



Delegated Report

Planning Application

Application No:	20241133
Location:	Land Adjacent To 35 Clarence Place, Gravesend, Kent, DA12 1LB
Description:	Erection of a 4 storey building comprising of 4no flats.
Applicant:	Mr Harwinder Singh Shah
Site Visit:	08 April 202

Preliminary Matters

The ownership of the land was questioned by local residents in a number of letters received. Given that the land is maintained and appears to be part of the Veteran Club (owned by Gravesham Borough Council), GBC Property were consulted. The Land Registry Searches show that the land was sold to the applicant and therefore correct notices have been submitted.

Submitted Documents/Plans

- Application Form – dated 05 December 2024;
- Planning & Heritage Statement (October 2024);
- Supplementary Information – Preliminary Ecological Appraisal by arbtech (13 August 2024);
- Supplementary Information – Biodiversity Net Gain Assessment by arbtech (14 November 2024);
- Supplementary Information – Tree Survey by Canopy Consultancy (04 September 2024);
- Supplementary Information – Tree Constraints Plan (11 September 2024);
- Supplementary Information – Topographical Survey by Hook Survey (August 2024);
- Drawing no. P_100 – Existing Site Location Plans;
- Drawing no. P_101 – Site Survey Plan;
- Drawing no. P_102 – Site Demolition Plan;
- Drawing no. P_200 – Rev. B – Proposed Site Location Plan;
- Drawing no. P_201 – Rev. D – Proposed Floor Plans;
- Drawing no. P_202 – Rev. B – Proposed Elevations (Front and Rear);
- Drawing no. P_203 – Rev. A – Proposed Elevations (Side).

Relevant Planning History

No relevant planning history

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure

- CS14 – Housing Types and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC3 – Development Affecting Conservation Areas

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 4 – Decision Making
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-Designed Places
- Section 15 – Conserving and Enhancing the Natural Environment
- Section 16 – Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Windmill Hill Conservation Area Character Appraisal (2007)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

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

Consultations, Publicity and Representations

External Consultees

KCC Biodiversity – We advise that sufficient information has been provided to determine the planning application.

Protected/Notable Species

We are satisfied with the results of the preliminary ecological appraisal that has detailed that there is potential for foraging bats, reptiles and breeding birds to be present within the site.

We are satisfied that the impact on protected/notable species can be avoided through a precautionary mitigation approach and for reptiles through the creation of an area of rough grassland at the end of the garden. Due to the majority of the site being short mown grassland we are satisfied that if present reptiles are likely to be restricted to the site boundaries.

If planning permission is granted we advise that a simple mitigation and enhancement plan is submitted. We recommend the following wording:

Prior to works commencing an ecological mitigation and enhancement plan must be submitted to the LPA for written approval. It must include the following:

- *Updated PEA if survey report is over 2 years old*
- *Overview of mitigation required*
- *Methodology to implement mitigation*
- *Map showing habitat enhancements*
- *Details of when the works will be carried out.*

The plan must be implemented as approved.

Biodiversity Net Gain

Under the Environment Act 2021, all planning applications for major development (unless exempt) submitted on or after 12th February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications, unless exempt, submitted on or after the 2nd April 2024.

Having reviewed submitted information, we consider this application to fall under mandatory biodiversity net gain so that mandatory biodiversity net gain of 10% will apply.

Any application which is required to achieve a 10% BNG must submit the following information as a minimum:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
- a statement to the effect that these activities have been carried out;
- the date immediately before these activities were carried out;
- the pre-development biodiversity value of the onsite habitat on this date;
- the completed metric calculation tool showing the calculations, and
- any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

We advise that sufficient information has been provided with regard to mandated BNG.

The metric has detailed that currently the proposal will result in a loss of 25% BNG for habitats and it is our understanding that less than 1 unit will be required to be purchased from an offsite provider to achieve BNG.

We are satisfied that due to the habitats to be created/retained on site the site does not need to be considered as on site significant.

If planning permission is granted, local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice which are available to download here: https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.o [dt](#). The applicant should submit a biodiversity gain plan form along with supporting information once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

Ecological Enhancements

Under section 40 of the NERC Act 2006 and paragraphs 187 and 193 of the NPPF 2023 biodiversity should be maintained and enhanced through the planning system. In addition to BNG we advise that ecological enhancement features must also be incorporated in to the site. If planning permission is granted we recommend that an ecological enhancement plan is included. Enhancements include bat and bird boxes within the site and buildings, insect hotels or log piles within the site and the inclusion of planting to benefit pollinators with the ground level planters. We suggest the following:

Within 3 months of works commencing within the site an ecological enhancement plan must be submitted to the LPA for written approval. The plan must demonstrate how the site will enhance biodiversity through planting which will benefit pollinators, and/or native species planting and ecological enhancement features within the buildings and site. The plan must be implemented as approved.

Lighting

Lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting must be designed to minimise light spill.

We recommend that if planning permission is granted the *lighting condition* has the following requirements:

- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'
- Downward facing and on motion sensors
- Site plan showing the location and types of lighting and details of light spill.

Internal Consultees

GBC Conservation Officer – No comment received for planning application, however the considerations from the recent pre-application remain relevant (24 April 2024).

"Having reviewed the proposals the following comments are offered.

- The site is located in the Windmill Hill Conservation Area on the southern side of Clarence Place. The side of Clarence Place is predominantly open space that contributes to the setting of Windmill Hill, the gardens and recreation grounds, which form the heart of the Conservation Area.
- The site has large and mature trees and shrubs set in open lawns that make an important contribution to the Conservation Area by screening the flank wall of the adjacent villas and contributing to the park land setting of Windmill Hill Gardens and recreation grounds.
- The adjacent two historic villas are formed in pairs of townhouses (semi-detached), whereas the proposal is for one half of a villa, which will appear incongruous.

- The existing site makes a significant contribution to the open space that is associated with Windmill Hill Conservation Area and should not be developed.
- Any proposals to build on the site will cause harm to the Conservation Area.

For the above reasons the proposals will be contrary to local and nation policy and could not be supported”.

Local Ward Councillors – No comment received.

Neighbouring properties

An advert was published in the Gravesend Messenger and a notice displayed on site.

In addition, twenty-two surrounding properties were consulted and thirty representations were received. Twenty-seven respondents registered objection to the development, with three in support. The supportive representation provided the following reasons:

Support

- Deliver homes within the borough
- Develop an underutilised site
- Site used for anti-social behaviour at night

The objectors raised both material and non-material planning considerations, listed below:

Please note – only the material planning considerations are relevant to this decision notice.

Material Planning Considerations

- Minimal Contribution to Housing Need – does not off-set impact
- Harmful to Conservation Area – developing a positive open space
- Out of Keeping with the Historic Character
- Removal of Historic Wall and Railings
- Poor Proportions
- Out of Scale
- Insufficient Details (windows etc.)
- Poor Amenity - undersized flats
- Loss of Openness
- Loss of Privacy
- Loss of Light
- Impact on Parking Provision
- Exacerbate Existing Parking Issues
- Impact on Biodiversity
- Loss of Green Space, Mature Trees, Shrubs, etc.
- Climate Change Impact

Non-Material Planning Considerations

- Problems arising from Construction Period
- Matters controlled under Building Regulations
- Factual Misrepresentation of the Proposal – overgrown site / withdrawn application / existing villas are private houses.

The consultation period expired 29 January 2025.

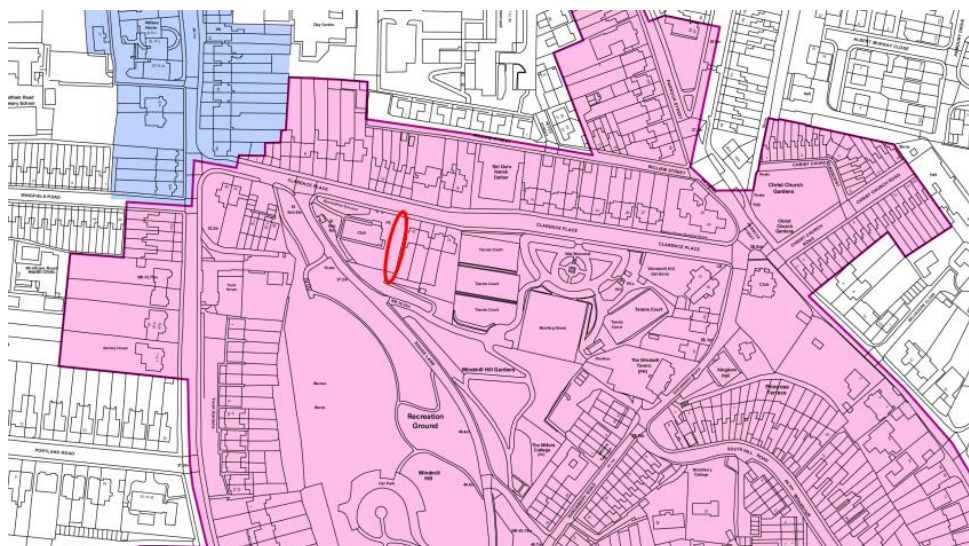
Officer's Analysis

Site Description

The application site is a parcel of land adjacent to the Gravesend Veterans Club, on the southern side of Clarence Place.



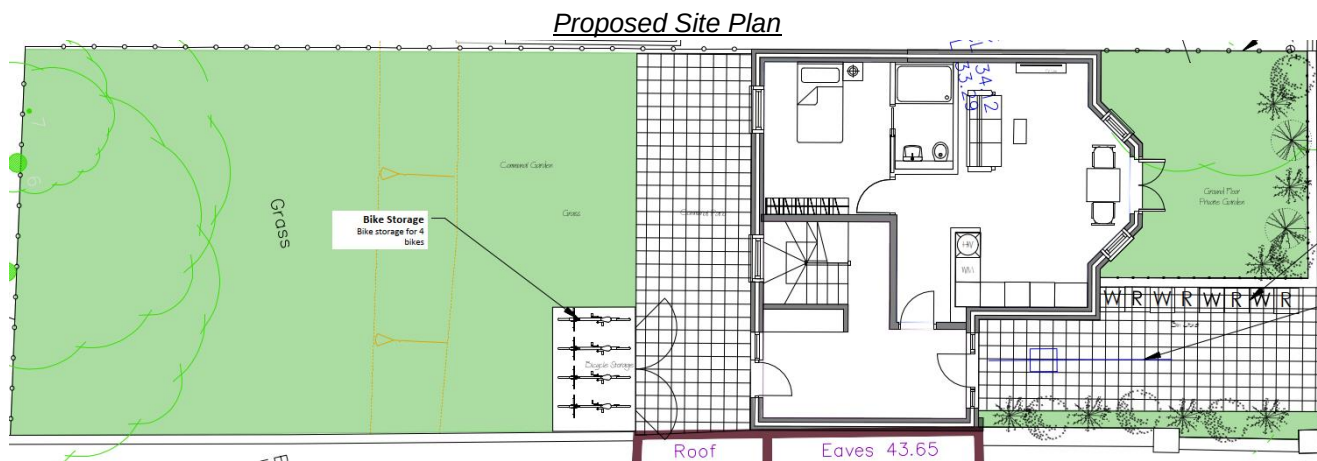
The application site is located within the Windmill Hill Conservation Area (designated 29 July 1975). The boundary of the conservation area is shown below:



Proposed Development

This application proposes the erection of a four storey detached building, containing for flats. The new building would be adjacent to the existing four storey buildings on the southern side of Clarence Place, and would have the following dimensions:

- Depth – 8.44m
- Width – 9.22m
- Height (max) – 14.1m
- Height (eave) – 12.25m



Principle of Development

The site is located within the urban boundary of Gravesend. Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (LPCS) (2014) identifies first tier settlements, including Gravesend as the most sustainable parts of the borough.

The application site is within the Town Centre Opportunity Area (Policy CS05) and Gravesham's Primary Shopping Area (Policy CS08) (LPCS) which state that in these areas the council will support the provision of new residential development where a satisfactory living environment can be achieved and seek to retain and develop the Town Centre as a multi-functional heritage riverside town.

In addition, the site is located in Windmill Hill Conservation Area. As such, a key consideration in this application will be whether the proposal would preserve or enhance the character and appearance of the Windmill Hill Conservation Area.

The principle considerations in the assessment of this application are:

- Housing Need
- Density of Development
- Design and Impact on Conservation Area
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the National Planning Policy Framework (NPPF) (2024) expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:

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

- Habitats sites (and those sites listed in NPPF paragraph 194)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats

- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 75)
- 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 '4' residential units would offer a modest contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2024) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Density of Development

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area.

Policy CS15 (LPCS) requires that all new housing will be developed at a density, which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, new residential development within the urban area will be expected to achieve a minimum density of 40 dwellings per hectare. It is clear that whilst Policy CS15 (LPCS) seeks to achieve this minimum density, this should not be at the expense of compromising the character of the surrounding area.

Based on the proposal and the approved conversion (as shown on the proposed floor plans), the overall density of the development would be circa 133 dwelling units per hectare thus significantly over the target minimum density, meeting the minimum density. This density per hectare could be overdevelopment of the site, which may not be in character with the surrounding area, however there are other issues that also need to be considered such as design, impact on the Conservation Area and amenity. The site is also within an edge of centre location and therefore density calculations would be expected to show higher density.

Design, Character and Impact on the Conservation Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 135 of the NPPF (2024) seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 (LPCS) reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The NPPF (2024) also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 219). This is echoed in Policy CS20 (LPCS), which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC2 of the Local Plan First Review (LPFR) (1994) sets out that for development affecting the setting of listed buildings, the primary consideration is the maintenance of the integrity of the original listed building, and whether the character or appearance of the listed building will suffer as a result. Proposals must be sympathetic in terms of their appearance and materials.

Saved Policy TC3 (LPFR) also states that development is expected to make a positive contribution to the Conservation Area. As the application site lies within the Windmill Hill Conservation Area, in close proximity to Listed Buildings, these policies are all relevant to the consideration of this application.

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 124 of the NPPF (2024)), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF (2024). Relevant to this proposal is paragraph 135 of the NPPF (2024) which states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places.

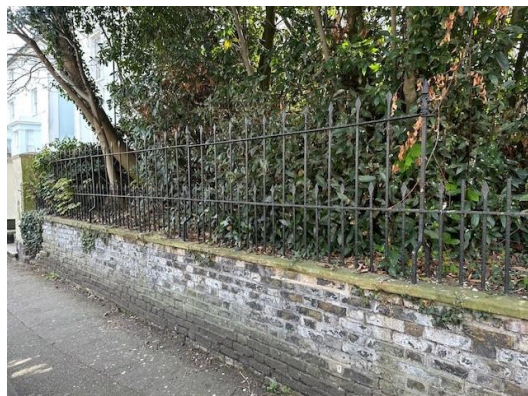
The Windmill Hill Conservation Area Appraisal highlights the application site (nos. 32-35) to be key unlisted buildings, which have townscape merit and is a good example of relatively unaltered historic buildings that make a positive contribution to the special interest of the Conservation Area. The paired villas are characteristic of the built form on the south-western edge of Clarence Place, and the appraisal sets out that the green character of the street, leading onto Windmill Hill Gardens are important contributors.

From a historic building/conservation point of view, the site is adjacent to the paired villas (nos. 32-35) and the single storey 1950s Veterans Club. It is a parcel of green space containing a number of mature trees and is considered to make a significant contribution to the open space associated with the Windmill Hill Conservation Area and to the green character of the street. The proposed development would impact on the character of the street by virtue of the removal of large mature trees and shrubs set in open lawns that also contribute to the Conservation Area by screening the flank wall of the adjacent villas and contributing to the park land setting of Windmill Hill Gardens and recreation grounds to the south. Therefore, by virtue of its positive contribution, the site should not be developed, and the proposal would have a negative impact on the Conservation Area, failing to preserved or enhance it.



The proposed development would remove the historic wall and railings and seeks to enclose part of the frontage with a 1.6m high close boarded fence. The walls and cast iron railings are identified within the

appraisal as key features within the Conservation Area and its removal would therefore harm the setting of the Conservation Area. In addition, the appraisal notes “the buildings in Clarence Place are set back from the pavement line, by varying degrees, behind front gardens and this contributes with the wide road to create a spacious appearance” and therefore, the introduction of an enclosure to the frontage would conflict with the characteristics of the area and the open front gardens on Clarence Place.



In design terms, the proposed building would appear as an incongruous addition to the Conservation Area, disrupting the established pattern and scale of built form on Clarence Place. The principal features of Clarence Place, as set out in the appraisal, are cohesive qualities of two/three storey buildings predominantly arranged as pairs of villas with roofs of similar ridge and eave height. While it is noted that the proposal attempts to replicate period features of the historic paired villas (bay windows and set-down side projections), the proportion of the building is at odds with the adjoining villas and would appear as half a villa by virtue of width, and therefore disrupts the cohesive qualities within the street. This poor design is exacerbated by the height of the proposed building, which would step up from the adjoining villa (no.35) at both ridge and eave level, creating further discordance between the historic villas and reinforces the contrived design approach and incongruous appearance when viewed against the existing historic buildings in the Conservation Area, as demonstrated below.



The Conservation Officer comments from the 2024 pre-application remain relevant, which concluded that 'any proposals to build on the site will cause harm to the Conservation Area'.

Overall, the proposed development fails to preserve or enhance the special interest of the Windmill Hill Conservation Area by virtue of developing an established, landscaped open space and detracting from historic local key unlisted buildings through poor design that disrupts cohesive qualities within the street scene. Therefore, by virtue of developing an important landscaped buffer and the incongruous design of the building the proposal fails to meet the statutory tests of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved policy TC3 of the Local Plan First Review (1994) as well as Section 12 and 16 of the National Planning Policy Framework (2024).

Amenity of Future Occupiers

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

The flats within the proposal are a mixed in terms of size. The national housing standard guidance provides minimum gross floor areas for single storey dwellings, breaking down the number of bedrooms and bed spaces (persons). The proposed flats have been compared to the NDSS in the table below:

Flat no.	Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
1 (ground floor)	1 (1 person)	37m ²	43m ²
2 (first floor)	1 (2 person)	50m ²	54m ²
3 (loft/third floor)	1 (2 person)	50m ²	54m ²
4 (loft/third floor)	1 (1 person)	37m ²	38m ²

Table 1 - Unit Floor Area Breakdown (GIA)

As shown in Table 1, if the flats are assessed at maximum capacity and all units comply with the recommendations within the National Space Standards. Therefore, it is suggested that the units would provide acceptable accommodation and safeguard the amenity of future occupiers.

Notwithstanding the National Space Standards, Gravesham's RLG breaks down the Council's individual requirements for certain rooms, these have been formulated into a table to compare with the floor area of rooms within the proposed flats.

	Gravesham RLG (2020)	Flat 1 (first floor)	Flat 2 (first floor)	Flat 3 (second floor)	Flat 4 (second floor)
Kitchen/Living/ Diner	25.2m ²	26.8m ²			25.3m ²
Kitchen/Diner	12m ²		23.6m ²	20.8m ²	
Living Room	13.2m ²		13.2m ²	13.2m ²	
Bedroom (double)	11.5m ²		11.7m ²	11.7m ²	
Bedroom (single)	7.5m ²	11.2m ²			8.2m ²
Bathroom & w.c.	3.5m ²	3.6m ²	4.8m ²	4.8m ²	3.6m ²

Table 2 - Flat Floor Area Breakdown

Table 2 has been colour coded to show which rooms within each flat meet the guidance within the RLG. The table demonstrates that all rooms within the flats comply with the RLG. Therefore, the proposal would provide a good quality living environment for future occupiers, in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

There is a communal outdoor amenity space for future occupiers, with an overall area of 165m². Further to this the proposal includes a private garden area to the front for Flat 1 measuring 24.4m². The

Overall, the proposed development would provide acceptable amenity for future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 12 of the NPPF (2024) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

A number of objections to the proposal were received from surrounding residents, which are listed earlier in this report. Most of the objections related to other matters, however concerns were raised in relation to impact on neighbouring amenity, with specific references made to loss of privacy and loss of light.

The proposed building has a similar profile to the adjoining property (no. 35) in terms of depth and will be constructed up to the building line. Therefore, the new building would not impact amenity through overshadowing, sense of enclosure or outlook for the adjoining properties. Moreover, the distance between the proposed building and the neighbours on the northern side of Clarence Place means that there will be no significant loss of light impact on those residents.

It is noted that there are flank windows on no.35, which according to floor plans serve stairwells and are not habitable rooms. The new building would adjoin the flank wall of no.35 and therefore block-up these windows, but as they are non-habitable this would not cause any harm to the amenity of the neighbour. If permission were forthcoming the applicant would have to enter a party wall agreement with the neighbour.

Overall, the proposed development is not considered to have any detrimental impact on the amenity of neighbouring properties in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Parking and Highways

The site is in a central location in the town where public transport links are good and there are sufficient parking restrictions in the locality and public car parks available nearby. There are no parking spaces available on site, which is considered acceptable given the central location of the property. Although a number of neighbour objections were received from neighbours regarding on-street parking pressures, Clarence Place is covered by parking restrictions and resident permits which are controlled by the Council. Therefore, the proposal is not considered to have any significant impact on parking within the area and car free development is acceptable in this location.

The plans demonstrate secure cycle storage to the rear of the proposed building, with spaces for 4no. bicycles. This is in accordance with Gravesham's adopted parking standards (SPG4) (2006).

Overall, the proposal is not considered to have any impact on parking provision or the highway network in accordance with Gravesham's SPG4, Policy CS11 (LPCS) and Section 9 of the NPPF (2024).

Any Other Material Planning Considerations

Waste Management

Policy CS19 (LPCS) requires new development to incorporate facilities for the storage and recycling of wasted generated. In order to ensure this proposal complies with Policy CS19 (LPCS) a refuse strategy should have been submitted.

The plans demonstrate a bin store to the front of the property, with sufficient space to accommodate refuse, recycling and food waste for all flats. The bins would be dragged to the footway on collection days by residents which is in line with other properties on Clarence Place.

Therefore, the development accords with Policy CS19 (LPCS) and would provide adequate waste provision.

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

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

In this instance, the proposed development would result in the creation of an additional residential properties and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £328.27 per new dwelling unit.

The applicant has not paid the SAMMS Mitigation Contribution Agreement for the new residential property and therefore has not met the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 192 and 193) of the NPPF (2024) and Policy CS12 (LPCS) (2014).

Biodiversity Net Gain

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The proposed development has been supported by a Preliminary Ecological Appraisal, BNG Statement and BNG Metric, which have been reviewed by KCC Biodiversity, who conclude that the development would be acceptable subject to conditions and the purchase of off-site BNG credits. However, the proposal is considered to be contrary to local and national policy, and as such will be refused.

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

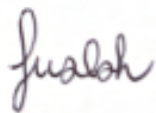
The proposed development fails to preserve or enhance the special interest of the Windmill Hill Conservation Area by virtue of developing an established, landscaped open space and detracts from historic local key unlisted buildings through poor design that disrupts cohesive qualities within the street scene. Therefore, by virtue of developing an important landscaped buffer and the incongruous design of the building the proposal fails to meet the statutory tests of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved policy TC3 of the Local Plan First Review (1994) as well as Section 12 and 16 of the National Planning Policy Framework (2024).

The applicant has failed to provide any ecological evidence to confirm protection of notable species or inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 192 and 193 of the National Planning Policy Framework (2024), and the requirements of the Conservation of Habitats and Species Regulations 2017.

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	4 th April 2025	Dated:	09 April 2025