



Delegated Report

Change of Use Planning Application

Planning Application No: 20250794

Location: PAPA JOHNS 34 - 36 Perry Street Northfleet Gravesend

Description: Change of use of first floor into a self-contained flat.

Applicant: Mr. Jaswinder Chatha

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Drawing No. 01 – Location Plan;
Drawing No. 02 – Existing Floor Plans;
Drawing No. 03 – Existing Elevations;
Drawing No. 04 – Proposed Floor Plans;
Drawing No. 05 – Proposed Elevations; and
Design and Access Statement.

Relevant Planning History

There is extensive history of the application site, however the following is relevant to the existing lawful use and the proposed development.

Reference	Description	Decision	Decision Date
20120838	Conversion of first floor into a two bedroom self contained flat.	Application Withdrawn	11.07.2018
20120060	Application for approval of condition 4 attached to planning permission reference number 20100573 relating to the external ventilation extraction system.	Approval of details	20.03.2012
20120059	Application for non-material amendment to planning permission reference number 20100573 for relocation of the extraction flue through the roof.	Approval of Non-Material Amendment	21.03.2012
20100573	Change of use from A2 financial use to A5 hot food takeaway and installation of a ventilation extract flue at the rear.	Permitted	31.08.2010
19820350	Change of use of first floor from residential to office and erection of two storey rear extension to form enclosed staircase	Permitted	21.07.1982

Development Plan

Gravesham Local Plan Core Strategy (2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 – Transport

- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design & Development Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings

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.

Other material considerations

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (2024)

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- Section 12 - Achieving well-designed places

Supplementary Planning Guidance

- SPG2 - 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

Consultees

GBC – Environmental Protection

Environmental Protection has received complaints about noise from plant and equipment at this premises from a nearby property. Although the complaint has been closed due to lack of evidence, it does suggest that noise is a consideration. The plans do not show a kitchen extract system, although what looks like a fan outlet is shown under the stairs on the rear elevation. A noise impact assessment (NIA) will be required to ensure that noise from any existing plant/equipment used and noise associated with the commercial use as a Takeaway on the ground floor does not impact on the proposed flat above.

In addition, noise could transfer internally through the party ceiling/floor partition. The NIA should include a sound insulation test to assess the robustness of the partition.

To address the above, the following conditions are recommended:

External Noise

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 dwelling 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.

The noise impact assessment must take into account traffic noise, mechanical plant and equipment noise and noise associated with the commercial activity on the ground floor.

Internal noise:

Prior to the first occupation of the flat, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the internal wall partitions, internal floor/ceiling partitions, adjacent party wall partitions and the partition between the commercial on the ground floor and the flat above.

The sound insulation performance of partitions between the floors of the flat and any adjacent residential property shall resist the transmission of airborne sound and impact sound to demonstrate that the minimum levels stated in the Building Regulations are capable of being complied with. The assessment will also include details of any proposed works to achieve these levels.

The construction that separates the residential and commercial unit shall aim to resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB). The assessment will also include details of any proposed works to achieve these levels.

Any works identified being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation. Overheating and ventilation must also be considered in the design of any mitigation.

Neighbouring properties

Consultation was by way of the displaying of a site notice, together with individual letters sent to 4 surrounding properties were consulted with an overall expiry date of 20th October 2025. One letter of objection was received relating to the business of Papa Johns and the staff of the premises. A material planning consideration of noise was however raised which will be addressed below.

Officer's Analysis

The application site consists of an existing commercial unit (Papa Johns) with ancillary office/staff and storage areas at first floor. The proposal is for the change of use of first floor into a self-contained flat.

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:

- Housing Need
- Design, Character and Appearance

- Amenity of Future Occupiers
- Neighbouring Amenity
- Noise
- Parking and Highways
- Refuse
- Any Other Material Planning Considerations

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 February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 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 footnotes 7 and 9 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 189)
- 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 71)

- Areas at risk of flooding or coastal change.

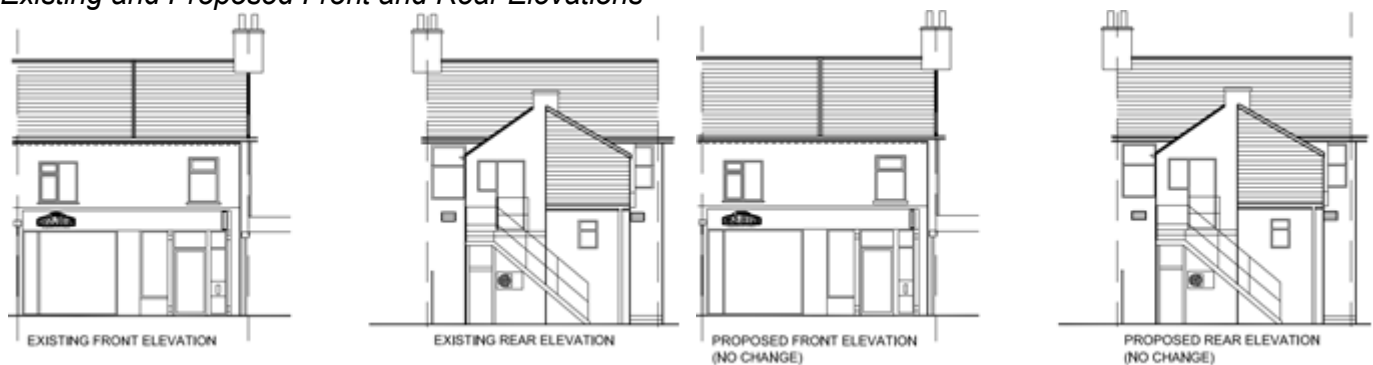
In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 130(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 '1' residential units would offer a minimal 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 (2024) 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.

Design, Character and Appearance

The proposed development would comprise of a change of use of the existing first floor office/staff and storage area to a one bedroom self-contained flat. There would be no front or rear elevational changes and the proposed flat would be accessed from the existing rear external staircase and access door. Internally, the layout of the first floor would be repurposed to provide an entrance hall, kitchen, living room, double bedroom and toilet and shower room.

Existing and Proposed Front and Rear Elevations



As there are no elevational changes, the proposal would not have any detrimental impact on character or design and would be compliant with Policy CS19 (LPCS).

Amenity of Future Occupiers

Policy CS19 (LPCS) 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. Harm to users of the adjacent properties due to roof terrace.

The proposed 1 bed flat would have a gross internal floor area of 52.61m² which accords with the minimum GIA of 50m² for a 1 bed 2 person dwelling, and the bedroom would have an area of 12.19m² which would exceed the minimum of 11.5m² for a double bedroom. Therefore the proposed residential unit would meet the minimum standards with habitable rooms having access to sufficient natural light and outlook.

As such, the application accords with Policy CS19 of the Core Strategy and paragraph 135(f) of the NPPF (2024).

Neighbouring Amenity

The upper floor of the application site is currently used ancillary to the shop and for storage. Perry Street is mixed use area with both residential and commercial properties and therefore the introduction of an additional residential dwelling on the first floor, would not have any detrimental impact on neighbouring amenities.

Overall, it is considered that the proposed development would have no significant adverse impacts on the residential amenity of any surrounding neighbouring premises and in respect of neighbouring amenity the proposal would be compliant with Policy CS19 (LPCS).

Noise

The proposal is for one additional residential unit located within a mixed-use area. There are residential properties located within the vicinity and therefore the principle of residential development is acceptable as previously discussed. Perry Street is a busy road and the proposed residential unit would face onto the road. No noise impact assessment was submitted with the application and it would be necessary to assess the impact through the submission of an NIA. As such, a suitably worded condition will be added to any forthcoming decision.

The site is not located in an AQMA and therefore there the flat having openable windows and doors is considered acceptable. As the resident has a choice of whether to experience the noise or not i.e. they can close the windows. A condition will be added to the decision for the submission of a sound insulation assessment in order to safeguard the amenities of future occupiers.

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.

The flat has ample storage and entrance hallway for the storage of a bicycle.

Refuse

There is ample space within the yard/parking area for refuse. The existing shop already has provision for refuse storage.

Subject to a condition of provision, there is no objection to refuse storage.

Any Other Material Planning Considerations

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 waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new

housing development. Developers will need to pay £337.49 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 one 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 £337.49.

The applicant has paid the SAMMS Mitigation Contribution Agreement and therefore meets the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 192 and 194) of the NPPF (2024) and Policy CS12 (LPCS) (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

Subject to conditions (the applicant has agreed the pre-commencement conditions) the proposal is considered acceptable in respect of the principle of development, design, character and appearance, occupier and neighbouring amenity, parking and highway safety and refuse.

Recommendation: Permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	27 th October 2025	Dated:	28th October 2025