 x 3 bed self-contained residential unit and 1 x 2 bed residential unit including internal modifications so as to meet national space standards.

Applicant: Mr Jagdev Singh Malkotia

Site Visit Date: 7th February 2022

Submitted Documents/Plans

The application comprises the following documents and plans:

Planning Application Form received 22nd November 2021;
Design and Access Statement received 7th December 2021;
Site Location Plan received 14th December 2021;
Drawing No. 112/01/EGF Rev A – Existing Ground Floor Plans received 11th February 2022;
Drawing No. 112/02/PGF Rev A – Proposed Ground Floor Plans received 11th February 2022;
Drawing No. 112/03/EFF Rev A – Existing First Floor Plans received 11th February 2022;
Drawing No. 112/04/EFF Rev A – Proposed First Floor Plans received 11th February 2022;
Drawing No. 112/05/RG Rev A – Existing Rear Gardens received 11th February 2022;
Drawing No. 112/06/FG Rev A – Existing Front Gardens received 11th February 2022;
Drawing No. 112/07/FG Rev A – Pre-Existing and Proposed West Facing Side Elevation received 11th February 2022;
Drawing No. 112/08/FG Rev A – Pre-Existing and Proposed East Facing Side Elevation received 11th February 2022; and
Drawing No. 112/09/FG Rev A – Pre-Existing and Proposed Front and Rear Elevations received 11th February 2022.

Relevant Planning History:

Application Ref. No.	Description	Status	Date
20050751	Conversion of shop to residential involving erection of two storey rear extension to form a kitchen and office at ground floor level with a bedroom at first floor level.	Permission	18.11.2005
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19940627	Erection of a conservatory at the rear of no. 12 and a detached building at the rear of no. 11 for use as a store in connection with the existing retail use.	Permission	27.03.1995
19890721	Erection of a single storey rear extension to form enlarged stores, kitchen and wc.	Permission	06.10.1989

Development Plan

Gravesham Local Plan Core Strategy (September 2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design & Development Principles

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

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 4 – Decision-making
- 5 – Delivering a sufficient supply of homes
- 9 – Promoting Sustainable Transport
- 11 – Making effective use of land
- 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006)
- Housing Standards Policy Statement, 1st October, 2015; and
- Technical Housing Standards: Nationally Described Space Standards.

Consultations, Publicity and Representations

KCC – Heritage Conservation (E & W)

No comments to make on archaeological matters.

Natural England

No objection subject to securing appropriate mitigation.

GBC – Environmental Protection Team

Please apply Code of Practice on Construction and Demolition.

GBC – Highways Officer

Given the conversion has already taken place, I consider this needs a detailed response to explain the process of reaching my conclusion.

Originally prior to 2005 looking at the site history the property was a shop, until permission was given to convert it to a single dwelling. However, I note the Highway Engineer originally objected to the provision of the garage as access is off an 'A' classified road and there should have been an onsite provision so vehicles could enter and leave the highway in forward gear. There is however a note on these comments stating they were superseded but have been unable to track the revised comments. Unfortunately Google Street View does not provide any images before 2008.

The October 2008 image suggests that the carriage crossover had been in existence for some time, as there is no recent evidence of any works to the footway to construct a crossover but equally it may be possible that general maintenance had been carried out and hidden any other works.



If the crossover existed it would explain the revision of the Highway Engineers comments.

It is noted using Google Street View that the off street parking facility has been in use.



April 2012



July 2012



July 2016



May 2019

We therefore have a dwelling with off street parking being provided and used being lost and replaced by 2 dwellings without any car parking.

Looking at current supplementary guidance, which is currently being reviewed. The existing Gravesham adopted guidance is for a maximum number of vehicles with no minimum specified. Kent County Council as Highway Authority have revised guidance which considers the area before suggesting the level of car parking provision for Town Centres and Edge of Centre locations again it is a maximum provision, whilst for suburban and rural areas it is a minimum provision.

An edge of centre location is defined as having On-street controls, residents' scheme and/or existing saturation. This is true in this location where the A226 East Milton Road is subject to No Waiting at Any Time restriction and the neighbouring residential streets are heavily parked. An additional parking burden may result in difficulties for the existing residents, but in pure highway policy terms I have no grounds to refuse the application in terms of the non-provision of car parking.

Looking at Crashmap.co.uk, there isn't a recent accident record outside the dwelling although there are several at the East Milton Road/Empress Road junction. This suggests that the carriage crossover to the property did not result in any highway safety issues.

We are therefore looking at the loss of car parking for an existing dwelling and the non-provision of cycle parking. In the interests of nil detriment, I consider a parking space (Interim Guidance Note 3 of the Kent Design Guide Residential Parking, Edge of Centre location) for a single dwelling should be retained, whilst secure cycle parking for three cycles should be provided to comply with the requirements of SPG4, the Councils adopted parking guidance for the new dwelling. In addition as cycles could have been stored in the original garage three secure cycle parking spaces should be provided for the other dwelling. All such parking would have to be I believe in the front garden to avoid wheeling cycles through the houses.

Minimum Cycle Parking Standards

Individual residential dwellings ⁽¹⁾	1 space per bedroom
Flats & maisonettes ⁽²⁾	1 space per unit
Sheltered accommodation ⁽²⁾	1 space per 5 units
Notes:	1. Cycle parking provision should normally be provided within the curtilage of the residential dwelling. Where a garage is provided it should be of a suitable size to accommodate the required cycle parking provision. 2. Parking provision should be provided as a secure communal facility where a suitable alternative is not available.

Extract from SPG4

It is however noted that in isolation a highway reason for refusal is unlikely to be sustained at appeal for a single car parking space. It is the provision of suitable cycle parking which given current Government guidance is more likely to be successful.

GBC – Waste & Recycling Manager

I have reviewed the above planning application and I am happy with the refuse and recycling information provided.

Neighbouring properties

Consultation was carried out by way of a site notice and letters sent to nine surrounding properties with an

overall expiry date of 31st January 2022. No letters of representation have been received.

Two Ward Councillors for Riverside Ward were also consulted and no letters of representation were received.

Analysis

Principle of Development

Policy CS02 of the Local Plan Core Strategy (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. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 7 of the NPPF (2021) 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 NPPF (2021) 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.

The development for a net increase of '1' dwelling has offered a minimal contribution towards meeting this local need and, accordingly, officers consider that this should be accorded minimal weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) which requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. Policy CS02 (LPCS) seeks to achieve this by:

Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area.

The NPPF (2021) is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 119 advises that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. Where there is an existing or anticipated shortage of land for meeting identified housing needs, as is currently the case the local authority is seeking to make optimal use of this site through residential development.

The application site does meet the definition of previously developed land as the application site is an existing property that was converted from a shop to a residential property in 2005.

In conclusion it is considered that the principle of development here is acceptable subject to the dwelling complying with the relevant policies relating to design, amenity, parking provision and any other material planning considerations.

The key issues to be considered are as follows:

- Design, Character and appearance;
- Amenity for future residents;
- Impact on surrounding properties;
- Refuse Storage;
- Highway Impacts and Vehicle Parking; and
- Ecology and Biodiversity.

Design, Character and appearance

Policy CS19 (LPCS) requires development to conserve and enhance the character of the local built,

historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. This stance is reflected in section 12 (Achieving sustainable development and well-designed places) of the NPPF (2021).

Policy CS15 (LPCS) seeks to achieve a minimum density of 40 dwellings per hectare for residential development in the urban area, subject to the overriding consideration that the scheme is well designed and does not compromise the distinctive character of the area. The application site measures 0.01 hectares and the density of the development equates to 100 dwellings per hectare. This is in keeping with the density and character of the surrounding area and appropriate for the physical constraints of the site.

Policy CS14 (LPCS) seeks to ensure that new housing development provides a range of dwelling types and sizes. The 2 and 3 bed dwellings add to the Council's stock of family housing.

The dwellings are existing with the only external alterations that have been undertaken is the replacement of the garage door and door with 2no. single windows and 2no. front doors, together with an approx. 1m high boundary walls and pedestrian gate, together with footpath, small area laid to lawn and provision of refuse bins. The replacement brickwork and render finish, together with the additional windows and boundary walls respect and matches the existing and adjacent buildings and boundaries. No other external alterations have been undertaken or are proposed. The proposed works that have been submitted with this application are internal alterations to the existing layout to accord with the Technical Housing Standards.

Pre-Existing Streetscene (May 2019)



Existing Streetscene (August 2021)



The works that have been undertaken has created 2no. three bedroom four person dwellings with the existing ground floors being open plan living/diner, separate kitchen, shower rooms and stairs to the first floor. The existing first floors currently have three bedrooms and shower room. There are no proposed alterations to the ground floor layouts. Bedroom 3 of No. 12 currently does not have a window and is therefore unacceptable as a bedroom. As such, revised plans have been submitted to alter this property to a 2 bedroom dwelling and the third bedroom will be made into a study. Therefore, the first floor layouts would be altered to provide one double bedroom and two single rooms in No. 11 and No. 12 would have one double room, one single room and a study, essentially altering this property to a 2 bed, in order to accord with the National Space Standards.

To the rear of the properties, the rear garden has been separated to provide two separate gardens with No. 11 having an area of 59.86m² and depth of 14.9m. No. 12 would have an area of 51.71m² and depth of 17.71m.

In terms of the character of the area, the surrounding properties are two storey terrace properties of similar design. The application site is located at the end of the terrace row of two storey properties with an attached bungalow on the west facing side.

The works to the property respect the existing and surrounding and as such have not result in a detrimental impact on the streetscene, visual amenity or character of the area.

In summary the overall design of the scheme is acceptable and it is felt that the design has taken into consideration features that are seen within the area such as window and door size and layout/positioning.

Amenity for future residents

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

The existing properties each provide three bedrooms, however No. 11 room sizes only accord with the minimum standards for single rooms. Bedroom 3 of No. 12 doesn't have a window which is unacceptable in terms of outlook and natural light. The proposal includes internal alterations to amend the size of the rooms and change bedroom 3 of No. 12 to a study.

The current proposal seeks to provide 1no. three-bedroom four person dwelling and 1no. two-bedroom three person dwelling. Taking account of the nationally prescribed space standards, the gross internal floor area and internal space standards of each unit are as follows, based on the floor plans submitted with the application. This assessment does not take account of the discrepancies between the drawings.

	Proposed 3b4p dwelling	Standard 3b14 dwelling
No. 11 Gross Internal Floor Area	84.14m ²	84m ²
Bedroom 1 (double)	11.7m ²	11.5m ²
Bedroom 2 (single)	7.31m ²	7.5m ²
Bedroom 3 (single)	7.92m ²	7.5m ²
	Proposed 2b3p dwelling	Standard 2b3p dwelling
No. 12 Gross Internal Floor Area	87.79m ²	70m ²
Bedroom 1 (double)	14.15m ²	11.5 m ²
Bedroom 2 (single)	10.9m ²	7.5m ²

As can be seen, based on the floor layout drawings, the gross internal floorspace both properties accords with the minimum prescribed space standards. In terms of bedroom size, bedroom 2 of No. 11 falls short of the minimum prescribed space standards by 0.19m² approx.

Overall, whilst one of the single bedrooms in No. 11 does not fully accord with the minimum prescribed space standards for a single bedroom, the gross internal floor areas have been met and the proposal would provide a good standard of internal living space for future occupants and the benefits of creating one additional property into the housing stock outweighs the slight deficit in floor area.

All habitable room windows have sufficient outlook, daylight and privacy.

Externally No. 11 has a garden area of 59.86m² and depth of 14.9m. No. 12 would have an area of 51.71m² and depth of 17.71m, with direct access into the kitchens. Whilst the garden area for No. 11 has a shortfall of 0.14m² which does not comply with the council's residential layout guidelines which require 60m² of amenity space for a 3 bedroom property, the depth of 10m has been exceeded and overall it is considered that there is sufficient private amenity space for future occupiers and are similar to the surrounding properties. No. 12 would exceed the garden area of 37.2m² and dept of 7.6m for a 2 bedroom property.



Overall, it is considered that the proposal complies with Policy CS19 (LPCS) and paragraph 130 of the NPPF (2021).

Impact on surrounding properties

Development should not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. 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 130 of the NPPF (2021) which requires the amenity of existing residents to be protected.

The development has not nor will result in any extensions to the properties with only additional ground floor windows being included in the front elevation.

As such the proposal has not result in a materially adverse impact on the amenity of surrounding properties and there is no conflict with local or national planning policy.

Refuse Storage and Collection Arrangements

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

Whilst the submitted plans show bin refuse being within the front garden which allows for kerbside collection and as such no objections have been raised.

In summary with regard to refuse arrangements the development complies with Policy CS19 (LPCS).

Highway Impacts and Vehicle Parking

Policy CS11 (LPCS) states that new development should mitigate its 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 stance is reflected in the NPPF (2021) which states at paragraph 111 development should only be prevented or refused on transport grounds where the cumulative impact of development are severe. In this instance the nature and scale of the development does not require a transport statement or transport assessment.

Gravesham's Highway Development Management officer has raised concerns over the loss of the off road parking provision for the pre-existing property and the inclusion of an additional property, both has had a negative impact on the parking provision for both properties.

However, taking into consideration the sustainable edge of centre location and being within close proximity to local shops, bus route and primary and secondary schools, the lack of parking would be mitigated and would not warrant a refusal.

It has been advised that to address the lack of parking provision, secure cycle storage is provided which

can be conditioned.

Whilst the proposal does not provide parking, the sustainable location together with a condition securing cycle storage should mitigate this deficit. Overall, there is no objection on the grounds of highway safety or parking provision and the proposal complies with Policies CS11 and CS19 (LPCS) and Saved Policy P3 (LPFR).

Ecology and Biodiversity

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £253.83 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

Irrespective of the above, a Court of Justice European Union (CJEU) ruling means a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site is required. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

In this case a contribution (£253.83) has been provided by the applicants.

The application has not involved any loss of biodiversity due to being the conversion of any existing building.

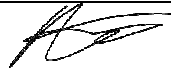
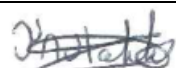
Conclusion

The proposal is a sustainable form of development that accords with national and local policy planning policy and will provide an acceptable scheme within the urban area of Gravesend.

Recommendation:

Permission subject to conditions

See draft Decision

Case Officer:	Mrs Amanda Grout	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	16 th February 2022	Dated:	16 February 2022

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Gravesham Borough Council