



Delegated Report

Full Planning Application

Planning Application No: 20241042

Location: Masons Solicitors 35 Perry Street Northfleet Gravesend

Description: Erection of first floor extension with pitched roof comprising two one bedroom flats. Alterations to the existing building by internal division and new shop front to create two Class E business units. Demolition of a small section of the existing building at the rear to create a bin store area.

Applicant: Ambareen Estates Ltd

Site Visit Date: 22nd April 2024 & 10th February 2025

Submitted Documents/Plans

Planning Application Form;
Planning, Design and Access Statement;
Supporting Information – Brink Air Heat Recovery Appliance Details;
Supporting Information – Noise Impact Assessment;
Drawing No. 24/434/02 Rev A – Proposed First Floor Sketch; and
Drawing No. 24/434/03 Rev A – Proposed First Floor Site Plan

~~Drawing No. 24/434/02 – Proposed First Floor Sketch~~
~~Drawing No. 24/434/03 – Proposed First Floor Site Plan~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20130239	Display of two illuminated fascia signs and two projecting signs at fascia level; non-illuminated free standing sign; internally illuminated ATM surround and various non-illuminated signs.	Consent	14.05.2013
20061055	Display of internally illuminated fascia sign and internally illuminated double sided free standing pole mounted sign at front.	Consent	12.01.2007
20030636	Construction of a disabled access ramp at the front.	Permission	15.09.2003
20020887	Display of internally illuminated sign around ATM.	Consent	19.12.2002
20000713	Installation of a satellite receiving dish antenna on the flat roof at the rear.	Permission	14.11.2000
19980600	Display of an internally illuminated fascia sign, an internally illuminated cash point dispenser surround on the front elevation and replacement of the internally illuminated panels on the existing post mounted sign on the forecourt.	Consent	10.11.1998

19880123	Display of internally illuminated fascia box sign.	Consent	14.04.1988
19860353	Erection of single storey rear extension to form staff room and two storage rooms and alterations to front elevation including installation of external cash dispenser	Permission	18.07.1986
19800287	Erection of single storey rear extension to form toilets staffroom strong room and two store rooms	Permission	22.05.1980
19760843	Retention of terrapin building for use as office	Permission	12.01.1977

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

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

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- 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 and beautiful places

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)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

External

KCC – Heritage

The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the nature of the proposed works, I consider it unlikely that these proposals would have any significant below-ground archaeological impact. I defer to your Conservation Officer to provide advice on the built heritage implications.

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 recommend SBD guidance is utilised 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. The points below identify my recommendations for the layout and design of this scheme.

1. Perimeter, boundary and divisional treatments should be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line to optimise surveillance.
2. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including internal flat entrance and individual bedroom doors to meet PAS 24: 2022 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.
3. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 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 aminated. Toughened glass alone is not suitable for security purposes.
4. 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.
5. 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.
6. 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. This standard would also be suitable for the commercial units, if there will be no dedicated personnel responsible for accepting mail.
7. Unrestricted egress from a landing into the stairwell and from the stairwell to the communal lobby/emergency fire exit must be provided at all times.

8. For cycle storage, we advise on the use of ground/ wall SBD or sold secure anchors within a lockable shed or storage area. Bin storage must also be secure with access control. Please note commercial and residential bin and cycle stores must be segregated to prevent conflict.
9. 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.
10. For the commercial unit we also recommend alarms be installed, preferably with an autodial function, as an additional layer of security.
11. Any Shutters should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013
12. CCTV is advised for till areas, all communal entry points (both commercial and residential buildings) and the mail delivery area to monitor who enters / exits the buildings.
13. Access control. Adequate access control is required for entrances used by staff only such as storage rooms and other restricted areas.
14. To minimise the opportunity for crime, especially out of hours the physical security standard should meet current standards as shown in SBD Commercial 2015: www.securedbydesign.com

If approved, 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.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Internal

GBC – Environmental Protection

The Noise Impact Assessment dated October 2024 by MRL Acoustics (Report Ref: MRL/100/2115.1v1) has been reviewed. Appropriate noise measurements have been taken in the area in order to assess existing noise sources including the nearby pub, other commercial uses and traffic noise. The report concludes that internally, noise levels in the proposed dwellings will be in excess of the criteria in BS8233:2014 both during the daytime and also at night. This is with windows open for ventilation.

Mitigation measures are therefore needed, and these are provided in section 5 of the report. These include a glazing specification for upgraded glazing and acoustically treated ventilation as an alternative to opening the windows. Options for alternative ventilation are provided (section 5.11) and these include various mechanical ventilation options. Alternatively, acoustically treated trickle vents could be used (NOT standard trickle vents). This ventilation requirement is needed for all habitable rooms overlooking Perry Street and, on the façade, facing Alfred Place. This is agreed with.

If mechanical ventilation is installed, it must not result in further elevation of internal noise levels such they the criteria in BS8233 is exceeded.

At this stage the end user of the 2 ground floor commercial units is not known. If plant/equipment associated with these uses is to be installed, it must not impact on the flats above.

To address the above and other matters, the following conditions/informatives are recommended.

Noise Mitigation

The noise mitigation measures as detailed in report Noise Impact Assessment dated October 2024 by MRL Acoustics (Report Ref: MRL/100/2115.1v1) (The Report) shall be implemented by competent persons. The glazing specifications as given in The Report applies to ALL windows and glazing in any doors. Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Authority and installed and tested prior to operation.

The mitigation measures must be retained thereafter.

Noise Control – Plant/Equipment

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. A report demonstrating this must be submitted for approval prior to any plant/equipment being installed.

Code of Practice on Construction and Demolition

Please apply

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Drainage/sewerage informative

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

GBC – Waste Services

I have reviewed this planning application and I am happy with the bin storage arrangements detailed in this application.

Neighbouring properties

The application was publicised by the displaying of a site notice and individual letters sent to fourteen surrounding properties with an overall expiry date of 8th January 2025. No comments have been received.

Officer's Analysis

Proposal

This application seeks permission for the erection of first floor extension with pitched roof comprising two one bedroom flats (C3), alterations to the existing building by internal division and new shop front to create two Class E business units and demolition of a small section of the existing building at the rear to create a bin store area.

The application building is a single storey flat roof commercial unit within Class E Business Use. The

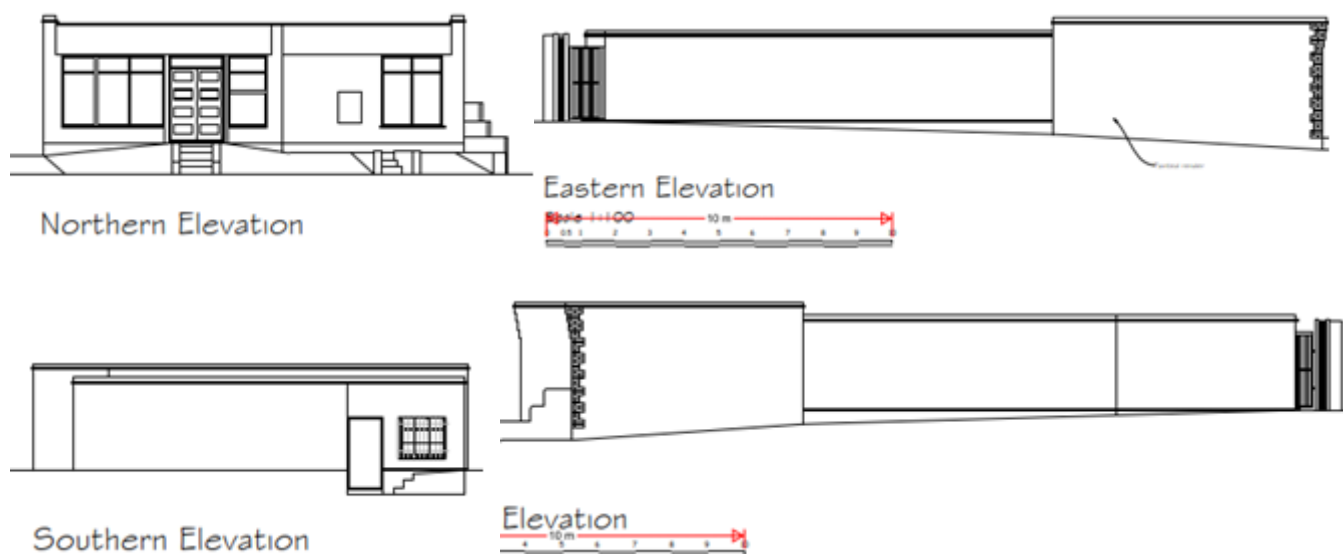
proposed first floor extension will be set back from the main frontage by 2m, decreasing to 702mm at the western corner and would extend across the full width at the front. The rear portion would be set in from the west elevation, along the boundary with No. 39 Perry Street by 1.7m. The length of the extension from north to south would be 14.66m. The height to the eaves at the front would be 5.77m and 4.67m at the rear. The ridge height will be 7.86m at the front and 7.57m at the rear. The design would be pitch roof at the front, with hiproof with gable end and small section of flat roof within the middle section and small pitch roof with hip roof at the rear of the building. A small section of the existing building which currently comprises the kitchen will be demolished to provide a bin store.

The ground floor is currently used as an office, comprising of three meeting rooms, two storage rooms, safe room, two WCs and kitchen and is currently occupied by a solicitors. The proposal would subdivide this large office space into two small offices and the first floor extension will enable the first floor of the building to be 1no. one bedroom two person flat and 1no. one bed one person flat, with open plan kitchen/living/dining areas, shower room, WC and double bedroom. The front flat would have 2no. private balconies. The proposed first floor extension with a pitch, hipped roof and a gable end that will match up with the adjacent row of terrace properties to the west, which all have a pitch roof with gable and pitch outriggers.

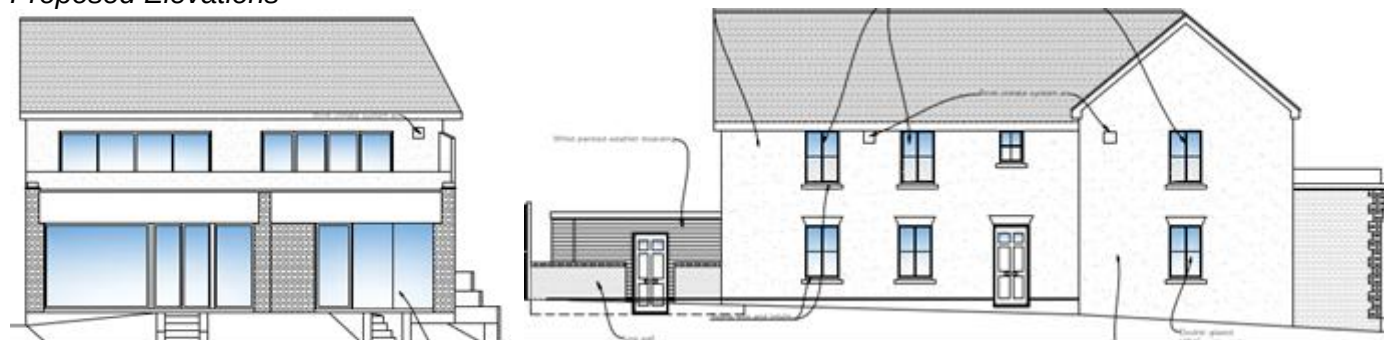
Two new shop fronts would be created to the north elevation and a new access to the flats would be created within the eastern elevation, with internal staircase to the flats.

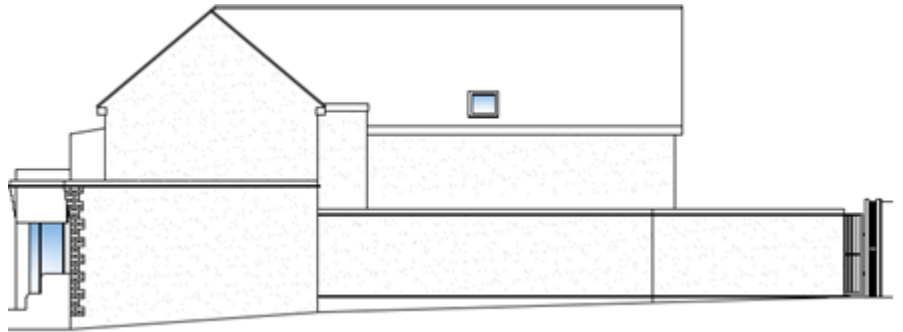
To the rear would be a new bin store providing separate commercial and residential refuse.

Existing Elevations



Proposed Elevations

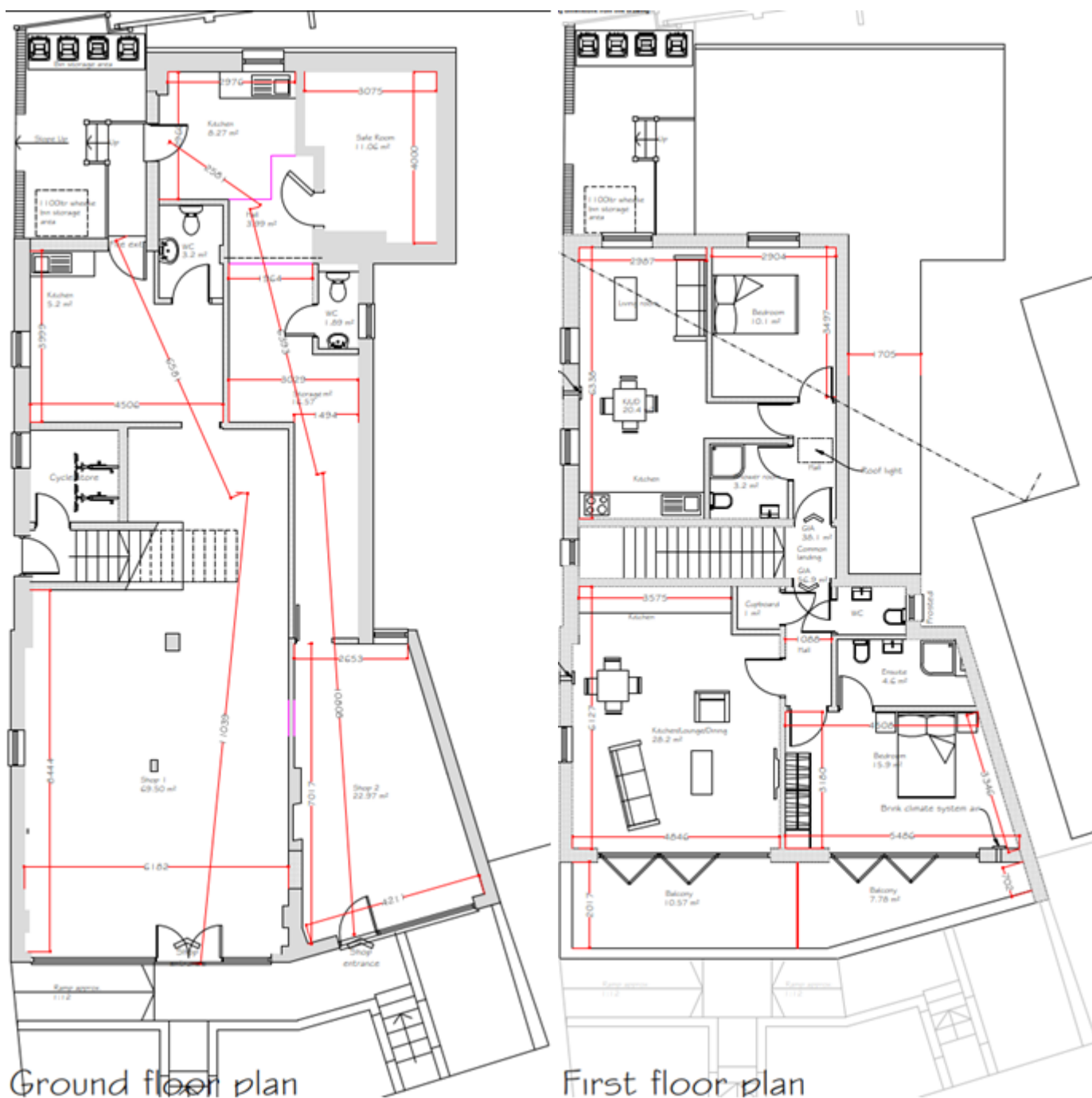




Existing Floor Plan



Proposed Floor Plans:



All new windows and doors will be on the north facing (front) elevation facing Perry Street, and the east facing (side) elevation facing Alfred Place. The front elevation would consist of 2no. bifold doors to serve the balconies for Flat 1. The side eastern elevation would have 4no. windows serving as a secondary window to Flat 1, the stairwell and 2no. windows to the kitchen/dining/living area of Flat 2. Due to the orientation of the application property and The Crown public house to the east, there would be no direct window to window relationship with the side windows of the public house, with a minimum gap of 6.3m between the elevations. The rear south facing elevation would have 2no. windows serving the living area and bedroom of Flat 2 and would not overlook any habitable room windows. The proposed materials would be painted render with double glazed UPVC sash windows, which would respect the existing materials of the building and the adjacent sash windows of the public house.

A bin store area is located to the rear with separate commercial and residential waste areas and these are accessed externally for the residents and from the rear of the commercial unit.

Housing need

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 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 to 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) (2024). 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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 paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
- 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, 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.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the NPPF and established local planning policy taken as a whole.

Principle Issues

The site lies within the urban boundary of Gravesend and has no particular site constraints or designations, with the exception of being in an existing local centre and in an archaeological notification area (with regards to the latter, due to the built-up nature of the site there are unlikely to be any significant below-ground archaeological impacts). As such, the main issues for consideration in the determination of this application are as follows:

- Impact on commercial use
- Design, character and appearance
- Residential amenity
- Parking and highways

Impact on Commercial Use

The NPPF 2024 states at paragraph 90 that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Policy CS08 of the Local Plan Core Strategy 2014 states that local centres will be protected and enhanced.

The site lies within an existing local centre and the proposal will involve the separation of one larger commercial unit into two smaller Class E units. As such there would be no loss of commercial use, as Class E units would remain on the ground floor and the existing use will be protected and enhanced, and therefore the proposal complies with the requirements of this policy.

Design, Character and Appearance

Section 12 of the NPPF 2024 relates to achieving well-designed and sets out the Government's requirements in relation to design issues. Paragraph 131 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF 2024 also seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The property lies within the urban boundary and comprises of a single storey flat roof building of an existing commercial use and in terms of design, does not enhance the character of the area or the streetscene. The site lies within an existing local centre.

Front Elevation:



Rear/Side Elevation:



The property extends the full length of the plot at single storey with blank rendered white wall on the eastern elevation which does not have a positive visual impact on the area. To the south is a newer residential development, Alfred House, comprising of two storey pitch roof residential unit of two flats. The proposed first floor pitch roof and gable extension has been designed to reflect the surrounding area, together with its window design and placement reflecting that of the adjacent public house. It was noticed at the officer's site visit that the blank eastern elevation of the application property had a number of graffiti over it. It is thought that by having an active frontage with windows and door to the flats above, would deter anti-social behaviour.

Properties to the rear (Alfred Place):



The existing building is a flat roof commercial unit that does not enhance the character of the area. The proposal would add an active side elevation which would deter anti-social behaviour, with the design of the first floor reflecting the character of the area, and being of good design, incorporating surrounding features.

Overall, the proposal is considered to be appropriate in terms of their size, scale and appearance, and will respect and enhance the character and appearance of the area. As such, the proposals would comply with the requirements of Policy CS19 of the Core Strategy 2014.

Residential Amenity

The NPPF 2024 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). Paragraph 198 of the NPPF 2024 seeks to ensure that new development takes into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land and avoid adverse impacts from pollution.

Future Occupiers

The Nationally Described Space Standard (NDSS) 2015 sets out the minimum gross internal floor area (GIFA) standard for new dwellings. The table below shows the minimum standard set out in the NDSS 2015 against the size of the proposed flat within the development:

Number of bedrooms (b)	Number of bedspaces (persons)	1 storey dwellings (NDSS) (m ²)	Proposed flat GIFA (m ²)
1b	2p	50	Flat 1 57.05
1b	1p	39 (37)	Flat 2 38.31

It is considered that the proposal would comply with the Technical Housing Standards - Nationally Described Space Standards in terms of the size of the proposed accommodation for the 1 bedroom units proposed.

In addition, in relation to the more up-to-date Council standards set out in the Residential Layout Guidelines SPD (2020), the proposed room sizes would be acceptable in relation to the bedroom (in excess of the

11.2m² standard at 15.8m² for a double and 6.5m² standard at 10.3m² for a single). Both units are laid out with open plan living/kitchen/diner, which measure 28.37m² for the front flat and 18.45m² for the rear flat. Whilst there is no standard for living/kitchen/diner, there is a minimum of 12.0m² for kitchen/diner and 18m² for lounge/diner. Taking this into account, it is considered that the proposed floorspace would therefore be capable of accommodating the furniture and fittings that would normally be associated with the use of this space, in compliance with the requirements of the SPD. Overall, the floorspace is considered to be acceptable in relation to amenity standards.

All habitable rooms have good access to outlook and natural light.

The area is mixed used commercial and residential and it is therefore considered that the living conditions of any future occupants would not differ from the existing surround residential dwellings. As the application site is proposing to include residential, it is important to ensure the commercial use does not affect future occupiers. Especially as the proposal includes the separation of the existing commercial unit into two separate units under Use Class E(c) (financial and professional services). Use Class E is a now a broad use class, whereby planning permission is not required to move between different uses within Use Class E. As such it would be possible for the ground floor units to become a restaurant or retail unit, which could have a detrimental impact on the occupiers of the flats above in terms of noise and ventilation etc. As such, a condition will be added restricting the use to E(c) only, removing the ability to change to an alternate use within Class E, or the wider Use Classes Order.

Waste storage for the property would be provided within the storage area to the rear of the ground floor office unit and would comply with Policy CS19 of the Core Strategy 2014, which requires new development to incorporate facilities for the storage and recycling of wasted generated. The details of the bin store should be conditioned to be carried out as approved.

Neighbouring Properties

In terms of the impact on neighbouring properties, a residential use of the first floor is not likely to have any adverse impact on neighbouring amenity. There are other residential uses along the terrace, and the proposed use would be in keeping with this.

In relation to the proposed first floor extension and the impact on privacy and outlook, the ground floor dining area and kitchen, and the first floor rear bedroom of No. 39 Perry Street are located closest to the proposal. It is noted on the proposed plans that the 45-degree outlook line would be breached by the rear portion of the first floor extension. However, upon visiting the site and rear garden of No. 39 Perry Street, the boundary of the property tapers in and cuts across part of the rear elevation. The existing boundary wall, fence and existing application building already result in the 45-degree outlook line being breached. The property is in current use as temporary accommodation and access internally was not possible. However upon carrying out the site visit from the rear garden and reviewing the existing situation, the ground floor rear windows would not be further impacted from the proposal, certainly taking into consideration the first floor rear extension has been set away from the boundary.

With regard to the first floor rear bedroom window, this would result in views of the proposal, however this property is a row of terraces which have outriggers which extend to the rear beyond the rear bedroom windows. Taking into consideration the arrangement with the other terraces, together with the distance from the proposal; whilst it is acknowledged that there would be a loss of outlook from this room, it would not differ than the arrangement with the other properties in the terrace row and it is not considered to be of a detrimental level to warrant a refusal.

With regard to the private amenity of the property, the garden is spacious with a lower courtyard area and an upper lawned area further to the rear. It is considered that the occupants would still have access to sufficient private space and natural light.

Photos of the property and the existing arrangement are shown in the following images:

Site Photos from Rear of 39 Perry Street

View from Ground Floor Rear Dining Room:



View of Rear Garden:



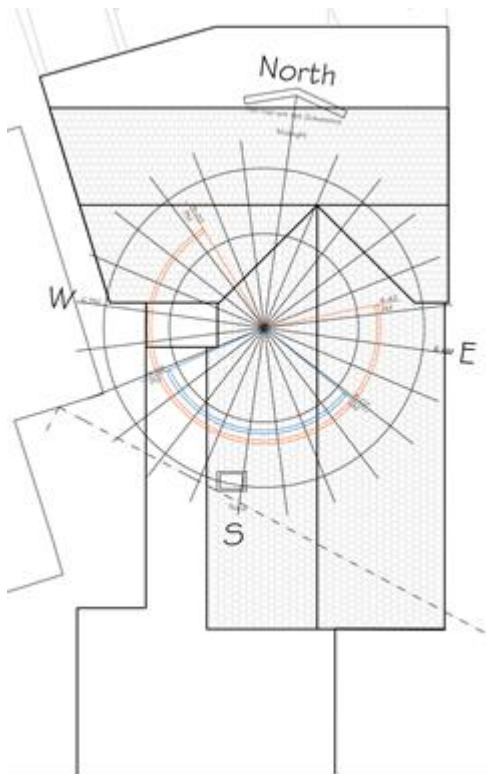
View from Rear Garden to Rear Elevation of 39 Perry Street:



The Crown Public House has 3no. first floor windows that face onto the site. The proposed windows in the eastern elevation of the proposal have been positioned so that they do not directly face the windows of the public house and with the distance of over 6m, it is not considered that the proposal would result in direct views into the upper floor of The Crown which would result in a loss of privacy.

No objections have been received relating to the proposals.

With regard to overshadowing, the orientation of the properties and the rise and fall of the sun would result in most overshadowing being to the front, as shown in the following submitted diagram:



On this basis, the proposal would comply paragraph 135, 198 and 200 of the NPPF 2024 and Policy CS19 of the Core Strategy 2014 in respect of amenity.

Noise

The proposal is for two additional residential units located within a mixed use area. There are residential properties located to the side and rear and therefore the principle of residential development is acceptable as previously discussed. The properties to the west are terrace dwellings all fronting onto Perry Street. Perry Street is a busy road and Flat 1 of the proposal would face onto the road also. A noise impact assessment was submitted with the application and the details within the report are considered acceptable. A post completion noise survey would need to be undertaken and testing to assess performance of the noise mitigation measures against the noise levels as set in the Report. A condition will be added to the decision to this effect.

With regard to the balconies to the front which would serve the main living area and bedroom of Flat 1. The site is not located in an AQMA and therefore the flats having openable windows and doors is considered acceptable and no objection to the balconies have been made. As the resident has a choice of whether to experience the noise or not i.e. they can close the balcony doors, and with the assistance of the air system enjoy a home with fresh air without the street noise therefore there is no objection to balconies in areas where the issue is noise rather than air quality. A condition will be added to the decision to ensure the bi-fold doors are of a design to comply with the agreed noise mitigation scheme.

Parking and Highways

The application property does not benefit from parking and the proposal is a no parking scheme. The site is located in a local centre location, close to a variety of shops and services and because the site is accessible by public transport, there would be no significant adverse impact on highway safety or parking as a result of the proposal, which would be in line with Policy CS11 of the Core Strategy 2014 and Saved Policy P5 of the Local Plan 1994. To support this, there have been no objections in relation to parking from neighbours.

Two internal bicycle parking spaces have been provided for the residents and would meet the minimum rate of one space per unit (as per the standards in SPG4). This should be conditioned to be provided as proposed.

Any Other Material Planning Considerations

Birds

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £328.27 is required every additional dwelling proposed on the site.

The applicant has signed a SAMMS Contribution Agreement and paid the appropriate tariff for the development, which would meet the requirements of paragraphs 187 and 194 of the NPPF 2024 and Policy CS12 of the Core Strategy 2014.

Biodiversity Net Gain (BNG)

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

In this case, the proposed development is covered by an exemption: it is a development below the threshold as it does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats such as hedgerows. There is no existing 'habitat' on the site, and any space that could be used as such measures 10m². BNG is therefore not required in this case.

Conclusion

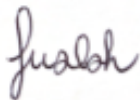
The proposals are acceptable in terms of the design and impact on the application building and the character and appearance of the surrounding area, and with regards to residential amenity and highways and parking matters. The proposals would therefore comply with the requirements of Policies CS11 and CS19 of the Core Strategy 2014, saved Policies T1 and P3 of the Local Plan 1994, and paragraphs 116, 131, 135, 198 and 200 of the NPPF 2024.

Recommendation

The application is accordingly recommended for permission with conditions.

(For detailed conditions and informatives, see draft Decision.)

Case Officer:	Ms Amanda Cue	Team Leader:	Mrs Faye Walsh
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Signed:	<i>A Cue</i>	Signed:	
Dated:	10 th March 2025	Dated:	14 March 2025