



Delegated Report

Planning Application

Planning Application No: 20241008

Location: 32 Milton Road Gravesend Kent DA12 2RF

Description: Change of use of existing restaurant to provide 3no self contained flats.

Applicant: Sian, Sian Formwork Group Ltd

Site Visit Date: 5th December 2024

Submitted Documents/Plans

Application Form
TR/1605/100 – Site Location Plan – Existing
TR/1605/103 – Block Plan – Existing
TR/1605/104 – Block Plan – Existing
BS/1109/105 – Existing Elevations
BS/1109/106 – Proposed Elevations
BS/1109/107 – Existing Ground Floor Plans
BS/1109/108 – Existing Ground Floor Plans – Incorrectly Labelled, shows proposed layout
BS/1109/109 – Existing and Proposed Basement Levels
Planning, Design and Access Statement

Relevant Planning History

It should be noted that in 2024, a pre-application enquiry was submitted to the Council for consideration, requesting advise on the conversion of the existing restaurant to residential. Despite being advised that residential use at ground floor on this property would not be acceptable due to the constraints of the site in this location, and there being considered no alterations which could be made that would overcome the issues, an formal planning application as submitted. The pre-app response also outlined the documents that should be submitted with the application, including an Air Quality Management Area assessment and a noise report amongst other details. Again, despite this information, the documents were not provided.

Reference	Description	Decision	Decision Date
20161151	Application for minor material amendment to planning permission 20150707 for the erection of single storey front extension and change of use on ground floor from Plumbing shop to A3 Restaurant; to allow relocation of the means of disabled access.	Permitted	13.02.2017
20150707	Erection of a single storey front extension and change of use on ground floor from plumbing shop to A3 restaurant.	Permitted	04.11.2015
20040916	Conversion of basement from storage to showroom and office accommodation; erection of single storey rear and side extension to form toilet accommodation and garage/storage area and construction of external staircase	Permitted	06.12.2004

	for access to first and second floor flats.		
20030519	Erection of single storey rear extension to form lobby and wc at ground floor level and installation of an external staircase in substitution of that part of the scheme previously permitted under planning permission ref. No. GR/2003/213.	Permitted	08.08.2003
20020889	Application for Lawful Development Certificate for the proposed change of use of A3 Public House to A1 retail.	Certificate of Lawful Development Granted	19.12.2002
19880228	Erection of a four storey building to form 6 No. self-contained flats and formation of car parking to the front and rear.	Permitted	14.09.1988
19870650	Erection of 3 no canopies on the Milton Place elevation	Permitted	19.11.1987
19830670	The erection of a three storey extension to the Globe Public House to form recreational facilities including caretakers flat granny and teenager annexes committee room club room toilets and store including gymnasium hall at rear with sloping roof from two	Permitted	26.03.1984

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Opportunity Area
- CS08 – Retail, Leisure and Hierarchy of Centres
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Types and Sizes
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- H6 (iii) – Provision to Meet Special Housing Needs
- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards
- AP7 – Area Policy: Milton Road

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 12 – Achieving Well-Designed 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)
- Design for Gravesham – Design Code (2024)
- Management Plan Gravesend Town Centre Conservation Areas (2009).
- Milton Place Conservation Area Character Appraisal (2009)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Housing Service Manager

We can confirm Private Sector Housing have no comments to relay in relation to our housing legislations and regulations. We believe the proposed scheme is currently out of our remit with Planning requirements and Building Regulations taking precedence.

GBC Waste and Refuse

No comments received.

STG Building Control

No comments received.

GBC Environment Protection

The comments made at the pre-application stage are reiterated particularly as the noise impact assessment advised has not been undertaken and no scheme of air quality mitigation measures have been submitted.

Noise:

The property is in a busy location adjacent to the A226 one-way system and at a junction both of which are heavily trafficked. Consideration needs to be given by the applicant to traffic noise and also noise associated with the late-night economy (people coming and going from late night pubs, bars, restaurants, takeaways in the town centre) and also any commercial noise sources in the area.

Noise from early morning or out of hours deliveries to commercial premises in the area may also give rise to noise.

Being an older property, it is possible that the sound insulation quality of the internal floor/ceiling and also wall partitions may not be that robust. Suitable and sufficient sound insulation between the flats needs to be ensured.

To address noise concerns, a noise impact assessment will be required and it is recommended that be undertaken before and submitted with any formal application. The assessment must address the impact of the following on the residential amenity of any future residents of the proposed flats and be undertaken in accordance with the relevant standards and guidance including BS 8233:2014 and BS4142:2014:

- Traffic noise
- Noise from any fixed building services/mechanical plant/equipment etc noise associated with any nearby commercial uses
- People noise associated with the use of the late-night town centre uses at night
- Early morning delivery noise to commercial uses
- Internal noise/sound insulation
- Noise from any mechanical ventilation systems if required as a mitigation measure for air quality (see below)

The quality and the standard of the sound insulation properties of the building should be assessed to ensure that future residents are not impacted by internal noise eg noise from the commercial premises on the ground floor and noise from flat to flat. To address this, the noise assessment should include details of the assessment methodology and any enhanced sound insulation performance of the construction that separates the residential and ground floor commercial use and internal partitions between flats. This should resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB).

The assessment should look at any required mitigation measures to ensure that internal noise levels are appropriate. Overheating and ventilation must also be considered in the design of any mitigation.

Air Quality:

This area is within the A226 One Way System Air Quality Management Area (AQMA) declared for exceedances of the annual Air Quality Objective (AQO) for nitrogen dioxide (from traffic). As such, new sensitive receptors will be introduced into an area recognised as having poor air quality. In this respect, air quality is considered to be a material planning concern, and measures need to be investigated and put into place to ensure that there is no detrimental impact on future occupiers of the flats. A suitable scheme of air quality mitigation measures needs to be considered and submitted with any formal application to ensure that appropriate and robust measures are capable of being put into place.

It is advised that where habitable rooms of the flats front the A226, that an appropriate scheme will include the requirement for rooms with windows facing the roadside to be upgraded and sealed so as to prevent pollution from entering the residential units and a MVHR system be installed as a means of alternative ventilation and cooling. This will also provide the occupants with choice i.e. to close windows to shut out noise from traffic or people making use of the night-time economy.

As with other proposed residential premises in Milton Road/this area, if it is considered that the Noise Impact Assessment and noise mitigation measures, and the air quality mitigation scheme cannot be required and submitted prior to determination, then we would be minded to recommend that any application be refused on the grounds of poor environmental/living conditions for future occupants due to the noise and air quality of the location. Also, being a conservation area, measures that we may consider acceptable for dealing with noise and air quality issues, may not be acceptable to the conservation officer.

GBC Conservation Officer
No comments received.

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 and have no further comments to make in this case.

KCC Biodiversity

We provided pre application on application PRE20240161 and our advice has not changed. No ecological information has been submitted with this application submission. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposal has limited potential to result in significant ecological impacts.

We have taken this view as the images on google earth suggest that the building does not appear to provide optimal features to support roosting bats (e.g. no tiled roof or weather boarding). In addition we understand that other than repairs the majority of the works will be internal to convert the building to flats. An extension is proposed for the site but from the information available to us it does not appear that suitable bat roosting features will be lost. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time¹.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) 2024, biodiversity should be maintained and enhanced through the planning system.

Enhancement refers to providing net benefits for biodiversity over and above requirements for avoidance, mitigation and compensation. We advise that details of how the site will enhance biodiversity must be submitted with the planning application.

Designated Sites

The development includes proposals for new dwellings/holiday accommodation within the zone of influence (ZOI) (6km) of the Thames Estuary and Marshes Special Protection Area and it's associated Wetland(s) of International Importance under the Ramsar Convention (Ramsar Site).

Gravesham BC must consider the impact any submitted application will have on these designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework (NPPF) 2024.

Gravesham BC will need to ensure that any application fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be carried out as part of this application.

KCC Highways

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry

out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Natural England's statutory advice on these potential impacts is set out below.

Designated sites

Further information required - recreational pressure impacts to European Sites (habitats sites). This development site is within the zone of influence (Zol) for recreational pressure impacts to one or more European Sites (habitats sites).

Within this Zol, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) habitats site(s)) in relation to recreational disturbance.

Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the strategic approach, should also be subject to the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) and our advice above applies.

Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK (www.gov.uk) for more information.

Impact Risk Zones for Sites of Special Scientific Interest

We strongly recommend that local planning authorities (LPAs) use Natural England's Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) (available from the Natural England Open Data Geoportal (arcgis.com) and to use on MAGIC (defra.gov.uk) along with guidance) to decide when to consult Natural England on development proposals that might affect a SSSI.

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, reducing unnecessary delays in the planning process. In turn this allows Natural England to concentrate resources on development proposals with the highest risks and opportunities for nature recovery.

Planning and transport authorities: get environmental advice on planning - GOV.UK (www.gov.uk) provides further guidance on when LPAs must consult Natural England on development proposals.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Kent Police

No comments received.

Kent Fire and Rescue

On this occasion, it is my opinion that Fire Service emergency access under the above Act appears satisfactory, however the flats will be subject to a full building regulations consultation on receipt of plans. Fire Service access and facility provisions under requirement B5 will form part of that consultation.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Neighbouring properties

22 surrounding properties were consulted and a site notice was placed on 5th December 2024. The application was also publicised in the Gravesend Messenger on 6th December 2024. 0 comments were received from members of the public and the overall consultation date expired on 27 December 2024

Officer's Analysis

Principle of Development

The principle considerations in the assessment of this application are:

- Housing Need
- Suitability for Conversion
- Design and Character (Including Conservation Area Assessment)
- Residential Amenity
- Parking and Highways
- Thames Estuary and Ramsar Site

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 March 2023, it demonstrates that based on data up for the period 2022-2027, 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:

1. 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
2. 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 paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, 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 (paragraph 129(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 '3' residential units would offer a minimum 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 be high quality, beautiful and create acceptable living conditions for future occupiers.

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 National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Suitability for Change of Use

Policy CS05

Policy CS05 firmly places this site within the Town Centre Opportunity Area within Sub Area 3.4 (East of Town Centre and Riverside).

On the Gravesend Town Centre Opportunity Area, the pre-ambles states:

4.6.1 The Gravesend Town Centre Opportunity Area lies in a central urban location on the River Thames waterfront, directly opposite Tilbury on the Essex shore. Occupying an area of ground that rises towards Windmill Hill to the south, it is an historic town intimately connected with the nation's maritime past and the development of its overseas trade. For centuries, it has acted as the river gateway to the Port of London as well as being the central focus for the wider Borough. It is without doubt a very special place and one with great potential. This Opportunity Area not only includes the core of the town centre (sub-area 3.1) itself but adjoining areas that function together with it.

4.6.2 The vision for the Gravesend Town Centre Opportunity Area is that, by the end of the plan period, it will have built upon its strengths as a commercial centre and heritage riverside town to establish itself as a dynamic and desirable place to live and work and be a focus for shopping, leisure, service provision, culture and tourism. Regeneration will have acted as a catalyst for the improvement of the town centre's offer

where high quality design and public realm will enhance the distinctive character of the centre.

On Sub area 3.4 in particular it states:

4.6.31 The East of Town Centre and Riverside area (sub-area 3.4) is centred around Thames Riverside, Harmer Street and Milton Road. It is largely residential though there are pockets of land in employment use and some ground floor retail uses. There are some open spaces and a number of piers along the Riverside.

4.6.34 Milton Road consists of a number of retail and restaurant uses at ground floor level. The retail units are peripheral to the town centre and this area is considered to perform a local centre function serving the residents of this and surrounding areas. The Council supports this role for the area and will take this forward as a new proposed local centre in the Site Allocations and Development Management Policies DPD.

This demonstrates a clear expected use of retail and restaurant use at ground floor level, which are vital to the town centre, and as part of this areas local centre function. Specifically, policy CS05 states that the Council will:

- Support and enhance retail, leisure, entertainment, cultural and tourism provision in accordance with the sequential approach and
- Support existing retail, commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors subject to achieving a satisfactory living environment.

The loss of the restaurant use at ground floor will therefore contradict the aims of Policy CS05, undermining the local centre function of the area, and the Vision for the Gravesend Town Centre Opportunity Area to build on its strengths as commercial centre

Policy CS14

Adopted Policy CS14 (Housing Type and Size) (LPCS) provides protection for existing housing stock by seeking to prevent the conversion of family sized units to smaller properties. In line with the NPPF, it also stipulates that new housing development is expected to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

Policy CS14 (LPCS) is supported by saved policy H5 of Gravesham's Local Plan First Review (LPFR) (1994) which seeks to accommodate the growing numbers of smaller households and provide low-cost accommodation, while taking into consideration the character and amenity of existing housing areas where single family occupancy is the norm.

Policy H5

Policy H5 (i) states that buildings shall be in an appropriate area for conversion to flats, maisonettes, bedsits and multiple occupancy. It also notes that unless there are special or overriding circumstances, conversion will not normally be permitted in an area comprised for the most part of single-family dwellings. Policy H5 (ii) requires that the building shall be of such a size and arrangement to be generally unsuitable for single-family occupancy. A larger property under this policy is considered to be in excess of two storeys in height and have more than 6 habitable rooms.

Policy AP7

Policy AP7 of the Local Plan First Review (2014) identifies that in Milton Road, shopping is the most important land use. However, this shopping centre has moved further to the west leaving many of the buildings underutilised and in a poor state of repair. The policy there states that;

‘... the Borough Council will maintain a flexible attitude to development proposals, particularly where it can be demonstrated that shopping is no longer a viable use...’

A supporting Statement has not been provided with the scheme, addressing the sites unsuitability for commercial use, considering its location, and size. Also, a viability assessment of the building, to evidence whether shopping is a viable use for the site, has not been provided. The Planning, Design and Access Statement, is a brief document which does not address, the viability of the site or its suitability for conversion.

The proposed development would contradict the aims of the development plan, in ensuring the vitality of the Town Centre Opportunity Area as a local centre, with primary focus on retail and restaurant use, and in doing so the proposed change of use would be considered inappropriate, contrary to Policy CS05 and CS14 of the Local Plan Core Strategy (2014), saved policy H5 and AP7 of Gravesham’s Local Plan First Review (LPFR) (1994) and Section 2 and 12 of the NPPF (2024).

Design, Character, Appearance & Conservation Area

Policy CS19 (LPCS) states that the design, layout and form of new sustainable development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. The NPPF (2024) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make developments acceptable to communities (NPPF paragraph 131). The quality and character of the built environment is also important in making the Borough an attractive place in which to invest. Therefore, a balance is required between achieving an effective use of a site within a sustainable location, whilst safeguarding and improving the environment and protecting local amenity.

It is noted that this building marks the start of the approach to the Town Centre and is located on a prominent corner. Therefore, its appearance would have a significant impact on the character of the Town Centre, where the uses are commercial at ground floor, and this forms a significant part of the character and identity of the area. Buildings which form part of the entrance of local nodes/town centres, provide the links in which people access and understand the area. Areas such as this site would be considered a ‘link’ to the ‘node’. Links are important as they inform how places are used and understood. Ensuring that buildings which are on the edge of the town centre correlate with the expected commercial and service function uses of a town centre, strengthen the social and economic vitality of town centres and people’s ability to wayfind towards the local centre.

Conservation Area: It is noted that this building is in the Milton Place Conservation Area, where greater weight would be placed upon the impact on the character of the area and a high quality of development is expected. As part of the application, a Heritage Statement should be submitted which assessed the impact of the proposed development on the Conservation Area.

In considering this proposal, the impact on heritage assets needs to be considered. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character and appearance conservation areas and sections 66(1) of the Act 1990 requires the Local Planning Authority amongst other things to have special regard to the setting of listed buildings.

Policy CS20 (LPCS) sets out that the Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource central to the regeneration of the area and the reinforcement of sense of place. Proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance of the Borough’s heritage assets, their setting where it contributes to the significance of the asset and their interpretation and

enjoyment, especially where these contribute to the distinct identity of the Borough. Saved Policy TC3 (LPFR) expects development to make a positive contribution to Conservation Areas.

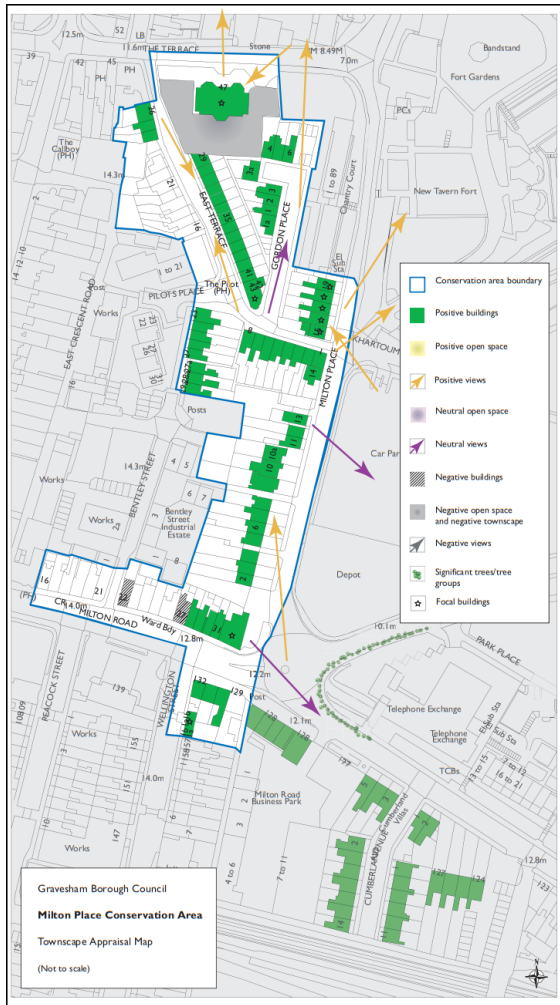
It is noted that a heritage statement was not submitted with this application. However, due to the principle of the scheme being considered unacceptable, it was not considered conducive to a favourable outcome to pursue the submission of a heritage statement in this instance.

Whilst the Conservation Officer has not commented as part of this application, they did comment on the proposal at the pre-application stage. In those comments, they stated:

The building is located at the outer limits of Gravesend town centre's western edge, acting as a gateway building to the commercial uses of the town centre.

As the submissions note, the ground floor was originally converted to the Globe public house and then a plumber merchants before finally becoming the ice cream parlour. All these uses were appropriate for the commercial shop front which was added and extended after the change of use from the building's original use as a tavern and hotel. The change of use to residential will appear incongruous and out of character with the shop front in this highly visible location on the western edge of the town centre.

The Milton Place Conservation Area Appraisal (2009), identifies the building as a positive, focal building, from 1800-1974. The building, identified within the appraisal as The Globe (former Tavern), is noted as a principal landmark at para 5.3 of the document and a Key unlisted building at paragraph 7.5. It is noted as a building whose improvement would strengthen the character of the area at paragraph 9.9. The map below is taken from the Milton Place Conservation Area Appraisal (2009), for reference:



The external changes proposed appear to include minor changes in window size and removal of the existing retail signage, based on the existing and proposed elevation. The railing above the flat roof element would also be extended, although the purposes for this have not been demonstrated within the information submitted. However, the Planning, Design and Access Statement states that the existing façade to both elevations are to remain as existing. Despite minimal changes being proposed to windows, the area is in an Air Quality Management Area, and the site immediately abuts a highly trafficked road. It is therefore considered that further changes to the windows would be necessary in an attempt to overcome impacts on the occupiers in terms of air quality, which would most likely be unacceptable from a heritage perspective.

Although the changes do not appear significant in their scale, the impact of the loss of the retail frontage, would be severe in this area. As per the Conservation Officer Comments, the change would appear incongruous and out of character in this highly visible location on the western edge of the town centre, in the Milton Place Conservation Area.

The proposed development would appear incongruous and out of character in this highly visible and prominent location, on a building which is a focal and key unlisted building within the Milton Place Conservation Area and its visible change of use would not correlate with the expected commercial and service function of the town centre, and is contrary to Policies CS19 and CS20 of the Local Plan Core Strategy, saved Policy TC3 of the Local Plan First Review and Section 12 of the NPPF (2024).

Amenity of Future Occupiers

Policy CS19 (LPCS) seeks to ensure that the design and layout of new development accords with the adopted Residential Layout Guidelines (RLG) (2020). It also seeks to ensure that new development is fit for purpose and located, designed and constructed to safeguard the residential amenity, including privacy, daylight and sunlight, of existing and future occupants.

Space Standards

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, 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. The impact on neighbours will be assessed in the next section of the report.

The proposed flats would be expected to adhere to the minimum space standards required within the Residential Layout Guidelines (amended 2020). For flats, these standards are included in the table below:

Room Type	Proposed Internal Floor Area (m²)			Minimum Space Standard (m²)
	Flat 1	Flat 2	Flat 3	
Bedroom	13.2	11.5	11.8	11.2
Living Room	26	33	26	13.2
Kitchen	8	12.3	9.1	7.2
Bathroom & WC	4.8	4.5	4	3.5

It should also be noted that the Residential Layout Guidelines state that:

- No unit of accommodation shall be wholly below ground level. Basements should normally be combined with ground floors, to form “family” maisonettes.

External Amenity Space

The Residential Layout Guidelines also states the following regarding amenity space:

- For communal flats, a communal garden area equivalent to a minimum of 10 sq. metres shall be provided for amenity space.
- For self-contained units (not necessarily communal) which have two or more bedrooms and are capable of providing family accommodation, an area of amenity space in excess of 10 sq. metres will be expected. Such amenity space shall be of sufficient size to accommodate the following activities :
- children’s play space;
- drying area;
- limited outside storage;
- sitting out;
- general leisure use.

Commented [FW1]: Also need to make reference to CA appraisal. I haven't read it in detail, but can see on one of the maps the building is identified as a focal building, which links nicely to my comment above about it's prominence.

Commented [LF2R1]: amended

It is noted that there is space to the front of the site which could be considered to be used as external amenity space. However, this area is in an unusual format close to the highway, which would likely not be useable for amenity space without requiring further noise mitigation in the form of boundary treatment changes. The existing cast iron railing to the front of the site is appropriate for the Conservation Area and its removal/change would be resisted. No details of Noise Mitigation have been provided and the plans indicate that this area would be unchanged. Nonetheless, the site is located within walking distance of a large open space and given the single person nature of the flats and edge of town location, private amenity space would not be considered a necessity in this instance.

Air Quality

This area is within the A226 One Way System Air Quality Management Area (AQMA) declared for exceedances of the annual Air Quality Objective (AQO) for nitrogen dioxide (from traffic). As such, new sensitive receptors will be introduced into an area recognised as having poor air quality. The Environmental Protection Team have advised that a suitable scheme of air quality mitigation measures needs to be provided to ensure that appropriate and robust measures are capable of being put into place.

They also state that as habitable rooms of the flats would front the A226, that an appropriate scheme is likely to include the requirement for rooms with windows facing the roadside to be upgraded and sealed so as to prevent pollution from entering the residential units and a MVHR system be installed as a means of alternative ventilation and cooling. This will also provide the occupants with choice i.e. to close windows to shut out noise from traffic or people making use of the night-time economy.

In this instance, a scheme of air quality mitigation measures has not been provided with this application and without such a scheme, due to the location within a AQMA, the proposal fails to safeguard the amenity of future residents, contrary to Policy CS19 (LPCS).

Noise

The property is in a busy location adjacent to the A226 one-way system and at a junction both of which are heavily trafficked. Consideration needs to be given by the applicant to traffic noise and also noise associated with the late-night economy (people coming and going from late night pubs, bars, restaurants, takeaways in the town centre) and also any commercial noise sources in the area. Noise from early morning or out of hours deliveries to commercial premises in the area may also give rise to noise. This would be heightened due to the lack of defensible space around the site, which is explored further on.

Being an older property, it is likely that the sound insulation quality of the internal floor/ceiling and also wall partitions may not be that robust. Suitable and sufficient sound insulation between the flats needs to be ensured.

To address noise concerns, both internally and externally, a noise impact assessment is required as part of the submitted application.

The quality and the standard of the sound insulation properties of the building should be assessed to ensure that future residents are not impacted by internal noise eg noise from the commercial premises on the ground floor and noise from flat to flat. To address this, the noise assessment should include details of the assessment methodology and any enhanced sound insulation performance of the construction that separates the residential and ground floor commercial use and internal partitions between flats. This should resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB). The assessment should look at any required mitigation measures to ensure that internal noise levels are appropriate. Overheating and ventilation must also be considered in the design of any mitigation.

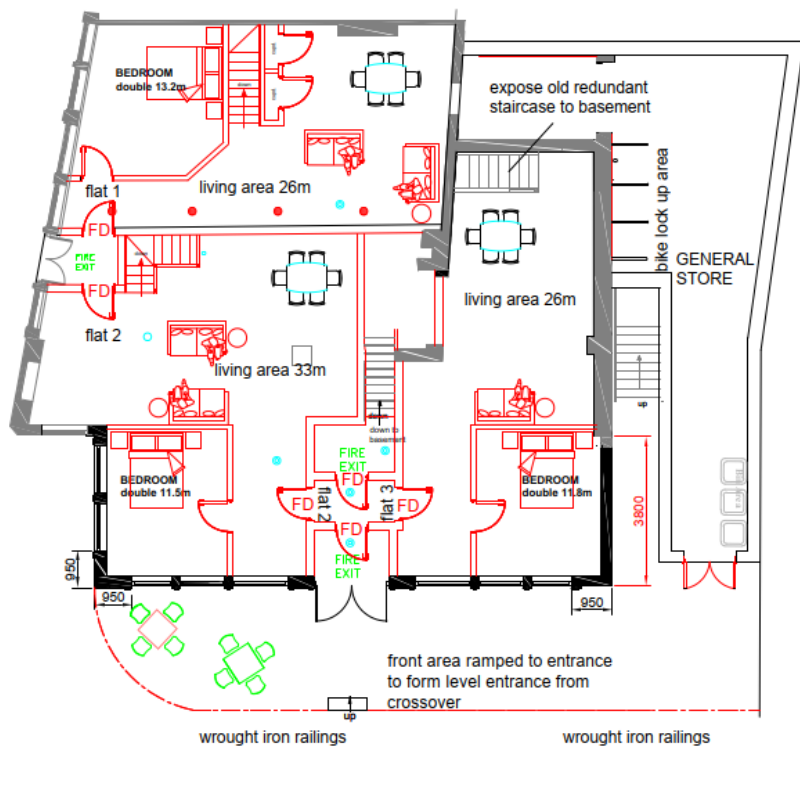
In this instance, a Noise Impact Assessment and Noise Mitigation Measure have not been provided with

this application.

The Environmental Protection Team have also advised that as the Noise Impact Assessment, noise mitigation measures, and the air quality mitigation scheme have not been submitted with an application, the application be refused on the grounds of poor environmental/living conditions for future occupants due to the noise and air quality of the location.

Position

The building is positioned on a corner road, with habitable room windows facing directly onto a street with heavy footfall and vehicular traffic as can be seen from the floorplan extract, with no defensible space;



There would be direct views into the habitable rooms of the proposed flats, particularly the bedrooms of flats 1 and 2 with no buffer to the pavement. These large windows would allow for direct overlooking from the public highway and it would not be appropriate to obscure glaze these windows or require curtains or shutters to maintain privacy. Again, ingress of natural daylight and/or outlook from the residential units would be compromised which further highlights the inappropriateness of this location for residential.

It is also noted that the concerns raised regarding noise impacts are not likely to be overcome in an

acceptable way without substantial impacts on the Conservation Area, which would be unacceptable. The immediacy of the building on the boundary without any defensible space, would also present a safety risk for residents.

Summary on Future Amenity of Occupiers

In conclusion, the proposed development would result in unacceptable impacts on the future occupiers of the flats. It is evident that residential use in this instance would be unacceptable, and it is considered that there are no amendments which would overcome the impact on future occupiers without resulting in unacceptable harm to the character of the area and Conservation Area.

No detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Noise Impact. As such, the development will detrimentally impact on residential amenity due to location on a busy junction. The proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the Nation Planning Policy Framework (2024).

No detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Air Quality. As such, the development will detrimentally impact residential amenity due to its location within an AMQA. The proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the Nation Planning Policy Framework (2024).

Neighbouring Amenity

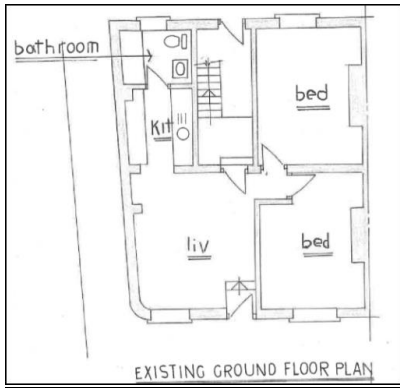
As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, no objection to the proposal was received.

This site is in a mixed use area, with retail and restaurant uses predominant at ground floor and so the submitted application will need to demonstrate careful consideration of the impact on neighbours have been taken during the development of the scheme, including those in the flats above. There would be no significant structural changes, or increase in footprint and bulk, nor change in position of windows.

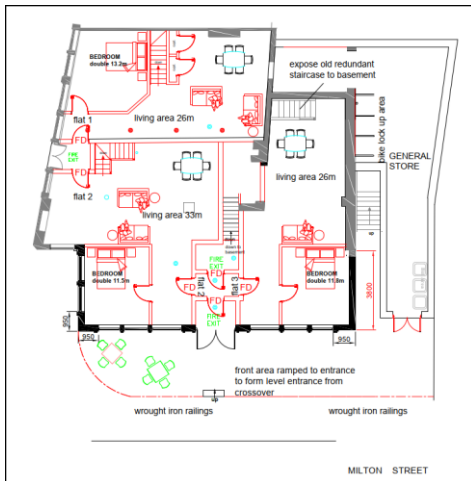
Flat A, 129 Milton Road, to the south of the site has 18.9m between the closest windows.



Recent planning application ref 20240219 for this neighbouring property indicates that, the ground floor windows of this neighbouring property serve a living room and a bedroom, as per the plan shown below, taken from the planning application.

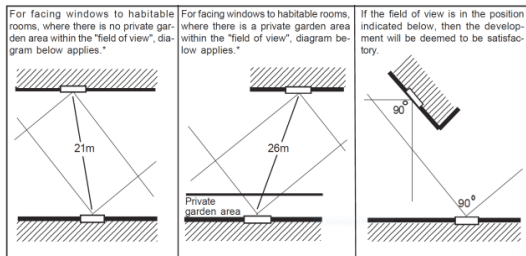


As the proposed plans for this site show, as below flat 2 as proposed would have a bedroom and living room window which would face onto this neighbouring living room and bedroom.



The Residential Layout Guidelines SPG, applies minimum privacy distances, as shown in the figure below.

Figure 1



* A 90° field of view is measured from the central point of a window of a habitable room on any elevation, to where it overlaps a 90° field of view from the central point of a window to a habitable room on any elevation of another property.

There is no private garden area between these properties and so the minimum privacy distance would be 21m. At a distance of 18.9m, the habitable windows as described above would not meet the required minimum privacy distance, and so the scheme would result in potential overlook of this neighbours habitable rooms. However, given that this is marginally under the required privacy distance and that there is a highly trafficked road between the properties, this would likely not have a significant impact. Also as already identified, no details of noise impact have been provided and so impacts on the neighbouring flats above cannot be fully ascertained by the details provided within this application.

The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014 and paragraphs 131 and 135 of the National Planning Policy Framework 2024.

Highways & Parking

Adequate and safe parking provision must be provided to ensure that there is no significant impact in terms of increased on street parking and unsafe driving manoeuvres as a result of the development. The adopted Kent Vehicle Parking Standards (2006) would require 1 space per,1 bedroom dwelling. This proposed development to create 3no. 1 bedroom dwellings would therefore require provision of 3no. off-street parking spaces.

Due to the Town Centre location of the site, a parking free scheme would be acceptable. However, cycle storage of one space per bedroom should be provided with easily transportable access. The plans provided show a bike lock up area. Whilst further details would be necessary to ensure that the provided bike storage would be adequate, it is considered that appropriate space could be provided for this within the scheme.

Adequate vehicle and cycle parking provision would be available in compliance with paragraphs 115 to 118 of the National Planning Policy Framework (2024), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014.

Waste and Refuse

Policy CS19 (LPCS) requires new development to incorporate facilities for the storage and recycling of wasted generated, further clarification is provided in Planning Guidance on Waste Collection Requirements (2019).

The proposed scheme shows an area for bins to the western side of the site, within the existing timber structure fronting Milton Road. The size of the bins has not been provided.

The required bins for flats are:

- Refuse - 1 x 1100ltr bin per 6 flats
- Recycling - 1 x 1100ltr bin per 6 flats with specialised recycling lid
- Food Waste - 1 x 140ltr bin per 10 flats with an individual 5ltr caddy per flat

Based on the 1.35m opening, it is considered possible that the required 1100mm bin could be accommodated in this location. However, details of the railing opening onto Milton Road have not been provided and so it is difficult to ascertain whether the bins could easily be manoeuvred to the front of the site for collection. But it is noted the current restaurant use will likely use large bins were stored out of site upon the latest visit to the site. In any case, these details could be refined by planning condition. Therefore, where approved a planning condition would be applied, to ensure the correct number and size of bins can be appropriately accommodated within the site and easily manoeuvred for collection.

Biodiversity

Enhancement

Under the Environment Act 2021 and supporting Statutory Instruments Biodiversity Net Gain (BNG) is now mandatory for most development. The legislation requires a minimum 10% gain in biodiversity from applicable development either onsite, offsite or a combination of both.

BNG provided under the mandatory requirements offsite and significant BNG onsite must be secured by a legal agreement for 30 years under an approved Habitat Management and Monitoring Plan (HMMP)

There are strict legal requirements in terms of what an application must contain in relation to BNG before it can be accepted as valid. This is set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and requires the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application and other information.

However, certain applications are exempt from the BNG regulations (the Biodiversity Gain Requirements Exemptions) Regulations 2024) including householder applications and include:

- Householder development as defined within article 2(1) of the Town and Country Planning Development Management Procedure) (England) Order 2015.
- Development granted planning permission by a development order under section 59. This includes permitted development rights.
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- Self-build and custom build development - development which:
 - consists of no more than 9 dwellings, and
 - is carried out on a site which has an area no larger than 0.5 hectares, and
 - consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

In this instance, the application form indicates that the application is subject to the de minimis exemption and therefore exempt from the requirement for 10% Biodiversity Net Gain. As such no Biodiversity information has been submitted with the application, nor a completed BNG Metric.

However, it is noted that KCC Biodiversity has requested a condition requesting a Biodiversity Enhancement plan, which shall be required by condition where approved.

Mitigation

- *Protected Species*

The KCC Biodiversity Officer concluded that the proposed development has limited potential to result in significant ecological impacts and they required no further information on this matter.

- *Thames Estuary and Marshes Ramsar Site and Special Protection Area (SPA)*

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 £328.27 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.

Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £328.27 per new increase in bedrooms for HMO's by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has not completed the SAMMS Mitigation Contribution Agreement and made the required payment.

Therefore, the development would **NOT** comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 192 and 193) of the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Conclusion

The proposed change of use from a restaurant to 3 x residential units fails to safeguard the vitality of the Town Centre Opportunity Area as a local centre, where the primary focus at ground floor is predominantly focused on retail and restaurant use. As such the proposed change of use would be considered inappropriate in this location and contrary to Policy CS05 and CS14 of the Local Plan Core Strategy (2014), saved policy H5 and AP7 of Gravesham's Local Plan First Review (LPFR) (1994) and Section 2 and 12 of the NPPF (2024).

The proposal fails to enhance or preserve the character of the conservation area by virtue of the loss of the ground floor commercial use. It would appear incongruous and out of character in this highly visible and prominent location, on a building which is identified as a focal and key unlisted building within the Milton Place Conservation Area and its visible change of use would not correlate with the expected commercial and service function of the town centre, contrary to Policies CS20 of the Local Plan Core Strategy, saved Policy TC3 of the Local Plan First Review and Sections 12 and 16 of the NPPF (2024).

The proposal fails to safeguard the amenity of future occupants due to the location of site within a designated AQMA (Gravesend A226 One Way System) with no air quality report or mitigation measurements submitted as part of the application. The application is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the NPPF (2024).

The proposal fails to safeguard the amenity of future occupants due to the location of site within a heavily trafficked, commercial area with a vibrant late-night economy, with a clear lack of defensible space, with no noise impact assessment or mitigation measurements submitted as part of the application. The application is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the NPPF (2024).

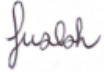
The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 192 and 195) of the NPPF (2024) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

While the proposal would offer a modest contribution to the housing need of the area, the issues outlined above are considered to outweigh the benefits of this contribution and as such, cannot be supported.

Recommendation

The recommendation is to refuse this application.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	13th January 2025	Dated:	14 January 2025