

Delegated Report

Full Planning Application

Application No:	20220953
Location:	22 - 25 New Road, Gravesend, Kent, DA11 0AA
Description:	Subdivision of the existing residential unit that is located across the 1st - 3rd floors of the property into 6 residential studio flats.
Applicant:	Lownie Investments
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form - dated 22/08/2022;
- Design and Access Statement - dated 08/2022;
- Supplementary Information - Transport Statement (dated 07/2022);
- Supplementary Information - Daylight and Sunlight Report (dated 18/08/2022);
- Supplementary Information - Noise Impact Assessment and Covering Letter (dated 03/02/2022);
- Drawing no. CGL-XX-00-DR-A-050100 - Rev. P2 - Site Location Plan (scale - 1:1250);
- Drawing no. CGL-XX-00-DR-A-050110 - Rev. P2 - Existing Ground Floor Plan;
- Drawing no. CGL-XX-01-DR-A-050111 - Rev. P2 - Existing First Floor Plan;
- Drawing no. CGL-XX-02-DR-A-050112 - Rev. P2 - Existing Second Floor Plan;
- Drawing no. CGL-XX-03-DR-A-050113 - Rev. P2 - Existing Third Floor Plan;
- Drawing no. CGL-XX-04-DR-A-050114 - Rev. P2 - Existing Fourth Floor Plan;
- Drawing no. CGL-XX-EL-DR-A-050120 - Rev. P2 - Existing Front Elevation;
- Drawing no. CGL-XX-EL-DR-A-050121 - Rev. P2 - Existing Side Elevations;
- Drawing no. CGL-XX-EL-DR-A-050122 - Rev. P2 - Existing Rear Elevation;
- Drawing no. CGL-XX-00-DR-A-050310 - Rev. P1 - Proposed Ground Floor Site Plan;
- Drawing no. CGL-XX-01-DR-A-050311 - Proposed First Floor Plan;
- Drawing no. CGL-XX-02-DR-A-050312 - Rev. P1 - Proposed Second Floor Plan;
- Drawing no. CGL-XX-03-DR-A-050313 - Rev. P1 - Proposed Third Floor Plan;
- Drawing no. CGL-XX-04-DR-A-050314 - Rev. P1 - Proposed Fourth Floor Plan;
- Drawing no. CGL-XX-EL-DR-A-050320 - Rev. P1 - Proposed Front Elevation;
- Drawing no. CGL-XX-EL-DR-A-050321 - Rev. P1 - Proposed Side Elevations;
- Drawing no. CGL-XX-EL-DR-A-050322 - Rev. P1 - Proposed Rear Elevation.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220456	Change of Use from Retail Use (E(a)) to an Adult Gaming Centre (Sui Generis)	PERMITTED	28/07/2022

20220162	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of the existing Class E (Previously Office (B1 Use Class) and Dentists Office (D1 Use Class) at the first - fourth floors to residential (C3) to create 8 residential apartments.	PRIOR APPROVAL IS REQUIRED AND APPROVED	17/05/2022
20190035	Prior Notification of the change of use of the first, second, third and fourth floors office (Use Class B1)) use into 15 residential apartments (Use Class C3).	WITHDRAWN	11/03/2019
19890110	Use of the first, second and third floors as offices.	PERMITTED	15/05/1989

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS07 - Economy, Employment and Skills
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS16 - Affordable Housing
- CS18 - Climate Change
- CS19 - Development & Design Principles
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- P5 - Change of Use of Building and 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)

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 8 - Promoting healthy and safe communities

- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 15 - Conserving & enhancing the natural environment
- Section 16 - Conserving & enhancing the historic environment

Supplementary Planning Guidance

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

Consultations, Publicity and Representations

Consultees

GBC Regulatory Services (Environmental Protection) - Having reviewed the submitted documentation, Environmental Protection (EP) has no objection to this application.

However, the comments made by EP with regards to the permitted development application (20220162) from earlier this year are re-iterated. In particular, the comments regarding noise control are important as this area can be noisy, particularly at night, as patrons using various night-time venues pass through.

The conclusions from the noise impact assessment (ref RP01-21596-R1 dated February 2022) submitted with that application are still valid and pertinent. These were covered by Conditions 1, 2 and 3 of 20220162. It is not clear whether conversion works have started/been completed, but we are not aware that any glazing details or post installation noise impact assessment has been submitted for approval and to discharge the conditions.

In respect of this and other matters, it is recommended that the following be considered and conditioned as necessary:

Noise Control - Conditions 1, 2 and 3 of 20220162 should be re-applied to this application if minded to grant the planning permission. This will ensure that internal noise levels in habitable rooms meet the values set out in BS8233:2014.

In terms of internal layout of the proposed studios, conflicting room uses have been minimised ie; bedroom areas are above/below/next to other bedroom areas rather than bathrooms/kitchen areas.

Code of Practice on Construction and Demolition - Please apply this as a condition to prevent noise, dust and smoke nuisance from demolition and construction work causing a nuisance. This is especially important bearing in mind the close proximity of the building to other properties.

Ventilation - No information on ventilation has been provided within the application. Future residents should not have to choose between adequate ventilation or reducing their exposure to noise within their home. We therefore advise that before the application is considered the applicant provides detailed information on a proposed ventilation system that would not compromise the noise attenuation measures recommend in the noise impact assessment.

GBC - Highways Officer - This is a town centre location, I have no objections.

Local Ward Councillors - No comment received.

Neighbouring properties

Nine surrounding properties were consulted and no representations were received. The consultation period expired 22nd September 2022.

Officer's Analysis

The application site is situated within Gravesend Town Centre, located within the Primary Shopping Area and application site also sits along the Primary Shopping Frontage.

The site is mixed use with a vacant ground floor unit and a recently approved adult gaming centre (ref. 20220456). Part of the floors above have been granted prior approval for conversion into 8 residential units (ref. 20220162) and the remaining upper floor levels are the subject of this application. The building is considered to be a non-designated heritage asset that maintains original features and fenestration, which contributes to the quality of the street scene.



Principle of Development

The site is located within the Town Centre Opportunity Area (Policy CS05) and Gravesham's Primary Shopping Area (Policy CS08). It is also considered that local adopted policies CS07 (Economy, Employment and Skills); CS15 (Housing Density); and CS19 (Development and Design Principles) provide together an assessment framework in line with the guidance provided by paragraph 53 of the National Planning Policy Framework (NPPF) (2021). Therefore, these policies are key to the whether the scheme is appropriate.

The principle considerations in the assessment of this application are:

- Housing Need
- Suitability for Conversion
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations

As referenced above, the prior approval for the change of use of the upper floor levels into no.8 residential apartments has been granted (ref. 20220162). This approval related to the conversion of Class E employment space into Class C3 residential units. The remaining upper floor levels are Class C3 residential use and this application seeks permission for its subdivision into no.6 separate studio flats.

Housing Need

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 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) (2021). 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 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); 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 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '6' residential units would offer an 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 NPPF (2021) 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.

Policy CS02 (Scale and Distribution of Development) (LPCS) prioritises development in the urban area as a sustainable location for development by bringing forward a range of suitable sites on other parts of the urban area for residential. The application site lies within the urban area of Gravesend and is not subject to any specific local planning policies or constraints that restrict the principle of development, other than general policies that seek to protect the character of the area and the amenity of existing and future residents.

Suitability for Conversion

As aforementioned in this report the application site is mixed use. The Design and Access Statement confirms that there are retail units at ground floor, and a mixture of Class E and Class C3 uses on the first to fourth floor levels. However, it is clear from the plans that the existing Class E uses on the upper levels (first-fourth) have been changed to Class C3 residential as part of the Prior Approval application (ref. 20220162). Therefore, the Class E office spaces do not form part of this application and an assessment under Policy CS07 (Economy, Employment and Skills) (LPCS) is not required.

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Section 12 (Achieving well-designed places) of the NPPF sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

The application site is considered to be a non-designated heritage asset that maintains original features and fenestration, which contributes to the quality of the street scene. As part of this development there are no external changes proposed to the building and the existing original features are to be retained. Therefore, the proposal is in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Amenity of Future Occupiers

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

The flats within the proposal are all single person studio flats, as clearly annotated on the submitted documents (refer to Table 1). The national housing standard guidance provides minimum gross floor areas for single storey dwellings, breaking down the number of bedrooms and bed spaces (persons). Although the studio flats contain double beds and could therefore be considered two person units, the Local Planning Authority must consider the application on the details provided on the plans submitted.

Flat no.	Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
1 (second floor)	1 (1 person)	37m ²	41m ²
2 (first floor)	1 (1 person)	37m ²	38m ²
3 (second floor)	1 (1 person)	37m ²	37m ²
4 (second floor)	1 (1 person)	37m ²	37m ²
5 (third floor)	1 (1 person)	37m ²	38m ²
6 (third floor)	1 (1 person)	37m ²	38m ²

Table 1 - Unit Floor Area Breakdown (GIA)

As shown in Table 1, if the flats are assessed against the information provided they all meet the minimum requirement for a single person dwelling and comply with the recommendations within the National Space Standards. Therefore, it is suggested that the units would provide acceptable accommodation and safeguard the amenity of future occupiers.

Gravesham's RLG breaks down the Council's individual requirements for certain rooms within residential units, however the studio flats proposed do not have clearly defined rooms. Therefore, the assessment on the size of units is made against the National Space Standards and all of the proposed units comply with the minimum standards.

The application site is located on New Road, which is a busy street within the town centre with sources of

noise being from traffic, pedestrians, buskers, commercial deliveries and activities, but also some static plant machinery. The submitted noise impact assessment recommends a noise mitigation scheme of secondary glazing systems to all habitable rooms of the development, to mitigate noise from the identified sources. GBC Environmental Protection do not raise an objection to the proposal, provided that the recommendations set out in the noise impact assessment are complied with and that details of the secondary glazing are submitted for approval prior to the commencement of the development.

A Daylight and Sunlight Assessment has been submitted which indicates that all the proposed units would have levels of daylight that comply with BRE recommendations and therefore the flats would received adequate standard of living and naturally well lit units.

Overall, the development is in accordance with Policy CS19 (LPCS) and Section 12 (NPPF), subject to the imposition of the conditions set out by GBC Environmental Protection, it is considered that there would be no adverse noise impacts and the proposed development would be in line with paragraph 185 NPPF (2021).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of 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 proposed development does not involve any extension to the property and therefore there is not considered to be any detrimental impact on the amenity of neighbouring properties in terms of overshadowing, overlooking, loss of outlook or sense of enclosure. However, the conversion of the property is likely to increase the noise as a result of the change in use. The properties to the west are in use as a barber shop and Adult gaming centre/tanning salon, and will therefore not be impacted by residential accommodation. The properties to the east of the new development are the Prior Approval flats granted in ref. 20220162 and the new units will not impact on their amenity. As such, the proposed residential use of the property is not considered to detrimentally impact the amenity of surrounding occupants in terms of noise through use.

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

Parking and Highways

The application site is located within the town centre and will be a car free development. The proposal would result in six new residential units at the site and would provide six cycle spaces. As the proposed plans show cycle storage a condition will be included that cycle storage is provided prior to first occupation.

The proposed development would not result in significant additional vehicle movements, and the proposed bicycle parking would be appropriate in quantity and layout and the GBC Highways Officer has not raised an objection to the proposal. Therefore, there will be no transport impacts as the development has no adverse impacts on highway safety.

Any Other Material Planning Considerations

Affordable Housing - There will not be a requirement for affordable housing on site in accordance with Policy CS16 (LPCS) as the redevelopment falls below the 15 unit threshold.

Refuse - Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste. A large bin store is shown on the plans, located at the rear of the building and the waste will be collected from the service lane, which is acceptable in principle. However, a condition will be attached to the decision notice to ensure that details are submitted to, and approved in writing, by the Local

Planning Authority.

Noise - The application site is located on Parrock St which is a busy one way road and is located close to commercial and licenced premises. Therefore, the potential for noise disturbance for future occupiers is a material consideration. Gravesham's Environmental Protection Team have stated that noise impact assessments should be carried out to ensure that acceptable noise levels are secured. These matters could be secured by condition if permission were forthcoming.

Air Quality - The application site does not fall within the Air Quality Management Area (AQMA).

Ecology and Biodiversity (Bird Mitigation) - The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £275.88 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £275.88 per new dwelling unit.

The applicant has paid the SAMMS Mitigation Contribution Agreement tariff and therefore complies with the requirements of the Habitat Regulations, as well as Section 15 (specifically paragraphs 180 and 181) of the NPPF and Policy CS12 (LPCS).

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

The proposed conversion of the property into no.6 studio flats does not involve any external alterations to the building. The flats will provide acceptable amenity for future occupiers, will not impact on the amenity of neighbouring properties and will have no parking or highway issues. As such, it is recommended that planning permission is granted subject to conditions.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
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Signed:	<i>Ethan Bonthron,</i>	Signed:	<i>R Hart</i>
Dated:	4 th November 2022	Dated:	7th November 2022

Gravesham Borough Council