



Delegated Report

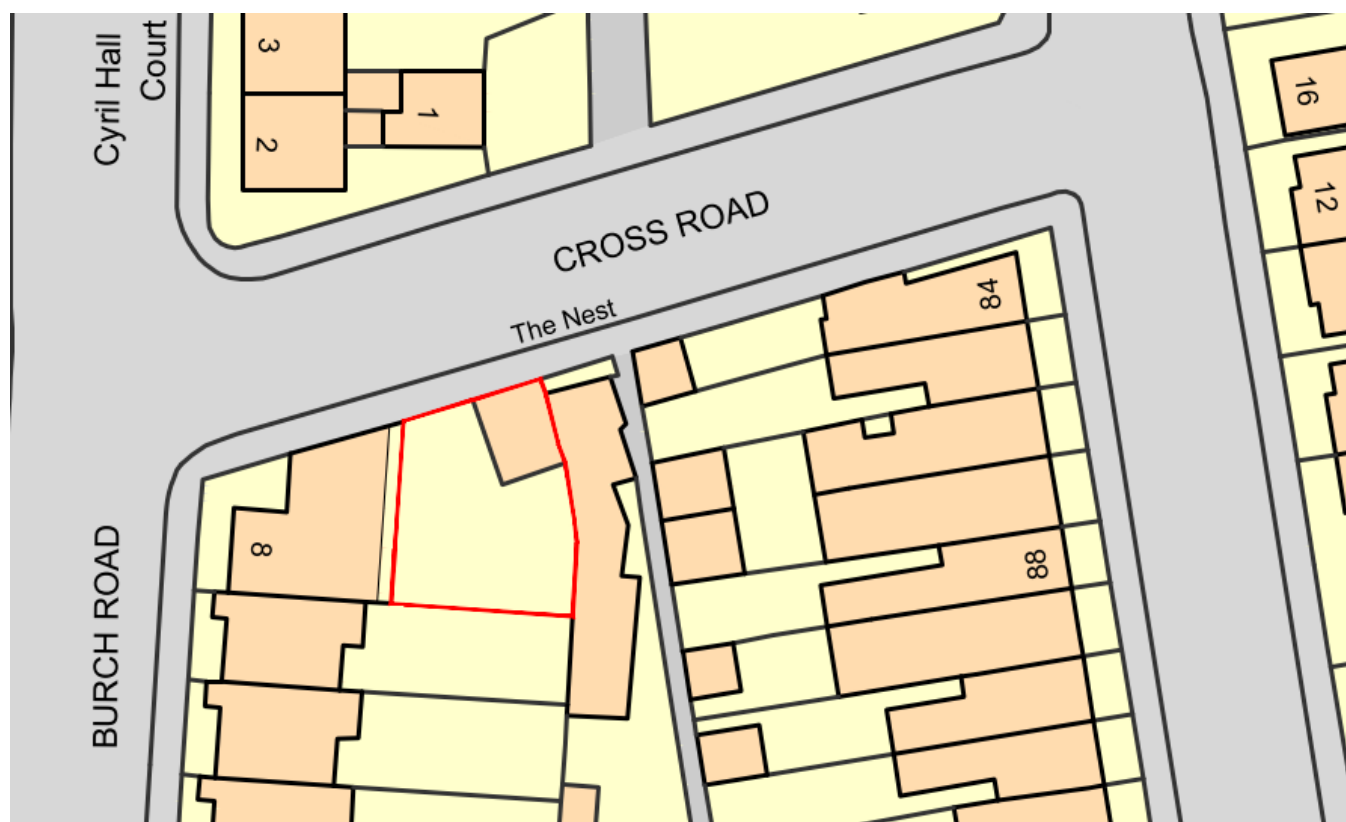
Planning Application

Application no:	20220440
Location:	Rear Of 8 Burch Road Northfleet Gravesend Kent
Description:	Demolition of existing outbuilding. Erection of a two-storey building fronting on to Cross Road to provide 2 x 1 bed flats and with two parking spaces
Applicant:	Mr Verity Graham
Site Visit Date:	05 May, 17 May, and 07 June 2022

Description of the Application Site and Surroundings

The application property is a three storey plus semi-basement end terrace building, dating from the 1830's/40's, and currently in use as flats located at the junction of Burch Road and Cross Road, Northfleet.

The specific application site comprises the rear garden/yard area of the property only, as shown in the red line below.



No 8 Burch Road has been in use as flats since circa 1987. The building was extended on the north side by a two-storey flat roofed (with parapet) addition although historic maps indicate that this has existed in its current form since the 1890's or perhaps even earlier. The building is rendered externally and painted (grey) with a slated hipped roof behind a projecting cornice. It has some modern uPVC windows.

There is a flat roofed garage/outbuilding in the rear on the eastern edge of the yard/garden area but adjoining the footway on the southern side of Cross Road. This is also of longstanding nature dating from the 1920's/30's. It is currently in a poor condition and is built of rendered brickwork. The yard area is concreted over and used for car parking. It is accessed by a gated access with pavement crossover (dropped kerb) on to Cross Street. There are modern red brick walls to the site to Cross Street and at the frontage of the site on to Burch Road, that are out of character with the original building fabric.

The site is shown in the Google Earth aerial views below



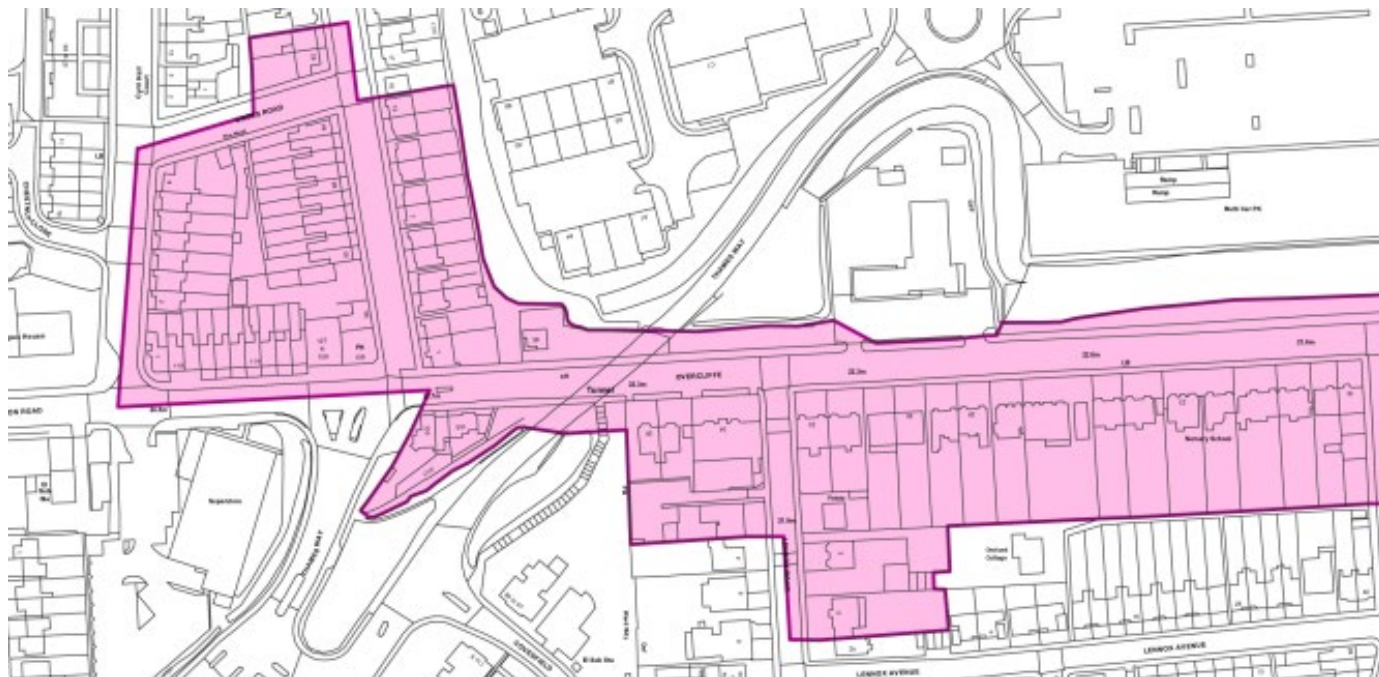
Immediately on the east side of the yard/garden to the application property is a single storey dwelling (named The Nest) which is a very elongated single family dwelling building rendered externally with a part pitched tiled roof and part flat roof with a slightly kinked shape and with a rear garden to the south. The building, which dates from the 1920's/30's, is close to the road with only a very small front garden behind a rendered brick wall with piers.

Further to the east are the rear gardens of two storey bay fronted terraced dwellings on the west side of Pier Road. To the west are the rear gardens of modern 1960's three storey town houses in Chestnut Close whose rear elevations face towards the west side of Burch Road.

To the north and facing the garden/yard area of 8 Burch Road is Cyril Hall Court a two-storey block of former Council flats. To the south and adjoining 8 Burch Road is a terrace of similar 1830's/40's two storey plus semi basement buildings in use as flats, some of which retain original bays, balconies, and elaborate doorcases and porticos.

There is car parking available on street in marked 90° (perpendicular) parking bays in the road outside the Victorian terrace of buildings (2-8 Burch Road). There are marked parallel parking bays on the south side of Cross Road and diagonal parking bays (included disabled bays) on the north side of Cross Road. Neither of these roads or Pier Road to the east are within a current residents parking scheme.

The application site is within the Overcliffe Gravesend conservation area, designated in February 1990 (see boundary below)



Planning History

Ref No	Description and Site	Decision	Date
19870096	Conversion of single dwelling house into 4 no self-contained flats and layout of 4 no parking places	Permission	22.04.1987
19870490	Change of use of store garage at lower ground floor level incorporating erection of extension at ground floor to form self-contained dwelling	Refused	30.05.1989
19890226	Change of use of store/garage at lower ground floor level incorporating the erection of extension at ground floor level to form a self-contained dwelling and formation of 5 no car parking spaces in the rear garden.	Permission	30.05.1989
20071026	Erection of a two-storey building fronting Cross Road to provide two, two-bedroom self-contained flats and laying out of two car parking spaces at the side.	Withdrawn	15.01.2008

Proposal

This planning application proposes the demolition of an existing outbuilding and erection of a two-storey building fronting on to Cross Road to provide 2 x 1 bed flats and with two parking spaces.

Submitted Plans and Documents

Application Form and Certificates

Drawing No 220208 001 Rev A: Site Plan and Existing and Proposed Block Plans

Drawing No 220208 002 Rev A: Proposed Plans and Elevations

Heritage Statement by Barron Edwards dated 27 May 2022

Details of the Development

The development proposed the erection of a two-storey flat roofed building to provide a residential one bed flat on each floor, as market housing. The building is elongated with a kinked shape following the boundary of the adjoining building (The Nest) to the east and would be located within the yard/garden area of 8 Buch Road on a site area of 191m². It would be constructed of brickwork (at this stage unspecified), according to the planning application form although the Design and Access Statement says it would be blockwork with a rendered and painted finish. The building would include a bay at ground floor and balcony at first floor to the frontage to Cross Road (on the north elevation). The building is 4.5m wide by 14.5m long. Each flat would comprise living/kitchen/dining area combined of 22m², with a bathroom and a bedroom of 14m².

Two side by side parking spaces (each 5m by 2.5m) for future residents are shown to be provided on the west side of the proposed building towards the frontage of the site with the remainder of the site to be used as amenity space.



Proposed West Elevation



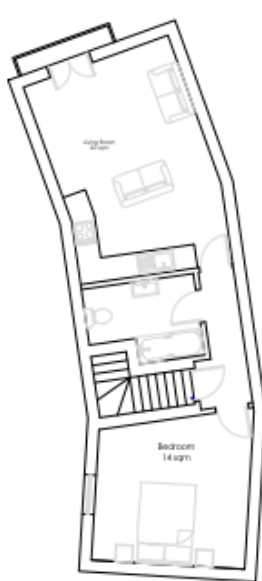
Proposed South Elevation



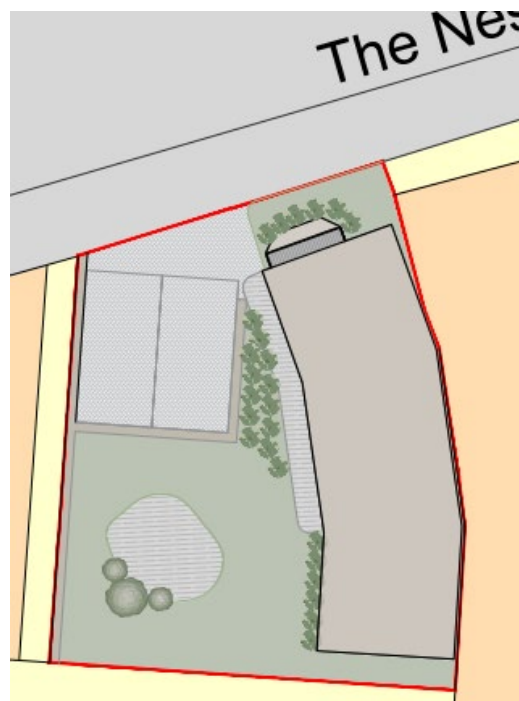
Proposed North Elevation



Proposed Ground Floor Plan



Proposed First Floor Plan



Development Plan and other related Planning Policies and Guidance

The Development Plan for Gravesham currently comprises:

- *The Gravesham Local Plan Core Strategy and Policies Map (September 2014)*
- *Remaining Saved Policies in the Gravesham Local Plan First Review (November 1994), and*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies that will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The application site is shown as being within the **urban area** (Policy CS02), and a **conservation area** (Policy CS20) in the Gravesham Local Plan Policies Map.

The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance to this planning application:

Core Strategy Policy CS01: Sustainable Development
Core Strategy Policy CS02: Scale and Distribution of Development
Core Strategy Policy CS11: Transport
Core Strategy Policy CS12: Green Infrastructure
Core Strategy Policy CS14: Housing Type and Size
Core Strategy Policy CS15: Housing Density
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles
Core Strategy Policy CS20: Heritage and the Historic Environment

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994. A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies of the Gravesham Local Plan First Review November 1994 are relevant to the consideration of this proposal:

Policy TC3: Development affecting Conservation Areas
Policy T1: Impact of Development on the Highway Network.
Policy T5: New Accesses onto Highway Network.
Policy P3: Vehicle Parking Standards.

Review of Local Plan

Paragraph 33 of the NPPF (2021) sets out those 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 the review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF, policies in this document may be accorded weight in the decision-making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework.

As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should, at this stage, be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this planning application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going and are considered as being relevant to the consideration of this application albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy INF 2: Transport Design Principles
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts
Proposed Policy INF 4: New Accesses and Junctions
Proposed Policy INF 5: Electric Vehicle Charging Points
Proposed Policy RES 2: Residential Space Standards
Proposed Policy RES 6: Residential Intensification through New Build
Proposed Policy AM 2: Contaminated Land
Proposed Policy AM 4: Sunlight and Daylight within New Development
Proposed Policy HER 3: Conservation Areas

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The following paragraphs of the National Planning Policy Framework (NPPF) July 2021 are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered. Reference to the national planning guidance is also considered in the analysis section of this report.

Section 2, Paragraphs 7 - 14: Achieving sustainable development
Section 4, Paragraphs 38 - 59: Decision Making
Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes
Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport
Section 11, Paragraphs 119 - 125: Making effective use of land
Section 12, Paragraphs 126 - 136: Achieving well-designed places
Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment
Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF. It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things. The NPPG gives guidance

on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It indicates that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this proposal:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006).
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006).
- Vehicle Accesses on Classified Highways (SPG6 November 1992).
- GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2) Adopted February 1996 - amended June 2020
- Overcliffe Conservation Area Appraisal 2009
- Management Plan for the Northfleet Conservation Areas 2009

Consultations, Publicity and Representations

Consultations - Internal

GBC Conservation Architect

No comments received

GBC Highways Development Management Officer

It is noted from the planning history for this site, two applications have been approved which permitted the dwelling at 8 Burch Road to be converted into flats with the rear yard being allocated as car parking. If either of these proposals have been implemented then the application site is the parking area for the flats at 8 Burch Road and should be retained as such, even if current residents do not use the parking facility it does not mean the future residents will not require it.

If there are no planning controls on the site, then the proposal has to be considered on its merits. Two flats would require two car parking spaces and two secure cycle parking spaces, one per flat. The vehicle parking spaces also require 2m x 2m pedestrian visibility space either side of the parking spaces, whilst this can be achieved to the east, it cannot to the west. It is noted that any existing access does not benefit from pedestrian sight lines, the application suggests the site is vacant and has no vehicle movements.

It is noted looking at Google Street View dated December 2020 a car was parked on site (see image below)

Car roof



Above: Satellite image, no date.

On balance and subject to there being no planning controls on the use of the land, two flats are not going to generate a significant number of vehicle movements, given there is an existing access which can be reused at any time, insisting on pedestrian visibility splays however desirable it may be, may not be justifiable in planning terms and a splay will be gained to the east so overall there is a benefit. Therefore, subject to two secure cycle parking spaces being available and there are no planning controls there are no objections.

The applicant needs to clearly show the pedestrian sight line to the east, so it can be protected by condition. The alternative would be there shall be no hard or soft landscaping or boundary treatment to the front of the property that exceeds 850mm in height. Whilst there are reservations, an objection might not stand the scrutiny of an appeal.

GBC - Head of Regulatory Services (Environmental Protection)

Code of Practice on Construction and Demolition

Please apply

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical, and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

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.

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).

GBC Waste Management

No objections. There is plenty of space for the storage of two wheelie bins and a food caddy.

GBC Parking Services

No comments received

Ward Councillors

Concerns are regarding the overdevelopment of the site, especially taking up car parking spaces that were allocated in the previous development of the site back in 1989. In that application the demolition of the garages (current application site) at the back was to provide a turning circle that was never completed, for car ports for the current residents, who have since been parking on street (Cross Road/Burch Road)

There is a major parking problem in that area.

Concerns are also with the current residents of the property that will have their amenity space taken away, and for the local residents that will find it difficult to park their vehicles.

Consultations - External

KCC Heritage and Conservation

I have looked at our HER and GIS and I can see that in the 19th century there were two small structures in the rear of the main terrace, in the location of the northern part of the proposed new structure. These were replaced by the single structure in the early 20th century. I think it is unlikely that the below-ground impacts would be significant in this case and archaeological work on this relatively limited scale would be unlikely to produce any particularly meaningful results for interpreting past activity. I therefore do not think that, if the development were to go ahead, there would need to be a condition for archaeological work in this case.

With regards the design elements, I can imagine that you may well have some concerns and I assume the Council's Conservation Architect will be able to provide you with advice on that aspect.

Publicity and Representations

The application was publicised by individual notification to 24 surrounding properties and by a site notice and press notice as development affecting the character and appearance of a conservation area.

The expiry date for neighbour publicity was 01 July 2022

One representation has been received objecting to the development and commenting:

Feels it will cause massive pressure on the already problematic issue of parking that fellow residents and I have been facing for some years, regardless of the measures that have been used in recent times.

Pier Road, Cross Road, and Burch Road are beyond capacity for residents to be able easily to park their cars to the point that most of us have to park at the bottom of Burch Road as we have seen our parking spaces been taken by London commuters, local workers in Gravesend and staff at the Vauxhall garage. Previously, we had asked for permit parking to be applied but the numbers did not justify the request.

Planning Analysis and Appraisal

Introduction

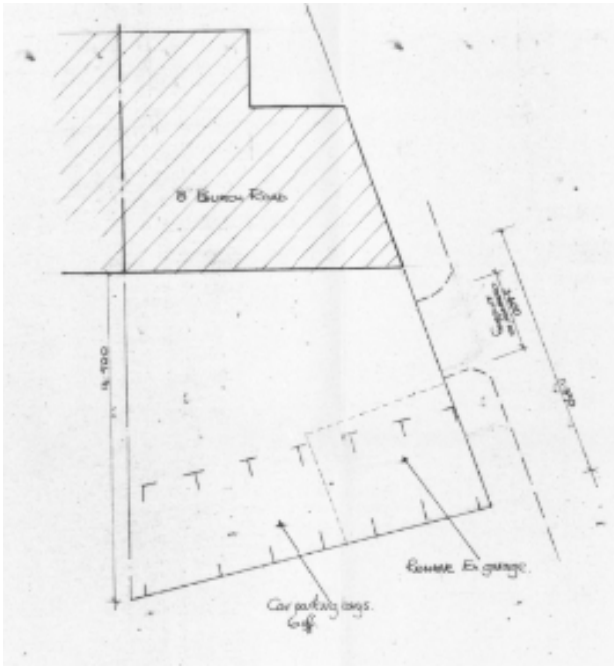
The site of this proposal, that involves demolition of existing outbuilding, and erection of a two-storey building fronting on to Cross Road to provide 2 x 1 bed flats and with two parking spaces, comprises the existing garden/yard at the rear of an existing early Victorian building that has been converted into flats following a planning permission in 1987 (ref 19870096).

The 1987 permission was subject to a number of planning conditions including:

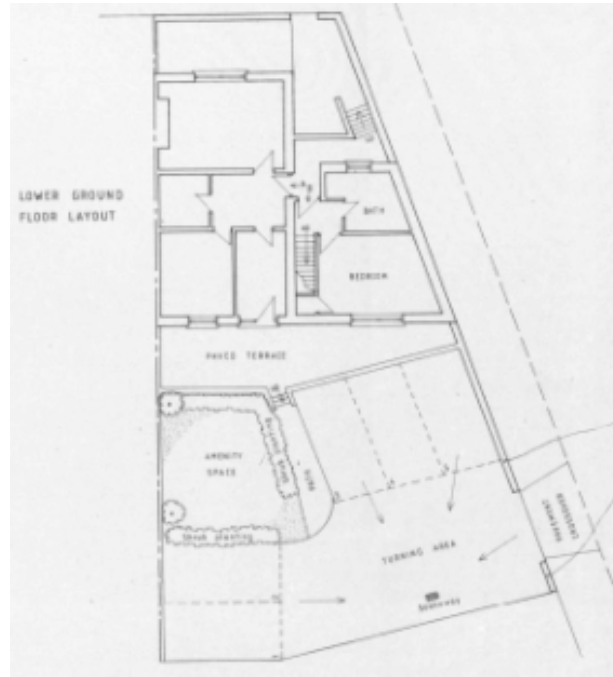
(ii) The area shown on the submitted plans as 4 vehicle parking spaces and manoeuvring spaces shall be kept available at all times for such use for the occupants of 8 Burch Road and no permanent development, whether or not permitted by the General Permitted Development Order (*existing at that time or any subsequent re-enacted Order*) shall be carried out in such a manner as to preclude vehicular access thereto

(iii) The parking area shall be adequately screened from neighbouring dwellings to the satisfaction of the District Planning Authority

(iv) Part of the rear garden area shall be set aside as a sitting out and drying area for the future occupants of the flats to the satisfaction of the District Planning Authority



Car Park Layout – 19870096



Car Park Layout - 19890226

The approved car parking layout drawing is shown above. No additional details were subsequently submitted, and it is apparent that the existing garage was retained rather than removed but nevertheless the planning condition still applies as it exists in perpetuity.

There was a subsequent planning permission granted in 1989 (ref 19890226) for the change of use of store/garage at lower ground floor level incorporating the erection of extension at ground floor level to form a self-contained dwelling and formation of 5 no car parking spaces in the rear garden. This had planning conditions that firstly reserved 5 parking spaces and manoeuvring spaces for such use at all times and also protected 2.5m by 2.5m visibility spaces each side of the vehicular access with no boundary wall exceeding 600mm in height to be erected or placed within the visibility splays at any time.

In 2007 a very similar planning application (ref 20071026) to the current planning application was submitted for erection of a two-storey building fronting Cross Road to provide two, two-bedroom self-contained flats and laying out of two car parking spaces at the side. The application was however withdrawn although the officer recommendation would have been for refusal.

The Council's Conservation Officer had commented in 2007:

The design and access statement is extremely limited and does not explain the context of the proposal in relation to its impact on the character and appearance of the conservation area. The drawings also do not show the relationship of the proposed development to adjacent properties.

The existing garages on the site are poorly maintained and because of this they detract from the character and appearance of the area. They and the space around them do, however, have a function in providing off-street parking for the residents of the flats within No.8 Burch Road, thereby reducing the pressure for on-street parking, which in itself is a visual detraction in this area. The proposal will remove this facility completely.

The style of the proposed building is historical pastiche and although it attempts to reflect the Regency and early Victorian architecture of the main building on the site, the bay looks out of place. The roof should also be pitched and not flat as shown and should have a natural slate covering. A shallow pitched roof behind a rendered parapet (with decorative mouldings) would be appropriate. If this style is to be followed, arches should also be gauged brick and not as shown.

This seems to me a very cramped form of development that would appear to provide a relatively poor-

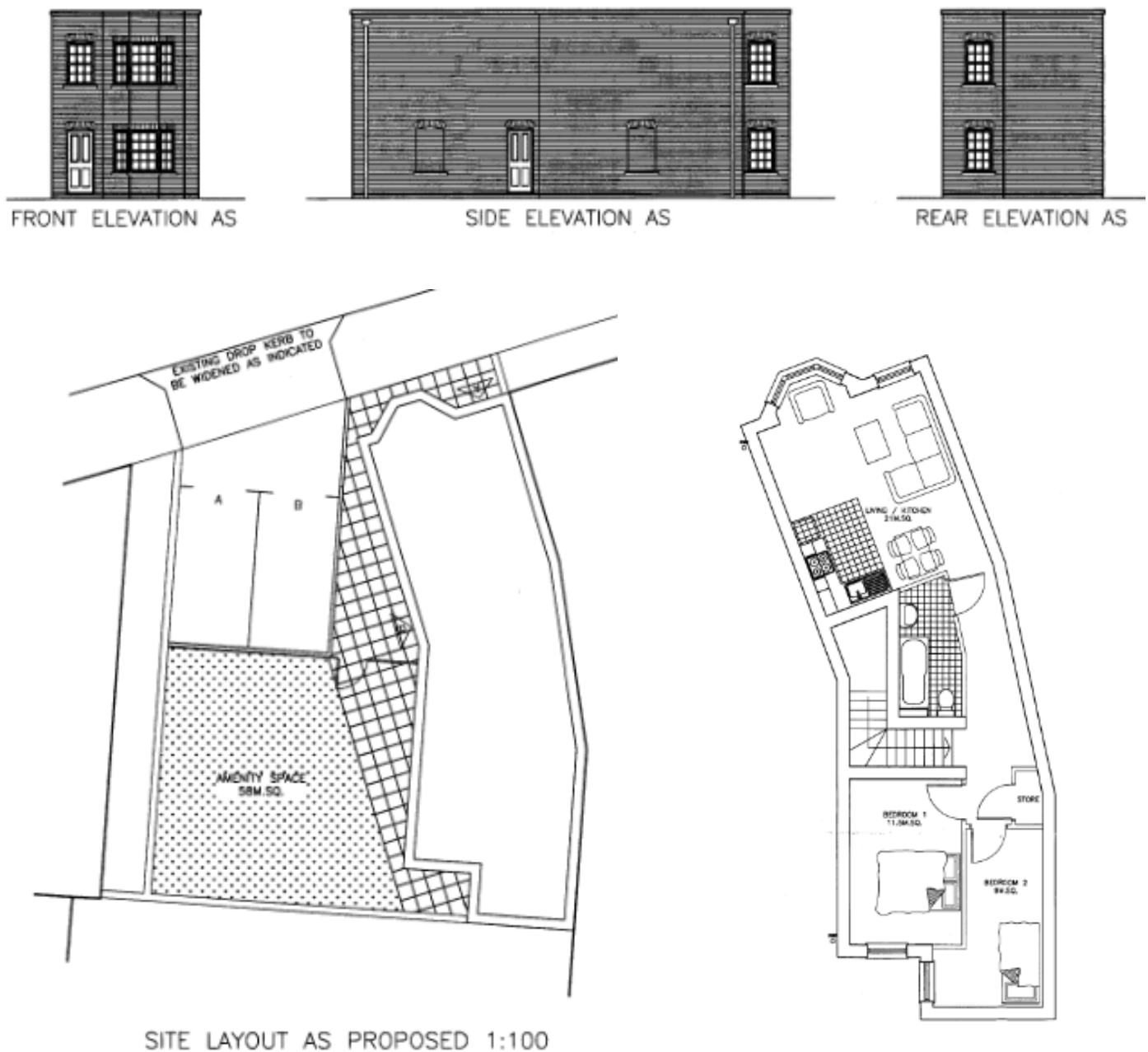
quality living environment for future occupants, with limited daylighting and little or no sunlight to habitable rooms. Whilst the building that it would replace is of no great architectural merit, because of its limited height it does have a simple and low-key character that renders it subservient to the main building. The proposed building would be significantly higher than the building it is to replace and also the single storey building adjacent to it. There is also no commitment to the provision of boundary treatment, which is important in the context of the site.

I therefore have strong reservations about this proposal and must object to it in its current form for the reasons stated above.

The GBC highway officer commented:

The proposal, while providing parking for the proposed development will result in the loss of existing parking for no 8 Burch Road in an area where on street parking is a problem

The submitted drawings in the 2007 application are as shown below



The above sets out the context to the site and the proposed development and is a material planning consideration whilst it is nevertheless acknowledged that the current proposal needs to be considered against the current development plan and all relevant material planning considerations.

The Key Issues

The key planning considerations in the assessment of this application are as follows:

- The Principle of the Development
- Design and Impact of the Development on the Character and Appearance of the Area including the Overcliffe Conservation Area
- Suitability of the accommodation for future occupiers and compliance with local/national standards
- Impact on Local Residential Amenity
- Parking and Highway Issues
- Other Material Considerations - ecology and biodiversity /refuse and waste storage /heritage and archaeology etc.

The Principle of the Development

This application is to provide 2 x 1-bedroom residential flats at the site.

Policy CS02 Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. Policy CS02 seeks to achieve this by: *Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area*

The site is within a highly sustainable location close to bus stops and a local shopping parade in London Road.

The National Planning Policy Framework (NPPF) is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 121 advises that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.

The application site meets the definition as previously developed land.

Housing Need and Sustainability

Local Plan Core Strategy Policy CS02 sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for over 6,000 new dwellings in that time. Evidence now available shows that the Council is not able to currently demonstrate a five-year housing supply.

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. This requires that in regard to housing development, planning permission should be granted unless:

- i. "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 181)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space

- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The residential development/use of the site supports the Government's greater emphasis on delivering and prioritising housing land as set out in the current version of the NPPF (section 5 - delivering a sufficient supply of homes).

The redevelopment of sites within the urban area can help reduce the pressures for the release of fresh land in rural locations, which is of particular importance in a Local Authority constrained by Green Belt policy. This would be in conformity with paragraphs 120 and 141 of the NPPF. Evidence of land scarcity can be found in paragraph 2.14 of the Site Allocations: Issues and Options consultation document, which identifies a shortfall in the supply of housing sites of 2,000 dwellings.

Therefore, the development of the site for a net increase of 2 units would offer a modest contribution towards meeting this local need and, accordingly, weighs in support of this application.

However, this has to be balanced against other requirements of the NPPF and in particular paragraphs 130 and 134 of the NPPF which requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole. There are a number of planning, highway and other material planning issues that need very careful consideration in the assessment of this application.

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 site area of the site the density of the development would be circa 104 dwelling units per hectare thus significantly over the target minimum density.

This might suggest perhaps overdevelopment of the site that might not be in character with the surrounding area.

Design and Impact of the Development on the Character and Appearance of the Area including the Overcliffe, Gravesend Conservation Area

General Design Policy

The design and built form of the proposals need to be considered against the Council's Local Plan Core Strategy Policy CS19 (Development and Design Principles) that sets out detailed criteria. Policy CS19 (LPCS) states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The National Planning Policy Framework (NPPF) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development (paragraphs 126 and 130 of Part 12 - Achieving well designed places).

Paragraph 130 of the NPPF also indicates that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation and change (such as increased densities); and establish a strong sense of place, using streetscapes, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 134 of the NPPF advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Conservation Area Policy

The application site is located in the Overcliffe Conservation Area, and which is a designated heritage asset.

Policy CS20 of the Gravesham Local Plan Core Strategy September 2014 and saved Policy TC3 of the Gravesham Local Plan First Review 1994 are relevant. Policy CS20 of the Gravesham Local Plan Core Strategy September 2014 places a high priority on the preservation, protection and enhancement of its heritage and historic environment. Policy TC3 of the Gravesham Local Plan First Review 1994 sets out that development within or affecting conservation areas will be carefully judged for its impact and will be expected to make a positive contribution to the conservation area.

Appraisal

The Overcliffe Conservation Area Appraisal (2007) indicates that the rows of 19th century terraced houses in Pier Road and Burch Road are among the principal positive views of the Conservation Area. In respect of the spatial analysis in the appraisal it states:

A similar built form to the terrace of houses on London Road is evident in Burch Road and Pier Road, which formed part of the early 19th century Rosherville New Town development. Nos. 2-8 Burch Road are a continuous terrace of three-storey buildings raised above a basement; the buildings are set back from the pavement by the front basement wells which are contained by cast iron railings. The tight-knit development and the height of the buildings in relation to the surrounding 20th century development, which has not followed the historic pattern of development, gives these buildings a strong presence on the street.

While there are no listed buildings on the Conservation Area, the appraisal suggest that nos. 2 to 8 Burch Road may meet the criteria for statutory listing.

The buildings in Burch Road fall within Character Area 3: Rosherville New Town. The appraisal says:

The Burch Road houses are among the finest unlisted buildings in the Northfleet and Gravesend area, and are currently on the Borough Council's Local List. Unlike the houses in London Road, they have retained most of their balconies, although two were lost in the late 19th century when canted bays were added to the ground floors of nos. 2 and 3. The detailing on the buildings is elegant and hints at the original vision of Rosherville New Town as a prestigious suburb to Gravesend. The fine porches and steps up to the front doors are intact, as are many of the timber sash windows.

Cross Road acts as a connecting road between Burch Road and Pier Road and mainly contains the rear gardens of properties lining those streets. There are views of the rear elevations of the buildings on these two streets, and a number of unsympathetic alterations and extensions detract from the quality of the townscape in this area. The Nest is the much-altered remains of an early 20th century outbuilding that has

been redeveloped to create a single storey infill building.

The 2007 Conservation Area Appraisal suggests that enhancement potential in relation to these properties could be in the form of boundary treatments.

As referred to earlier in this report this proposal is very similar to an earlier scheme that whilst not refused having been withdrawn prior to determination there were nevertheless strong concerns relating to the overall design and impact on the character and appearance of the area and the conservation area in which the site is located and would ultimately have led to refusal on a number of grounds including design and impact on the conservation area.

It is considered in this current case the development poorly relates to the character and appearance of the conservation area and the style and architecture of what is considered to be a terrace of buildings of some character and distinction and the development would be infilling and closing a gap in the street scene that lacks any coherence or shows any respect to the setting of the host building, the views of the building and its overall importance to the urban grain and built form.



The submitted Design and Access Statement does not explain the setting of the proposal in relation to its impact on the character and appearance of the conservation area and the submitted drawings do not show the relationship of the proposed development to adjacent properties and thus there are no context or street scene drawings. There is no explanation about the design ethos and how this might have evolved merely suggesting that the proposal has been designed to 'image the frontage detail to Buch Road'.

The Design and Access Statement says that the single storey detached building (The Nest) to the west (but it should be east) is 'alien to the character of the area' yet the form of the proposal tries to mimic the shape of that building. There is confusion over the proposed materials. It would be constructed of unspecified brickwork, according to the planning application form, but the Design and Access Statement says it would be blockwork with a rendered and painted finish.

The development would remove any boundary treatment to the existing garden/yard to the building and while the existing and while the existing boundary of the site to Cross Road is unsatisfactory the development would provide no scope for improvements which is a key enhancement opportunity in accordance with the 2007 Conservation Area Appraisal.



Overall, it is considered that the proposed development would be overdevelopment and unacceptable in design terms and would adversely impact on the character and appearance of the Overcliffe Conservation Area, a designated heritage asset, and not relate well to the existing buildings or the character and appearance of the area. As such, it would be contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy September 2014 and saved Policy TC3 of the Gravesham Local Plan First Review 1994 and sections 12, (Achieving well-designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF).

The harm to a designated heritage asset (i.e., the Overcliffe conservation area) means that the presumption in favour of development under paragraph 11 of the NPPF 2021 would not apply in this case.

Suitability of accommodation for future occupiers and compliance with local/national standards

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 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'

The Supplementary Planning Guidance Note 2 Residential Layout Guidelines referred to above sets out the Council's standards in relation to private garden areas and internal space standards, amongst other things.

To ensure that adequate living space is provided for future residents, the proposed flat units need to meet the Technical housing standards - Nationally Described Space Standards (March 2015) and the GBC Residential Layout Guidelines (SPG2). The national technical standards are prescribed standards, which set an overall unit area (which includes built in storage) and bedroom size and effectively supersede the room sizes set out in Council's Residential Layout Guidelines and referred to in Core Strategy policy CS19, although it should be noted that the national technical standards are not Council adopted standards and the Council's Residential Layout Guidelines for the time being and to some extent will still apply.

In respect of the floor areas of the proposed flats overall the units would be circa 42.5m² on the ground floor and 44m² on the first floor (including circulation space). This is below the minimum of 50m² for 2-person one storey dwellings as set out in the Technical housing standards - nationally described space standards, (DCLG, March 2015).

Each flat would comprise a living/kitchen/dining area combined of 22m², with a bathroom (3.6m² and 5.2m² on ground and first floor flats respectively) and a bedroom of 14m². Under the current GBC residential layout guidelines, the minimum areas for flats with a kitchen (min. floorspace of 7.2 m²) and lounge/diner (min. floorspace of 18.0 m²) as combined should therefore be 25.2m², thus the proposal is slightly below

adopted GBC standards.

It is noted that the bathrooms for the ground and first floor flats will not have any natural ventilation or light. The bedrooms to the flats at ground and first floor have the only window to that room on the west elevation of the building. This is looking towards the rear elevation and windows at the rear of existing flats at 8 Burch Road. The window to window or window to wall distance is less than 10m. Under the Council's residential guidelines, the minimum distance between the facing windows of habitable rooms is 21m and for 'single aspect' dwellings the minimum distance from the window of a habitable room (bedroom or living room) to any house wall of equivalent height containing no habitable room windows can be reduced to 11m. Either way the development is failing the adopted standards.

Overall, this will provide a cramped and somewhat poor level of living environment for future occupants of the development and is contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, the GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2), adopted February 1996 - amended June 2020 and the Technical housing standards - nationally described space standards, (DCLG, March 2015) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.

Impact on Local Residential Amenity

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions.

Safeguarding residential amenity, in terms of privacy, daylight and sunlight and ensuring that all development proposals are fit for purpose and adaptable to meet the need of users are important considerations referred to in Gravesham Local Plan Core Strategy Policy CS19.

The Supplementary Planning Guidance Note 2 Residential Layout Guidelines also sets out requirements not to just protect future residents/occupants of new development but also those existing residents that might be affected by the development.

The National Planning Policy Framework (Paragraph 130) also assists and seeks to ensure developments will function well and add to the overall quality of the area and create attractive, welcoming and distinctive places to live, work and visit with a high standard of amenity for existing and future users.

The neighbour impacts of the development are not explained or set out in any submitted document accompanying the application.

As set out in the previous section of this report the window to window or window to wall distance between the western flank elevation of the proposed building and the east (rear elevation) of 8 Burch Road is less than 10m, and therefore contrary to GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2), adopted February 1996 - amended June 2020. Not only is this a poor environment for future occupiers of the proposed building but it has also the potential to result in overlooking and loss of privacy for the existing occupants of the flats within the existing building at 8 Burch Road.

In addition, the development not only removes rear parking for the occupants of the existing flats at 8 Burch Road but also removes the whole of the rear yard and garden as amenity space for the existing occupants of the flats within the existing building at 8 Burch Road.

The development will come very close to the adjoining single storey dwelling to the east (The Nest) although it is not apparent that there are any windows in the western elevation of that elongated dwelling but nevertheless the proposed building in such close proximity would be particularly unneighbourly.

Overall, it is considered that the scale, form, orientation and positioning of windows and the close proximity of the building to neighbouring properties is such of the proposed building fails to safeguard the amenity of those neighbouring properties that adjoin the site, resulting in an overbearing and unneighbourly form of development and direct overlooking of habitable or non-habitable rooms. As such the development is contrary to Policy CS19 (Development and Design Principles) of Gravesham Local Plan Core Strategy, September 2014, the GBC Residential layout guidelines including Housing Standards Policy Statement

October 2015, (SPG2), adopted February 1996 - amended June 2020 and the Technical housing standards - nationally described space standards, (DCLG, March 2015), and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.

Parking and Highway Issues

Local and National Policy

The proposed development needs to be considered against Gravesham Local Plan Core Strategy Policy CS11 which states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities. This approach to development is also supported by saved policies in the Local Plan First Review Policy T1 (Impact of Development on the Highway Network), Policy T5 (New Accesses onto Highway Network) and Policy P3 (Policy for Vehicle Parking Standards).

Saved Policy T1 requires that all proposed developments are adequately served by the highway network identified on the Proposals Map. Saved Policy T5 requires that the formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map, will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities. Saved Policy P3 requires development to make provision for vehicle parking, in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception. All vehicle parking provision should normally be made on the development site.

At a national level the National Planning Policy Framework (NPPF) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. It indicates that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment and development should only be prevented or refused on transport grounds where there is an unacceptable impact on highway safety, or the residual cumulative impact of development is severe (paragraph 111).

In this instance the nature and scale of the development does not require a transport statement or transport assessment.

The Council's approach to parking requirements is in accordance with the adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006) and endorsed as supplementary guidance by GBC on 6 July 2009. These are set out as maximum standards although it should be noted that the government abolished national maximum parking standards in 2011 and the ministerial statement in March 2015 indicated that the imposition of maximum parking standards leads to blocked and congested streets and pavement parking and arbitrarily restricting new off-street parking spaces does not reduce car use. The adopted standards therefore would normally seek to be met in full.

Assessment

The main concern in the neighbour comments received relates to what is considered to be massive pressure from the development on the already problematic issue of parking and there are similar concerns expressed from ward councillors.

The proposal provides two parking spaces for the development thus one parking space for each of the future residents of the flats. However, no parking is being provided/retained for the existing flat occupants at 8 Burch Road in which there are at least five separate units. Potentially also because of the arrangement of parking spaces side by side this would mean that one existing parallel parking space on street in Cross Road would be lost as the access would effectively be enlarged from single width to double width of at least 5m.

The GBC Highways Development Management Officer has raised no highway objection per se considering that two flats are not going to generate a significant number of vehicle movements. However, his comments are couched on the basis that the development should not be removing parking spaces for

existing residents if such controls are in place. As referred to earlier in this report the permission granted for the conversion of the building into flats was subject to planning conditions requiring provision within the yard and garden at the rear. Those conditions still exist in perpetuity.

The result of not having off street parking will mean further cluttering of the streets surrounding the site to the overall detriment of the character and appearance of the conservation area.

The GBC Highways Development Management Officer has also expressed concern at the access arrangement to the parking spaces and the need to ensure that there is adequate visibility particularly for pedestrians in Cross Road and pointing out the need for 2m x 2m pedestrian visibility splays either side of the parking spaces, and whilst this can be achieved to the east, it cannot to the west. He has also indicated that there should be provision for cycle parking for the scheme.

There is no information submitted with the application in relation to pedestrian visibility splays for the access/parking spaces or for cycle parking for future residents of the scheme.

On balance it is considered that the proposed arrangement of car parking and vehicle access to serve the development would result in the loss of existing reserved, and/or potential off-street parking for the existing flat occupiers at 8 Burch Road within the rear garden/yard and reduce existing available parallel parking spaces on street in Cross Road to the detriment of local amenity and result in further pressure on limited on-street car parking. In addition, it has not been demonstrated that the access and car parking arrangements to serve the dwelling can provide safe access with satisfactory visibility including 2m x 2m pedestrian visibility splays either side of the parking spaces. This is therefore contrary to Gravesham Local Plan Core Strategy Policy CS11 (Transport) and saved Policies T1 (Impact of Development on the Highway Network), T5 (New Accesses onto Highway Network) and P3 (Policy for Vehicle Parking Standards) of the Gravesham Local Plan First Review, the Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006) and Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport of the national Planning Policy Framework (NPPF).

Other Material Planning Considerations

Ecology and Biodiversity

Paragraph 174 of the National Planning Policy Framework (NPPF) indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:

- (a) Protecting and enhancing valued landscapes,
- (b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland
- (d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014 indicates that there should be no net loss of biodiversity in the Borough.

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity.

Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation

objectives of the European Sites.

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, as new housing development is likely to lead to further increases in recreational use of the sites. This means that further declines in the bird population cannot be ruled out.

To address this decline and mitigate out the impacts, the Borough Council has adopted a tariff since September 2015 which is imposed on all new dwellings (including flats) or non-C3 residential use that are built within the 6km zone to pay for a Strategic Access Management and Monitoring Strategy (SAMMS).

The tariff payment is currently set at £275.88 per dwelling unit. Payment is normally either collected by s106 agreement (if one is required) or a unilateral undertaking which should accompany an application or through the SAMMS agreement form

https://www.gravesham.gov.uk/data/assets/pdf_file/0003/470937/SAMMS-Contribution-Agreement.pdf

This approach is approved by Natural England for all new residential developments. The money raised will be used to pay for schemes (through Bird Wise North Kent) to avoid the adverse impacts of new housing development on the birds.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However, a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

In this case the applicant has not completed the SAMMS Mitigation Contribution Agreement and therefore the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS) (2014).

Failure to mitigate the impact of the development on habitat sites means that the presumption in favour of development under paragraph 11 of the NPPF 2021 would not apply in this case.

Heritage and Archaeology

Policy CS20 (Heritage and the Historic Environment) gives 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. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

Saved Policy TC7 (Other Archaeological Sites) of the Gravesham Local Plan First Review 1994 indicates that planning permission may be refused without adequate assessment of the archaeological implications in areas of archaeological potential. Similarly emerging policy HER4 in the Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020 indicates that planning applications on sites where there is potential archaeological interest must be supported by an informed assessment of the asset and the impact of the proposal on its significance

At a national level paragraph 189 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest (evidence of past human activity), local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

No archaeological information has been provided with the application.

KCC Heritage and Conservation, however, advise that it is unlikely that the below-ground impacts would be significant in this case or that there would need to be a condition for archaeological work but suggest that with regards to the design elements there may well be some concerns.

Waste and Refuse Storage

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 indicates that new development will incorporate appropriate facilities for storage and recycling of waste.

It is a key environmental objective under paragraph 8 of the NPPF in respect of minimising waste. There is also separate Government planning policy for waste (PPS10 - Planning for Sustainable Waste Management).

GBC Waste Management have no objections and consider that there is plenty of space for the storage of two wheelie bins and a food caddy. However, it is noted that no details of waste storage have been provided either for the existing residents of the proposed future residents of the additional flat units proposed and if permission were to be recommended it would be necessary to seek further details through a planning condition. It is visually important to avoid bins being stored in open areas of the site as is the case at present to avoid clutter in the street scene and visual harm to the conservation area (see Google Earth image below, 2020)



Financial Benefits

In terms of other financial benefits, it is noted that these will accrue to the area as and when permissions are granted. The Government wishes to ensure that the decision-making process for planning applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this instance the proposed new residential units would generate the New Homes Bonus and Council Tax receipts.

Human Rights

The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

Conclusions and Balancing Exercise

The proposed development would be located in a sustainable location and provide new residential units, contributing to the Borough's housing stock, which would be a very modest contribution to the Borough's

overall housing supply and adds some limited weight to the proposal.

It is acknowledged that currently the Borough Council is failing to meet its housing delivery targets and a tilted balance would apply. The presumption of sustainable development as set out in Framework paragraph 11 requires planning permission to be granted unless either of two circumstances apply. The first is where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed (paragraph 11(d)(i)). The second is where any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole, in which case in accordance with Framework paragraph 11(d)(ii) the presumption in favour of sustainable development would not apply.

The overall planning assessment has however concluded that:

- The proposed development would be overdevelopment and unacceptable in design terms and would adversely impact on the character and appearance of the Overcliffe Conservation Area, a designated heritage asset, and not relate well to the existing buildings or the character and appearance of the area. As such, it would be contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy September 2014 and saved Policy TC3 of the Gravesham Local Plan First Review 1994 and sections 12, (Achieving well-designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF).
- The development will provide a cramped and somewhat poor level of living environment for future occupants of the development and is contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, the GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2), adopted February 1996 - amended June 2020 and also the Technical housing standards - nationally described space standards, (DCLG, March 2015), and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.
- The scale, form, orientation and positioning of windows and the close proximity of the building to neighbouring properties is such of the proposed building fails to safeguard the amenity of those neighbouring properties that adjoin the site, resulting in an overbearing and unneighbourly form of development and direct overlooking of habitable or non-habitable rooms. As such the development is contrary to Policy CS19 (Development and Design Principles) of Gravesham Local Plan Core Strategy, September 2014, the GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2), adopted February 1996 - amended June 2020 and the Technical housing standards - nationally described space standards, (DCLG, March 2015), and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.
- The proposed arrangement of car parking and vehicle access to serve the development would result in the loss of existing reserved, and/or potential off-street parking for the existing flat occupiers at 8 Burch Road within the rear garden/yard and reduce existing available parallel parking spaces on street in Cross Road to the detriment of local amenity and result in further pressure on limited on-street car parking. In addition, it has not been demonstrated that the access and car parking arrangements to serve the dwelling can provide safe access with satisfactory visibility including 2m x 2m pedestrian visibility splays either side of the parking spaces. This is therefore contrary to Gravesham Local Plan Core Strategy Policy CS11 (Transport) and saved Policies T1 (Impact of Development on the Highway Network), T5 (New Accesses onto Highway Network) and P3 (Policy for Vehicle Parking Standards) of the Gravesham Local Plan First Review, the Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006) and Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport of the national Planning Policy Framework (NPPF).
- The applicant has failed to provide any ecological evidence to inform a Habitat Regulations Assessment (HRA) covering the impact of the development on the North Kent Special Protection Area (SPA)/Ramsar site (including the Thames Estuary and Marshes) or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) and paragraphs 180 and 181 of the National Planning Policy Framework (2021) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided.

On balance therefore, it is considered that the benefit of additional flat units does not outweigh the harm that has been identified above.

As such, it is recommended that planning permission be **REFUSED**.

Recommendation:

REFUSED on the grounds that:

1. The proposed development would be overdevelopment and unacceptable in design terms and would adversely impact on the character and appearance of the Overcliffe Conservation Area, a designated heritage asset, and not relate well to the existing buildings or the character and appearance of the area. As such, it would be contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy September 2014 and saved Policy TC3 of the Gravesham Local Plan First Review 1994 and sections 12, (Achieving well-designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF).

2. The development will provide a cramped and somewhat poor level of living environment for future occupants of the development and is contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, the GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2), adopted February 1996 - amended June 2020 and also the Technical housing standards - nationally described space standards, (DCLG, March 2015) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.

3. The scale, form, orientation and positioning of windows and the close proximity of the building to neighbouring properties is such of the proposed building fails to safeguard the amenity of those neighbouring properties that adjoin the site, resulting in an overbearing and unneighbourly form of development and direct overlooking of habitable or non-habitable rooms. As such the development is contrary to Policy CS19 (Development and Design Principles) of Gravesham Local Plan Core Strategy, September 2014, the GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2), adopted February 1996 - amended June 2020 and the Technical housing standards - nationally described space standards, (DCLG, March 2015), and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.

4. The proposed arrangement of car parking and vehicle access to serve the development would result in the loss of existing reserved, and/or potential off-street parking for the existing flat occupiers at 8 Burch Road within the rear garden/yard and reduce existing available parallel parking spaces on street in Cross Road to the detriment of local amenity and result in further pressure on limited on-street car parking. In addition, it has not been demonstrated that the access and car parking arrangements to serve the dwelling can provide safe access with satisfactory visibility including 2m x 2m pedestrian visibility splays either side of the parking spaces. This is therefore contrary to Gravesham Local Plan Core Strategy Policy CS11 (Transport) and saved Policies T1 (Impact of Development on the Highway Network), T5 (New Accesses onto Highway Network) and P3 (Policy for Vehicle Parking Standards) of the Gravesham Local Plan First Review, the Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006) and Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport of the national Planning Policy Framework (NPPF).

5. The applicant has failed to provide any ecological evidence to inform a Habitat Regulations Assessment (HRA) covering the impact of the development on the North Kent Special Protection Area (SPA)/Ramsar site (including the Thames Estuary and Marshes) or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) and paragraphs 180 and 181 of the National Planning Policy Framework (2021) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided.

INFORMATIVES

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents

Application Form and Certificates

Drawing No 220208 001 Rev A: Site Plan and Existing and Proposed Block Plans

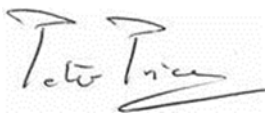
Drawing No 220208 002 Rev A: Proposed Plans and Elevations

Heritage Statement by Barron Edwards dated 27 May 2022

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance, the application is not in accordance with the Development Plan for the area and cannot be supported.

Case Officer:	Mr Peter Price	Team Leader:	Faye Hobbs
Signed:		Signed:	
Dated:	21 July 2022	Dated:	22 July 2022