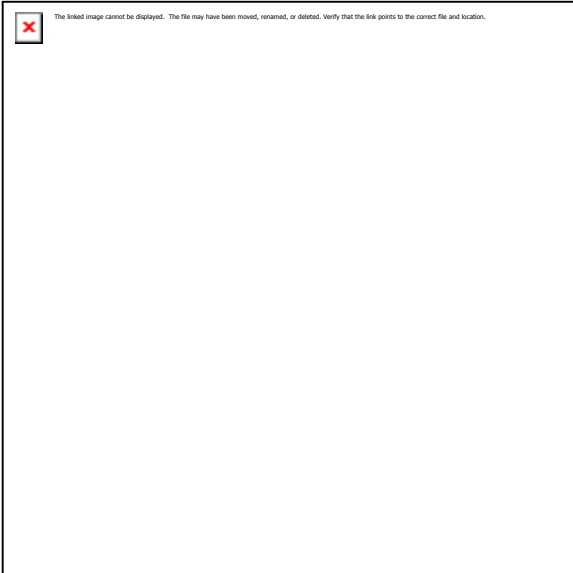




Delegated Report

Householder Planning Application

Planning Application No: 20211232

Location: 8 Zion Place Gravesend Kent DA12 1BH

Description: Retrospective application for erection of a single storey rear extension to the lower ground floor and conversion from a single dwelling into a self-contained one bedroom flat at lower ground floor and two-bedroom self-contained maisonette over.

Applicant: Mr Mohsin Kothia, Theset Limited

Site Visit Date: Desktop

Submitted Documents/Plans

- Application form;
- Design & Access Statement;
- Drawing no. 2108/01 Rev. P1 – Location Plan and Existing & Proposed Site Plans;
- Drawing no. 2134/02 Rev. P2 – Existing & Proposed Floor Plans;
- Drawing no. 2134/03 Rev. P2 – Existing Elevations;
- Drawing no. 2134/04 Rev. P2 – Proposed Elevations; and
- Strategic Access Management and Monitoring Strategy (SAMMS) Contribution Agreement.

The proposed floor plans originally submitted showed three bedrooms for the upper maisonette and no living room but this was an error, revised plans received showing two bedrooms and living room

Relevant Planning History

None.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

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

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

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

National Planning Policy Framework (2021)

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

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of 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.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 176)
- 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 63); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a

weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 123(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

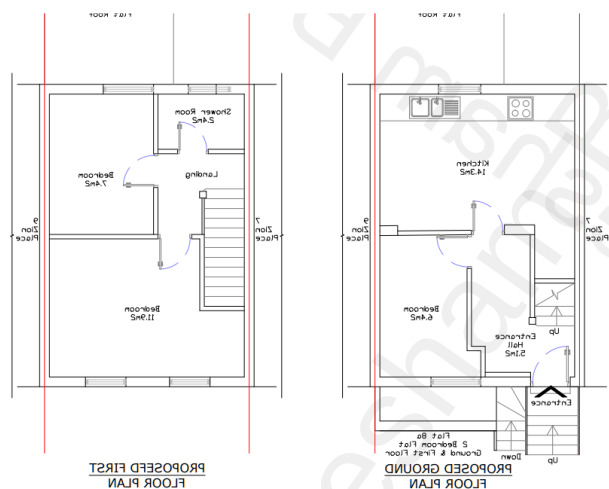
- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006)
- Technical housing standards – nationally described space standard (2015)
- Upper Windmill Street Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

Consultations, Publicity and Representations

Consultees

GBC Engineering

This is an edge of town development so no car parking is required. However ideally cycle parking should be provided for both units, one for the flat and two? for the maisonette. I question mark 2 bedrooms as although the description states two bedrooms the drawings show three.



Drawing 2134/02

I accept however the requirements for cycle parking may be difficult to sustain as there is already a deemed parking requirement which should be discounted. But in the interests of sustainability and active travel cycle parking should be included wherever it possibly can in residential proposals.

GBC Environmental Protection

Please add drainage/sewage and smoke control informatives.

KCC Heritage

The site lies within an area of multi-period archaeological potential, however, I consider it unlikely that the proposed works will have a significant archaeological impact and have no further comments to make in this case.

No response from:

- GBC Conservation Officer
- GBC Waste

Neighbouring properties

11 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 19 November 2021 – no responses.

Officer's Analysis

The site consists of a two storey mid-terrace building situated in Upper Windmill Street Conservation Area and an Area of Archaeological Potential. The property was previously a three bedroom dwelling but has been converted into two flats by the applicant without the benefit of planning permission which this application seeks to regularise. It is stated that when the applicant bought the property in 2019 there was already the existing single storey rear extension there which this application also seeks to regularise. There is a small front garden with hardstanding for parking and garden area to the rear.

The principal issues in the consideration of this application are:

- Principle of development;
- Character and appearance and Heritage;
- Amenity of occupiers of the development;
- Amenity of existing neighbouring properties;
- Parking and highway safety; and
- Ecology and Biodiversity

Principle of development

The proposal (which is for retention of) is to convert the property into two flats. The property previously consisted of three bedrooms, two kitchen/dining rooms, living room and shower room. The property which now consists of two flats is as follows. Flat 1 is at lower ground floor level and is a one bedroom one person unit. Flat 2 is across the upper ground and first floor levels and would be two bedrooms with 3 person occupancy.

The site is in the urban area and Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) states that the strategy prioritises development in the urban area as a sustainable location for development. Policy CS14 states that the Council will protect the mix of housing in the existing housing stock and will resist the conversion of family sized residential units to smaller properties. The preamble states that family accommodation is taken to be homes with two or more bedrooms.

Being that the property was a three bedroom dwelling it is considered that it constitutes a family sized residential unit. As such, the proposal to convert the dwelling to two flats would result in the loss of a family sized unit which would be contrary to Policy CS14 of the Core Strategy which seeks to resist such development in order to retain much needed family sized housing in the Borough. However, it is noted that there are three other properties in the Zion Place terrace which have been converted to flats including two since the current development plan was introduced.

- No. 1 Zion Place – Ref. 20140604 - Conversion of single dwelling into a self-contained bedsit at lower ground floor with two bedroom self-contained maisonette over. Permitted 22/08/2014.
- No. 7 Zion Place – Ref. 20200839 - Erection of a rear extension to the basement and ground floor levels and split a three bedroom dwelling into 1 no. one bedroom flat and 1 no. two bedroom flat. Permitted 02/12/2020.
- No. 9 Zion Place - Retrospective application for change of use from a single dwelling and

conversion into a self contained bedsit at lower ground floor and two bedroom self contained maisonette over, including single storey rear extension. Permitted 09/03/2021.

As such it is considered that on balance a refusal on the loss of a family sized unit would not be sustained on appeal given that two other properties have been converted to flats since the current development plan was introduced and no objection is raised in respect of Policy CS14 (LPCS).

Character and appearance and heritage

The single storey rear extension which has been constructed is very modest being only 3m in depth, 2.9m in width and 2.8m high and due to the land levels the extension would be 0.97m above the garden level. It is of a subservient nature and would be in keeping with the scale and character of the host building. Due to its subservient nature and position at the rear it would cause no impact on the streetscene. No other external changes are proposed. The character and appearance of the Upper Windmill Street Conservation Area would be preserved. It is considered the proposal in respect of character and appearance and heritage would be compliant with Policies CS19 and CS20 (LPCS).

Amenity of occupiers of the development

Policy CS19 states that new development will be fit for purpose and will be located, designed and constructed to safeguard the amenity of its occupants and those of neighbouring properties and land.

Lower ground floor flat

This is 35 sq.m and the bedroom is 10.2 sq. m. It would have a bathroom as opposed to a shower room. The Technical Housing Standards state that for a one bedroom one person, 1 storey dwelling such as this the minimum size is 39 sq. m. The flat is therefore undersized by 4 sq. m however it is considered that this is not so significant to justify refusal and the proposal would provide a net addition of one unit so that is a positive aspect to the proposal which adds weight.

Upper floor maisonette

This is 56 sq. m and the bedrooms are 12 sq. m and 7.3 sq. m. The Technical Housing Standards state that for a two bedroom three person, 2 storey dwelling such as this the minimum size is 70 sq. m. The flat is therefore undersized by 14 sq. m however from a review of the other permissions in the terrace for conversion of dwellings to flats it is noted that a two bedroom, three person, 2 storey maisonette was permitted at no. 9 Zion Place under ref. 20201370 which was 55.6 sq. m with the bedrooms being 13 sq. m and 6.2 sq. m. This maisonette was therefore also 14 sq.m under the minimum so it seem unreasonable to refuse the same undersized accommodation here. Improvements have been made as on the originally submitted plans this maisonette was shown to have a very small living room (shown as a bedroom in error) with a very large hall so the agent was asked to submit revised plans showing the internal wall next to the living room to be removed in order to create a larger living room area. Revised plans have been received on this basis and the applicant has agreed that three months is a reasonable time for implementation of this revised layout (which will need to be subject to condition. There is a garden area 55 sq.m in in area which would meet the minimum standard for 10 sq. m per flat as set out in SPG2. In summary given the fact the proposal would provide a net addition of one unit and there is equally undersized accommodation at the adjoining property which was permitted under the current development plan it is considered that subject to conditions the proposal would on balance be acceptable and be compliant with Policy CS19 (LPCS).

Amenity of neighbouring properties

The proposed extension due to its modest size and low level would cause no impact on the amenity of neighbouring properties in respect of overshadowing or loss of outlook and no windows in flank elevations therefore no overlooking. In respect of neighbour amenity the proposal is considered compliant with Policy CS19 (LPCS). The proposed extension is considered to be modest in size and is only slightly larger than the existing.

Parking and highway safety

The existing property has its front garden hard paved with space for one car but as an edge of town centre location the Highways Officer confirms no parking would be required. As such it is considered there are no issues regarding parking or highway safety and in this regard the proposal is compliant with 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 £250.39 per dwelling). This approach is approved by Natural England for all new residential developments.

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

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

In this case a contribution agreement has been provided by the applicant (the required tariff was £253.83 for the net addition of 1 unit which was the correct tariff paid at the time the payment was made. The Local Planning Authority can therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore the proposal is compliant with Paragraphs 180 and 181 of the NPPF (2021) and Policy CS12 (LPCS).

Any Other Material Planning Considerations

None.

Conclusion, Balancing Exercise & Recommendation

The proposal would provide the conversion of a family sized dwelling and would provide undersized accommodation but given similar conversions which have been permitted in the terrace including two in the current development plan period along with other undersized accommodation it is considered the proposal would be acceptable on balance in respect of the amenity of occupiers. There is a condition which will be added in order to amend the upper maisonette to remove an internal wall in order to enlarge the living room which will improve things somewhat to that room. The proposal has been found to be acceptable in respect of character and appearance, amenity of neighbours, parking and highway safety and ecology and biodiversity. The recommendation is therefore permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	29 April 2022	Dated:	29th April 2022