
Appeal Decision

Site visit made on 24 May 2019

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

Appeal Ref: APP/K2230/W/18/3212650

128c Milton Road, Gravesend, Kent DA12 2PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs J Batt against the decision of Gravesend Borough Council.
 - The application, Ref 20180321, is dated 30 March 2018.
 - The development proposed is described on the application from as 'Change of use from A1 to D1. The unit is to be used as a teaching facility to include a classroom, waiting room and toilet facilities'.
-

Decision

1. The appeal is dismissed and planning permission refused.

Main Issue

2. The main issue is whether future users of the proposal would benefit from acceptable conditions, with particular regard to air quality.

Reasons

3. The appeal property comprises a vacant shop unit which fronts onto Milton Road. It has entrances and windows to the front and rear and comprises 2 rooms.
4. The appeal property is close to the junction between Milton Road, the A226, and Ordnance Road, both of which are heavily trafficked roads on the edge of Gravesend town centre. The property is situated within an area that has been designated as an Air Quality Management Area (AQMA) due to the fact that it does not meet National Air Quality Strategy Objectives for nitrogen dioxide from traffic.
5. The proposal would involve the change of use of the unit to a teaching facility comprising a classroom, waiting room and toilet facilities. The unit could therefore be used on a regular basis by children, an age group that is particularly sensitive to air pollution. The appellant has not provided an air quality assessment or any details of mitigation measures potentially needed to ensure conditions within the unit would be acceptable for the proposed use.
6. Paragraph 180 of the National Planning Policy Framework (2019) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health. Planning

Practice Guidance¹ advises that air quality is a relevant planning consideration where, amongst other matters, development would expose people to existing sources of air pollutants.

7. Due to the appeal property's location close to busy roads in an AQMA, and in the absence of any information to demonstrate otherwise, I conclude that the proposal would not provide acceptable conditions for future users. The proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) which states that development should be located so as to avoid adverse environmental impacts from pollution, including air pollution. There is also conflict with the aims of the Framework.

Conclusion

8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR

¹ Paragraph: 005 Reference ID: 32-005-20140306