



Delegated Report

Planning Application

Planning Application No: 20230648
20230649

Location: Crown And Thistle Public House 44 The Terrace Gravesend Kent

Description: 20230648 - Change of use from Public House with flat above to a 6 bedroom House of Multiple Occupation (HMO), with part demolition of the single storey rear extension, erection of a bin store in the rear garden, replacement of the UPVC window in the rear elevation at second floor level with a timber sash window and associated internal and external alterations.

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Applicant: Mr A Rai

Site Visit Date: N/A Previous Site Visit conducted recently for pre-application enquiry

Submitted Documents/Plans

Application Form;
Supplementary Information – Heritage Statement;
Supplementary Information – Planning Design and Access Statement;
Supplementary Information – Emails regarding marketing (not viewable on Public Access);
Drawing No. 22/399/01 – Elevations OS Plan and Site Plan – Existing;
Drawing No. 22/399/02 – Floor plans – Existing;
Drawing No. 22/3999/03 – Elevations OS Plan and Block Plan – Proposed; and
Drawing No. 22/399/04 – Floor Plans – Proposed.

Relevant Planning History

Reference	Description	Decision	Decision Date
19880602	Application for Listed Building Consent for the refurbishment of the front elevation, replacement of the roof tiles and elevational alterations in connection with the erection of a single storey rear extension	Permitted	31.10.1988
19880601	Erection of single storey rear extension to form toilet accommodation and internal alterations to form enlarged bar area	Refused	31.10.1988

19850337	Change of use of part of 1st floor from residential to quiet lounge clubroom	Refused	19.07.1985
19810769	Application for Listed Building Consent for alterations to the front and rear elevation internal alterations demolition of existing rear extension and erection of replacement rear extension	Permitted	04.12.1981
19810766	Erection of single storey rear extension to form games room lobby and sanitary accommodation	Permitted	04.12.1981
TH/2/49/176	Womens w.c. and store	Permitted	02.08.1949

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 - Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS10 - Physical and Social Infrastructure
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 - Housing Type and Size
- CS18 – Climate Change
- CS19 – Design and Development Principle
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas
- H5 - Increasing the Housing Stock by the Conversion of Existing Buildings
- 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.

Regulation 18 (Stage 2) Development Management Policies Document (2020)

- RE 5.5: Retention of Public Houses

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 4 – Decision-making
- 6 – Delivering a sufficient supply of homes

- 7 – Ensuring the vitality of town centres
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 12 – Achieving sustainable development and well-designed places
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- 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).
- Harmer Street Conservation Area Character Appraisal (2009).
- Management Plan Gravesend Town Centre Conservation Areas (2009).
- Guidance for HMO Amenity Standards (V2 2023).

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architect or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended 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.

Consultations, Publicity and Representations

Consultees

Local Ward Councillors

No comments received.

GBC – Conservation Officer

No comments received.

GBC – Economic Development

No comments received.

National Amenities Societies

No comments received.

GBC – Environmental Protection Team

Pre-application advice was given regarding 3 options for this property in April 2023 mainly with regards to

potential noise implications from both external noise sources and also internal sound transmission between the rooms/floors. This advice is re-iterated here with regards to the change of use to an HMO.

As this is a listed Building, there could be issues with the standard of the sound insulation of the partitions and party walls due to the property's age. This could result in noise problems between the flats or HMO units. In view of this, it is recommended that a noise assessment be undertaken to ascertain the sound insulation of the building and provide appropriate mitigation measures. As this building is listed, providing suitable and sufficient sound insulation for both internal (room to room) noise transmission and also insulating against external noise from The Terrace may be difficult to achieve without significant structural alterations. These alterations may be contrary to Conservation stipulations.

There were some inconsistencies in the proposed stacking of the rooms within the pre-application plans for the proposed HMO and these do not all appear to have been addressed. For example, bedroom 4 on the 1st floor is over the living area on the ground floors and bedroom 3 on the 1st floor is partially over the kitchen on the ground floor. Rooms such as kitchen and living rooms generally have higher noise levels than bedrooms particularly at night-time, which could result in sleep disturbance. Again, bathrooms can generate noise eg toilet flushing, water running away etc which at night can be noisy.

To address the noise issues raised above and also other matters, the following conditions and informatives are recommended.

External noise

a) Before any works commence, a noise impact assessment shall be carried out and shall be submitted to and approved, in writing, by the Local Planning Authority. For the avoidance of doubt the noise impact assessment shall set out how the change of use of the building will ensure compliance with the following requirements:

- i. The internal ambient noise levels in all habitable rooms of the residential dwellings shall not exceed the guideline LAeq values in Table 4 of BS 8233:2014
- ii. The maximum internal noise levels in all habitable rooms should not normally exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- iii. The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

Where compliance with these criteria will rely on closed windows, the development must include sufficient and suitable ventilation to affected residential dwellings by means other than opening windows to ensure that the internal noise levels required by the above conditions can be retained all year round. The noise assessment should not be limited to noise from traffic and plant but should also take into account the impact of other existing audible noise sources such as music and behavioural noise from, and associated with, existing licenced premises during the evening and night-time economy period, Tilbury port operations, and early morning delivery noise to nearby commercial uses, as appropriate.

b) Prior to first occupation, a suitable post-completion demonstrating compliance with (a) shall be submitted to and approved, in writing, by the Local Planning Authority

The approved details shall be maintained for the lifetime of the development.

Internal noise

Prior to the first occupation, 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 and also adjacent party wall partitions. The sound insulation performance of these 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.

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.

Reason

In order to protect the amenity of future occupiers in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Code of Practice on Construction and Demolition

Please apply as appropriate to minimise the impact on neighbouring premises during the building works.

Lighting

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

Smoke Control Informative

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Drainage/sewerage informative

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

GBC – Private Sector Housing

Thank you for your recent consultation request regarding the above-mentioned proposal.

Where HMO's are being considered we recommend applicants familiarise themselves with the HMO Amenity Standards [Guidance for homes in multiple occupancy amenity standards \(gravesham.gov.uk\)](https://www.gravesham.gov.uk/guidance-for-homes-in-multiple-occupancy-amenity-standards)

Having reviewed drawing no. 23/399/04 and a brief telephone conversation with the agent, from a licensing perspective the communal kitchen is now suitably located, contained and sufficient.

We trust the communal kitchen will have suitable lighting levels, ventilation and extraction system. To the communal kitchen it is recommended to install an FD30 with viewing pane, to allow for borrowed light and visual inspection.

The main means of escape protected and the addition of a secondary means of escape to the rear. To note, the secondary means of escape does not currently lead away to a place of safety, due to the rear yard being enclosed.

The proposal on drawing no. 23/399/04 suitably accommodates a 6 occupant, 6 household HMO.

Where the HMO is the applicants preferred option, the team welcomes a conversation or visit to the premise to discuss requirements and configuration.

GBC – Waste

I have reviewed the amended planning application and have the following comments on refuse collection arrangements.

The property is a 6 bedroom HMO so the property requires space for a minimum of 2 x 240ltr bins for each material type (refuse and recycling), so 4 bins in total. To allow for food waste there needs to be space for 3 x 23ltr food caddies

I have detailed below the measurements of each type of bin.

Capacity	240ltr Recycling Bin	23ltr Food Caddy
Length	585mm	380mm
Width	740mm	290mm
Height	1100mm	405mm

Neighbouring properties

20230648 – Six neighbouring properties were consulted, a site notice was displayed on 13.07.23, the application was publicised in the Gravesend Messenger on 13.07.23 and one representation was received. The representation neither objected or supported the proposal and the comments are summarised below:

- The Crown and Thistle as a public house provided a great social venue over many years.
- The importance of the Grade II Listed Building along with its remaining features, in particular the front exterior must be retained including its hanging signage regardless of it being suggested this sign is not original.
- Historic features of the building need to be repaired and retained in keeping with its character and past history.
- Reservations regarding the proposed HMO, this building would benefit from being lovingly restored to become a 'home' if it is not to be restored back to a public house.

20230649 - A site notice was displayed on 13.07.23, the application was publicised in the Gravesend Messenger on 13.07.23 and two representations were received. The representations received objected to the proposal and the comments are summarised below:

- Believe that the property has not been marketed, a google search shows this and it has never had any signage to suggest it has been for sale.
- We are losing these premises at an alarming rate and there are too many HMO buildings that already offer nothing positive apart from landlord profit and having had some experience in this field, rarely offer good accommodation.
- Another historic public house turned to a multi-occupancy building.

- The interior will be altered for all time and equally (whilst I am considerate to housing needs) the area doesn't need more low quality accommodation.
- There will be poor maintenance.
- The nature of a HMO is to get as much cash in with the minimum of cash out which will lead to nuisance in many forms.

The concerns raised above regarding the historical significance of the property, along with design character and appearance will be considered in the relevant section of this report. Additionally, the amenity of future occupiers shall be assessed below and the marketing of the property shall be explored in the relevant section of the report. Comments relating to the potential poor maintenance of the property, profitability and potential nuisance would not constitute material planning considerations for this application and are instead considered to be non-material planning considerations.

Preliminary Matters

Prior to the submission of this application, pre-application advice was sought (as stated on the application form). Notwithstanding this, it is noted that this application has not been tailored to align with the advice that was given. Nonetheless, the application shall be assessed below.

Officer's Analysis

No. 44 is a Grade II listed building, situated in the Harmer Street Conservation Area, in the Gravesend Town Centre Opportunity Area and within the Thames Estuary And Marshes Ramsar Buffer Zone.

The listing description which covers No.45 The Terrace also is as follows:

A mid C19 pair. 3 storeys stuccoed. 1 sash each with some glazing bars intact. Later shopfronts. Nos 42 to 45 (consec) and the Terrace Tavern form a group.

An image of the front elevation of the building is shown below:



Proposed Development

This application proposes the following:

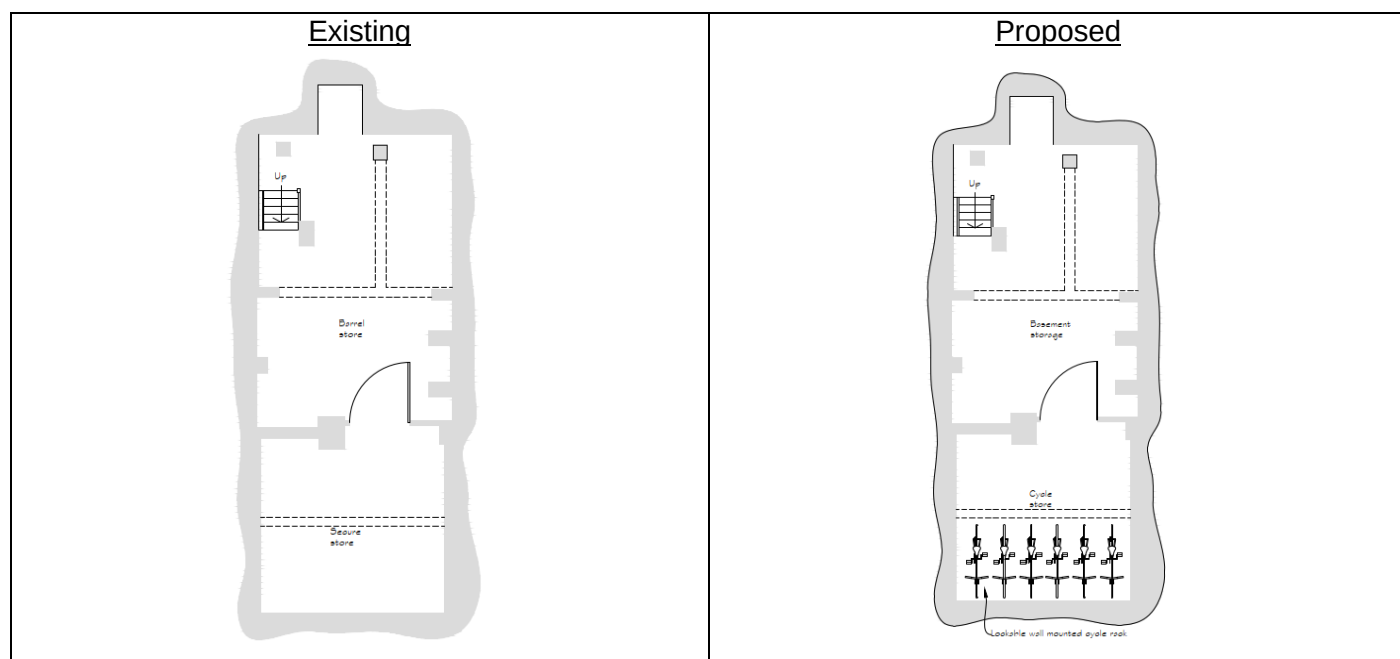
- Change of use from public House with flat above to a 6 bedroom HMO
- Part demolition of the single storey rear extension
- Erection of a bin store in the garden

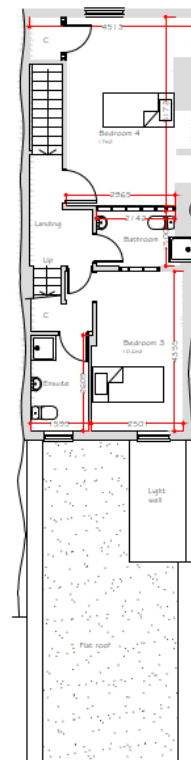
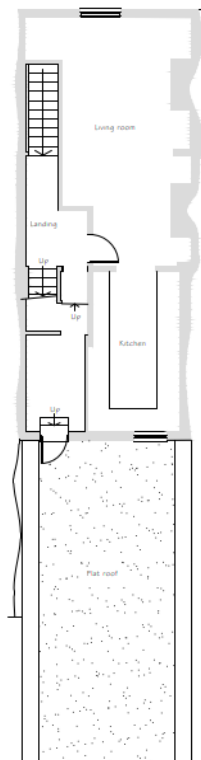
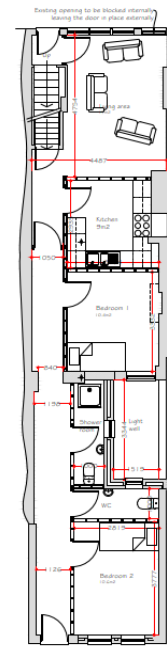
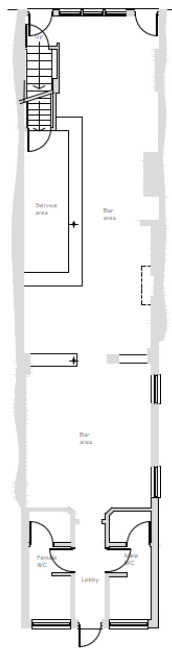
- Replacement of uPVC window in the rear elevation with a timber sash window
- Associated internal and external alterations
- Provision of cycle storage and storage in the basement

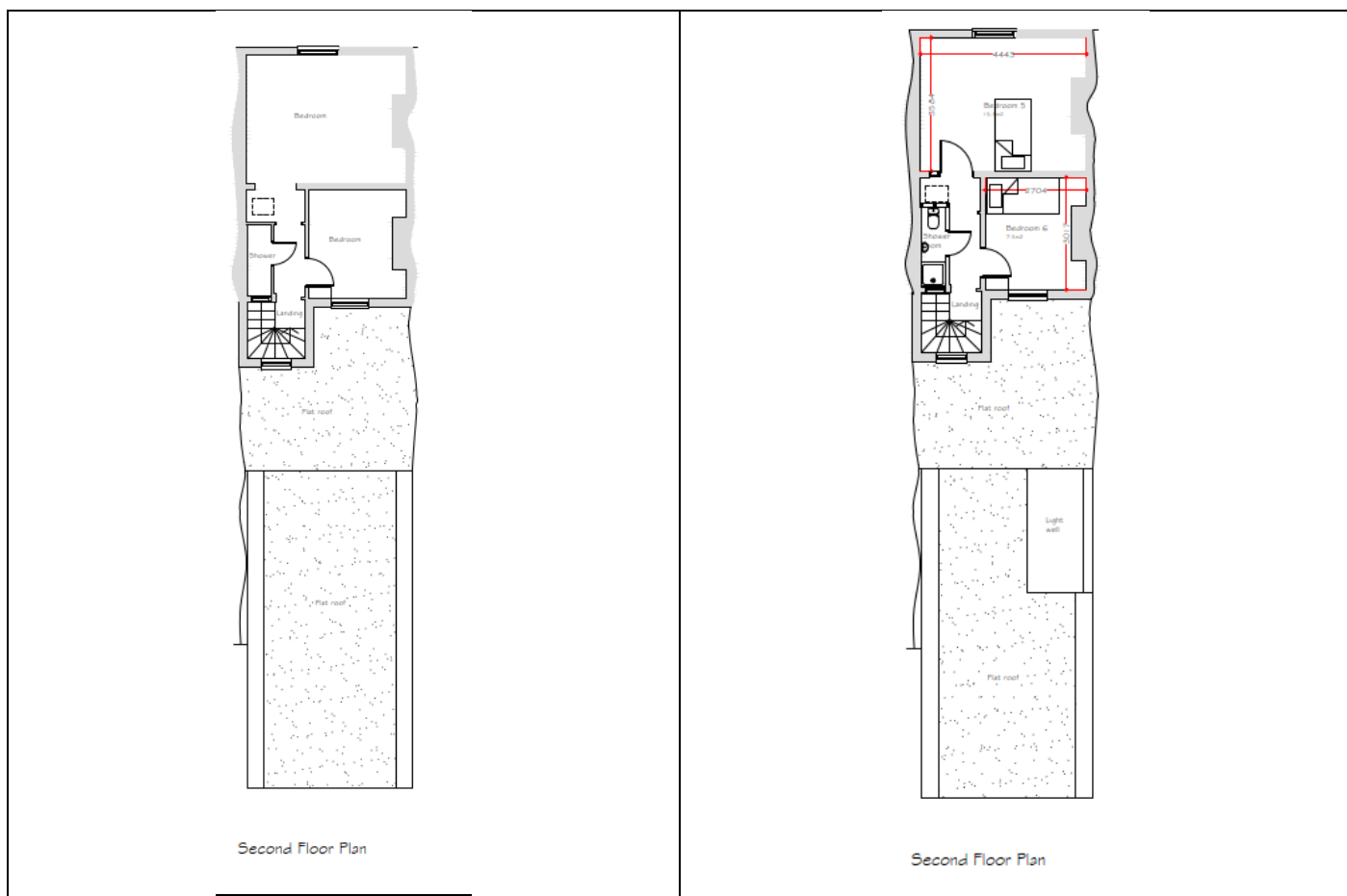
Existing Elevations:



Proposed Elevations:







The principal considerations in the assessment of this application are:

- Housing Need;
- Principle of Development;
- Whether the proposed works would preserve the grade II listed building, its setting or any features of special architectural or historic interest that it possesses and whether the proposal would preserve or enhance the character and appearance of the Harmer Street Conservation Area;
- Protecting the amenity of future occupiers;
- Impact on neighbouring amenity;
- Ecology and Biodiversity;
- Parking and highway safety; and
- Waste and recycling.

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), 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:

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

- Habitats sites (and those sites listed in NPPF paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt;
- Local Green Space;
- Areas of Outstanding Natural Beauty;
- a National Park (or within the Broads Authority) or defined as Heritage Coast;
- 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 '1' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers consider that this should be accorded appropriate weight in support of the application. However, this must be balanced against other requirements of the NPPF (2021).

Principle of Development/Loss of public house

The site is within the urban boundary of Gravesend which is covered by Policy CS02 of Gravesham's Local Plan Core Strategy (LPCS) (2014) which prioritises development in the urban area as a sustainable location for development. As such, generally there is no objection to the principle of development, however this needs to be balanced against Local and National Planning Policy and guidance.

Policy CS14 (LPCS) (2014) (Housing Type and Style) expects new development to take *into account the existing character of the area*. The policy states that for market housing, there is a significant need for 3 bedroom and 2 bedroom properties. Many properties within the local area have a commercial use on the ground floor with residential above, however this proposal is for the conversion of the entire building, inclusive of the ground floor level to a six bedroomed HMO. Furthermore, *the underlying long term trends remain, with clear housing demands from potential first time buyers, growing families and the elderly*. Although the proposed HMO would contribute towards housing need, it is considered that the proposal is not targeting the trending demographics according to Policy CS14 (LPCS) (2014).

Saved Policy H5 (LPFR) states that in the conversion of existing properties to form houses of multiple occupancy, the Council will consider, amongst other things, if the building is in a suitable location. Additionally, conversions will not normally be permitted in areas which are environmentally unsuitable for young families and which already demonstrate a predominance of multiple occupation.

Loss of the Public House

Paragraph 93 of the NPPF (2021) requires planning policies and decisions to plan positively for the provision of community facilities and to guard against the loss of valued services, particularly where this would reduce the community's ability to meet its day-to-day needs. At a local level Policy CS10 (LPCS)

states that support will be given to proposals and activities that protect, retain or enhance existing social infrastructure, or lead to the provision of additional infrastructure which improves community well-being. The policy also states that where there is the threat of loss of existing infrastructure, consideration will be given to viability and whether sufficient alternative provision is available. The public house was previously listed as a community asset. This has since expired, with the request to relist denied given that by that point it had been empty and unused for five years.

There are no policies in the adopted Local Plan that specifically refer to the retention of public houses or (former) community assets. However emerging Proposed Policy RE 5.5 (Retention of Public Houses) of the Regulation 18 (Stage 2) Development Management Policies Document (2020) highlights that Public Houses form an important part of the local community as places to meet and socialise, they contribute significantly towards a sense of place and the heritage of our town and villages. The loss of Public Houses can also have a detrimental impact on the offer of the town as a place to visit, socialise and interact.

The emerging Policy states

5.5.7. Planning permission will only be granted for development which results in the loss of an existing public house where:

- It has been demonstrated through the submission of evidence that the public house is no longer economically viable or capable of being made economically viable at a reasonable cost; and*
- The public house has been the subject of continuous effective marketing for a minimum period of 12 months in a lettable condition on reasonable terms, with no reasonable offer refused.*

5.5.8. In considering the acceptability or otherwise of a proposal which would result in the loss of a public house, the Council will also have regard to:

- The role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute toward a shortfall in local provision*
- The design, character and heritage value of the public house and the significance of the contribution it makes to the streetscape, local distinctiveness and the historic environment of its location; and*
- The ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building*
- The appropriateness of the proposed alternative use in relation to the location of the site and neighbouring uses, together with the adequacy of parking and delivery arrangements to support the proposed use and potential impact on highway safety; and*
- Whether or not the proposal provides an alternative community service or function*

Given that Policy RE 5.5 (Retention of Public Houses) is an emerging policy and not yet adopted, it carries limited weight. Notwithstanding this, it is apparent the proposal appears to be contrary to the emerging policy. The applicants suggest the *'building has no viable future as a public house or in commercial use'* and that the *'proposed use as a HMO provides the economic viability to restore and keep the building in repair and we believe this change should be supported to safeguard the building from decline.'* However, the evidence submitted, in the form of a small number of emails is considered to be inadequate to show the site is not economically viable or capable of being made economically viable as a public house or that the property has been subject to a continuous effective marketing strategy. Although the Planning, Design and Access Statement highlights that other properties within the local area have been converted to residential uses, along with reference to a number of other Public Houses available within the local area, each application is assessed on its own merits. Furthermore, it is important to consider the role a Public House has within the community. The Public House was previously listed as a community asset, (as attested by neighbour comments, it provided a great social venue over many years), and it has significant heritage value along with its location within close proximity to the river. The loss of this venue, without the provision of an alternative community service or function could contribute to a shortfall in local provision, and

insufficient evidence has been provided to show otherwise.

The site is also located within the Gravesend Town Centre Opportunity Area and as such policy CS05 (LPCS) (2014) is relevant. Ideally, a mixed use building is desirable, such as office use on the ground floor with the conversion of upper floors to residential use allowed where a satisfactory living environment can be provided. This is furthered in Policy CS07 (LPCS) (2014) which highlights *that the Council considers it is important to protect existing employment sites, unless they are truly redundant for modern needs or have been identified through this Core Strategy as suitable for regeneration to alternative uses*. As aforementioned above, this application has included very limited evidence for the marketing of the property in the form of an email from the estate agents stating that the property has been marketed since January 2022, with some interest from investors looking to renovate the building and change to a completely residential use, with no interest from anyone looking to retain the ground floor as commercial. However, the evidence does not specify whether the property has been marketed commercially or not and as such, the evidence is considered to be inadequate.

Overall balancing exercise

The site is within a highly sustainable location, close to transport links, shops and amenities. Although the principle of the development would therefore accord with CS02 (LPCS) (2014) which prioritises development within the urban area, this proposal would result in the loss of the public house which would be contrary to the emerging Proposed Policy RE 5.5 (Retention of Public Houses), of the Regulation 18 (Stage 2) Development Management Policies Document (2020). It is noted that the emerging policy is not yet adopted and as such carries little weight, however the proposal would also be contrary to Policies CS05 and CS07 of Gravesham's Local Plan Core Strategy (LPCS) (2014) because it would remove the possibility of a commercial use on the ground floor and provides insufficient evidence to show a commercial use is no longer viable.

Heritage Matters and Design, Character and Appearance

Preliminary Information

The site is Grade II Listed and within the Harmer Street Conservation Area. The National Planning Policy Framework (NPPF) (2021) identifies heritage assets as an *irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*. This is echoed by Policy CS20 of Gravesham's Local Plan Core Strategy (LPCS) (2014) which says; *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*.

The NPPF (2021) also states that Local Planning Authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.*

As per Policy CS20 (LPCS) (2014), *the historic town centre of Gravesend in its riverside setting, together with the Borough's urban conservation areas and their settings* are of particular importance when defining the heritage interest of Gravesham. In addition, the Harmer Street Conservation Area Appraisal (2009) identifies the loss of a commercial use as a negative feature of the conservation area. Therefore, proposed development needs to demonstrate how it would enhance the asset as well as ensuring a positive contribution to the local surrounding area.

Development Plan policy places considerable emphasis on the importance of achieving high quality buildings and places. Paragraph 130 of the NPPF (2021) seeks to ensure that development will add to the quality of an area, be visually attractive, sympathetic to local character and history and will create places that have a high standard of amenity for existing and future users. Policy CS19 of the Local Plan Core Strategy (LPCS) 2014 reflects these aims and requires that new development is well designed so that it strengthens the character and distinctiveness of the area and safeguards local amenity. It also requires development to be designed using a robust analysis of the local context and character to ensure the proposal would make a positive contribution to the street scene. Development should conserve and enhance the character of the local built, historic, and natural environment and integrate well with the surrounding local area.

Officer Analysis

Heritage Statements should include a description of the significance of the heritage asset and a description of the contribution of its setting to that significance; provide a schedule of, and justification for the proposed works, provide an assessment of the impact of the proposals on the asset's significance and an assessment of how harm will be minimised and the significance will be preserved and enhanced

The Heritage Statement provided with this application is severely lacking in detail. The Heritage Statement states that; *the building has been empty for 7 years, there is some damage and deterioration* and emphasises the building has to date been fortunate to escape *the greater effects of winter*. The statement goes on to describe the removal of part of the rear single storey extension and how it will not *negatively impact* the Listed Building and that the proposal will help in enhancing and bringing this Listed Building into use, however no evidence or justification has been provided to enable an informed judgement to be made.

The application site is indeed currently in need of some repairs, and refurbishment to bring the asset back to a condition that reflects its status. When previously visiting the site, it was noted that the ground floor window in the front elevation was broken, there were some unauthorised and unsympathetic fenestration alterations that had taken place and internally, there is little historic fabric that remains. The plans and documents show the desire to reinstate external traditional features, with timber doors and windows and the surrounding wall to match the existing. The design and Access Statement states the applicant *'will overhaul and repair all timber windows, cills, doors, soffits...clean down and redecorate the exterior of the building. The interior will be cleaned and fitted out in accordance with the plans submitted.'* Notwithstanding these proposals, the application does not provide sufficient information or go into the level of detail that is required to demonstrate that there would be no harmful impact on this Listed Building or the Conservation Area, as a result of this development. The information does not adequately show what works are proposed, what materials would be used and the impact it would have on the Listed Building and Conservation Area. As such, it cannot be determined whether the proposed changes would be sympathetic and use appropriate materials or not. In addition, the plans show that the proposed first floor window in the rear elevation would be double glazed, which is unacceptable in this Listed Building as it is not authentic or sympathetic to its age or character. Furthermore, full details of all works that may be required under Building Regulations in order to assess the impact of any alterations on the fabric of the Listed Building and Conservation area have not been provided.

As stated above, insufficient information has been submitted to demonstrate what the full impact of the proposal would be on the fabric of the Listed Building. As this is a Listed Building, it is not possible to condition the application (if permission were to be forthcoming) because the impact on the Listed Building first needs to be assessed. Furthermore, with such proposals as this and being a residential conversion in a Listed Building, the Local Planning Authority would require the proposed plans to show full details of all of the works that would be required under the Building Regulations for the conversion to take place at application stage in order that the full impact of the proposal could be assessed for the impact on the Listed Building. This detail has not been shown on the proposed plans. Works to the building in order to satisfy, for example, fire, noise and energy requirements under the Building Regulations could cause a negative

impact to the heritage asset itself, as well as negatively impacting the Conservation Area, e.g building regulations requiring inappropriate window alterations which would be detrimental to the Listed Building itself and the Conservation Area. The information provided within the accompanying statements is insufficient. In the absence of the detail on what works would be required under the Building Regulations it cannot be known for sure that the proposal would not impact on the architectural or historic interest of this Grade II Listed Building or the character or appearance of the Harmer Street Conservation Area.

It is proposed to remove part of the rear wall of the existing single storey rear extension which has been identified as a modern addition. It is desirable to protect the plan form of the building, however the removal of part of the modern addition would in this instance be considered acceptable given it is part of a modern extension to the building and does not consist of historic fabric. In addition, the black stained timber weather boarded bin store proposed in the rear garden is considered to be acceptable, along with the existing pergola structure. However, the waste arrangements are incompatible with the Listed Building and will be discussed in the relevant section of this report. This would likely lead to the waste bins being permanently located at the front of the property which is considered to cause harm to the Listed Building, Conservation Area and visual amenity of the area.

In summary the proposal would result in unsympathetic alterations to the Listed Building and insufficient information has been submitted in respect of the works that may be required under Building Regulations; such information would be needed in order to assess the impact of those works on this listed building and the Conservation Area. On the basis of the submitted information therefore it must be concluded that the proposal would be harmful to the significance and architectural and historic interest of this Grade II Listed Building and Harmer Street Conservation Area contrary to Policies CS19 and CS20 of Gravesham's Local Plan Core Strategy (LPCS) (2014), saved Policies TC2 and TC3 (LPFR) (1994) and section 16 of the NPPF (2021).

Amenity of Future Occupiers

Gravesham's HMO Amenity Standards (V2 2023) sets out the expected space and requirements for a house in multiple occupation in Gravesham. This includes minimum bedroom size requirements, lighting levels, ventilation and extraction systems and any shared facilities. The plans for this proposal show the bedroom sizes would conform to the guidance. The size of the shower room on the second floor causes some concern at 1.39sqm, however the other bathroom and WC facilities are generally acceptable. Notwithstanding this, the occupiers of the second floor would need to travel two floors to access the kitchen, contrary to the guidance. In addition, a shared living room and kitchen is shown on the plans but no dining area, and as such additional space to counteract this (2sqm per person) should be provided, but isn't. Furthermore, the kitchen at 8.74sqm is below the 9.00sqm requirement for a 6 bed HMO. Comments from the Private Sector Housing Team also highlight some areas that need to be addressed such as suitable lighting levels and a ventilation and extraction system in the kitchen along with the fact that the main means of escape needs to be protected and that there needs to be a secondary means of escape to the rear, as the secondary means of escape does not lead away to a place of safety due to the enclosure of the rear garden.

In terms of noise, GBC Environmental Team have reiterated their concerns raised at the pre-application stage in terms of potential noise implications from both external noise sources and also internal sound transmission between the rooms/floors. Their comments highlight that as this is a Listed Building; *there could be issues with the standard of the sound insulation of the partitions and party walls due to the property's age. This could result in noise problems between the flats or HMO units. In view of this, it is recommended that a noise assessment be undertaken to ascertain the sound insulation of the building and provide appropriate mitigation measures. As this building is listed, providing suitable and sufficient sound insulation for both internal (room to room) noise transmission and also insulating against external noise from The Terrace may be difficult to achieve without significant structural alterations. These alterations may be contrary to Conservation stipulations.* The team also highlight remaining concerns in terms of room stacking; *For example, bedroom 4 on the 1st floor is over the living area on the ground floors and bedroom*

3 on the 1st floor is partially over the kitchen on the ground floor. Rooms such as kitchen and living rooms generally have higher noise levels than bedrooms particularly at night-time, which could result in sleep disturbance. Again, bathrooms can generate noise eg toilet flushing, water running away etc which at night can be noisy. The team have recommended conditions to address these concerns, however as aforementioned in this report, it is not possible to condition these requirements as the property in question is a Listed Building.

The “Technical housing standards – nationally described space standard” was published by the Department for Communities and Local Government in March 2015. This document sets out requirements for the gross internal area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

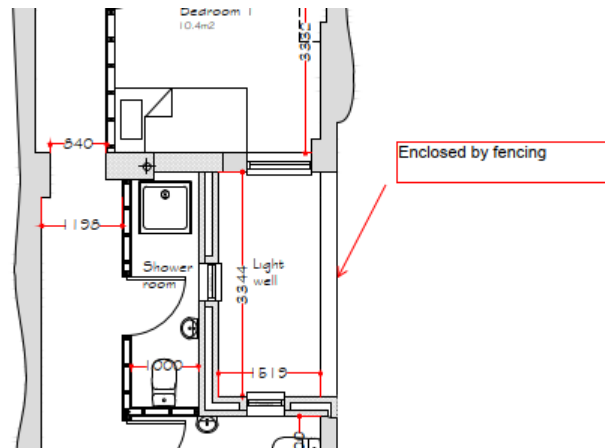
The proposed conversion would result in a three storey (plus basement) 6 bedroomed property. At approximately 153.06sqm (inclusive of internal walls), the property would comply with the “Technical housing standards – nationally described space standard.” However, it is noted that there would be a lack of defensible space at the front of the property.

Amenity space for future occupiers is discussed within the Design and Access Statement, although detailed plans have not been provided. The proposed planting is seen as positive, along with a proposed patio area, however as detailed plans have not been provided I can offer no further comment on this.

In addition, Gravesham’s supplementary guidance; SPG2 – Residential Layout Guidelines (RLG) (2020) sets out the garden depth and area. For a 6 bedroomed property, the resultant garden space should be 100.00sqm with a 10.00m depth. The plans show the proposal would comply with the depth requirement but falls short of the area at 67.07sqm. However, the site is within close proximity to the riverside leisure area and Gravesend promenade, which provides some nearby amenity space that could be utilised by future occupiers. As such, the amenity apace is considered acceptable.

In addition, where possible, the corridors within the development should meet the minimum 0.90m set out in the RLG (2020). It is acknowledged that the property is a Listed Building and that the corridor widths can be restricted by the historic character of the building. The plans show there are instances where the property would fall short of this, but on balance this is considered acceptable in terms of amenity, but will be discussed further later on in this report.

The bedrooms have an external window, however, there are concerns with the provision for bedroom 1. This application seeks to create what is described as a ‘light well’ (not the Local Planning Authorities definition) by removing part of the rear extension:



However, this would be essentially enclosed by the surrounding walls and existing boundary treatment which would limit light. As such, bedroom 1 would have poor light and would open onto an area where the shower room and WC would open which could result in unwelcome vapours and smells. In addition, the proximity and window to window distances with neighbouring properties causes concern in terms of privacy, notwithstanding the existing boundary treatment, as noted on the previous site visit to the property. The design and access statement says that the bathroom window could be removed with mechanical ventilation installed, however no such details were provided and the plans show the window in situ.

With consideration of the above, the proposal fails to satisfactorily safeguard the amenity of future occupiers contrary to Policies CS19 (LPCS) (2014) and Section 12 (NPPF) (2021).

Neighbouring Amenity

The plans provided do not show an extension to the property and therefore there is not considered to be a detrimental impact on the amenity of neighbouring properties in terms of overshadowing, overlooking, loss of outlook or sense of enclosure. However, changes in fenestration and room uses can impact privacy. As aforementioned, above, the proximity and window to window privacy distance of 21.00m set out by the RLG (2020) is not met on the ground floor.

As such, the proposal fails to satisfactorily safeguard the amenity of neighbouring properties contrary to Policies CS19 (LPCS) (2014) and Section 12 (NPPF) (2021).

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 £314.05 for each unit/per net increase in bedrooms 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 a 6 bedroomed HMO 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).

Although the Planning, design and Access Statement confirms the applicant will pay the required £314.05 per bedroom, the SAMMS agreement and payment has not been made. Therefore, the Local Planning Authority cannot therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. As such, in respect of ecology and biodiversity the proposal is not compliant with Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS) (2014).

Parking and Highways

Policy CS11 (LPCS) (2014) seeks to ensure that new development mitigates its impact on the highway and that sufficient parking is provided in accordance with adopted parking standards, reflecting the availability of public transport provision and the accessibility of local services and facilities. This provides some flexibility in areas of high accessibility where compliance with the vehicle parking standards cannot be achieved.

Due to the location of the site, there are no objections to the proposal as the town/edge of centre location does not require car parking to be provided. However, the cycle storage in the basement is considered impractical and would be unlikely to be utilised due to the need to be carried up a flight of stairs and through the living room area.

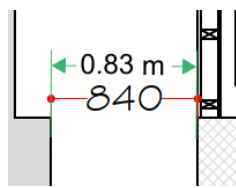
On balance, it is considered the proposal would be acceptable in terms of highways and parking and would not conflict with Policy CS11 (LPCS) (2014).

Waste and Recycling

As aforementioned in this report, the rear garden is enclosed and there is no rear access to the property. GBC Waste Team have highlighted that four 240ltr bins and three 23ltr food caddies would be required and have given the dimensions of the bins:

Capacity	240ltr Recycling Bin	23ltr Food Caddy
Length	585mm	380mm
Width	740mm	290mm
Height	1100mm	405mm

As such there would be insufficient space in the bin store of the rear garden to facilitate the storage of the bins. It would be too small in terms of dimensions and capacity. Furthermore, the bins would need to be dragged through the house on collection day from the garden, which would be highly impractical in itself. Moreover, as per the measurements included in the comments from GBC Waste, the existing walls/corridor would be too narrow to allow the bins to pass through smoothly:



As aforementioned in the Heritage, Design, Character and Appearance section of this report, this would likely lead to the waste bins being permanently located at the front of the property which is considered to cause harm to the Listed Building, Conservation Area and visual amenity of the area and would also block

the highway, contrary to policy.

Conclusion

Whilst it is acknowledged that the proposal would make a minimal contribution to the local need for housing, as aforementioned in this report; this has to be balanced against other requirements of the NPPF (2021) which requires new development to conserve heritage assets, contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers whilst causing no detrimental harm to neighbouring amenity.

Section 16 of the NPPF (2021) requires that great weight be given to conserving and enhancing designated heritage assets. It has been found that the proposal would be unacceptable in relation to the impact on the architectural and historical interest of this Grade II Listed Building as there is insufficient information to enable a full assessment of the full impact of the proposal on the Listed Building and the Conservation Area including any works that may be required under the Building Regulations, ventilation requirements and noise mitigation and some of the changes proposed such as double glazing for example would be unacceptable. Additionally, the waste arrangements would likely lead to the bins for the property being stored on the pavement in front of the property which would cause harm to the Listed Building, Conservation area and visual and spatial amenity of the area. On the basis of the submitted information it must be concluded that the proposal would be harmful to the significance and architectural and historic interest of this Grade II Listed Building and Conservation Area, contrary to Policies CS19 and CS20 of Gravesham's Local Plan Core Strategy (LPCS) (2014), saved Policies TC2 and TC3 (LPFR) (1994) and section 16 of the NPPF (2021).

This proposal would result in the loss of the Public House, removes the possibility of a commercial use on the ground floor and provides insufficient evidence to show a commercial use is no longer viable. As such the principle loss of the commercial use is considered to be contrary to Policies CS05 and CS07 of Gravesham's Local Plan Core Strategy (LPCS) (2014).

The proposal would provide substandard living conditions for future occupiers with a lack of defensible space. Occupiers of the second floor would need to travel two floors to use the shared kitchen and living room, and no additional kitchen or dining space is provided to cater for the occupants. Bedroom 1 would likely receive little or no natural sunlight, daylight or outlook, with privacy considered a concern due to the proximity of the neighbouring windows, with no evidence submitted to the contrary. In addition, the stacking of the rooms causes concern and insufficient information has been submitted to demonstrate the future occupiers would be protected from noise and disturbance. Furthermore, the secondary means of escape does not lead away to a place of safety. With consideration of the above, the proposal fails to satisfactorily safeguard the amenity of future occupiers contrary to Policies CS19 (LPCS) (2014) and Section 12 (NPPF) (2021).

In terms of neighbouring amenity, the new fenestration on the ground floor raises concerns in terms of neighbouring privacy. As such, the proposal fails to satisfactorily safeguard the amenity of neighbouring properties contrary to Policies CS19 (LPCS) (2014) and Section 12 (NPPF) (2021).

Lastly the proposal does not put in place adequate measures to mitigate potential significant effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore, the proposal fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS).

As set out above the weight of other considerations does not outweigh the harm identified and provides clear reasons for refusing permission.

Recommendation

Refusal 20230648
Refusal 20230649

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

Case Officer:	Mrs L Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	16th August 2023	Dated:	17th August 2023