

Delegated Report

Permission in Principle Application

Application No: 20250629

Location: Wheels Car Sales, 94 Pier Road, Northfleet, Gravesend, Kent, DA11 9NA

Description: Permission in Principle application; erection of 6 self contained flats.

Applicant: Mr Robert

Submitted Documents/Plans

Application Form;
Planning Statement;
OS Plan;
Drawing No.D01 - Proposed 6 Flats (Proposed Floor Plans); and
Drawing No.D02 – Proposed 6 Flats (Block Plan).

Relevant Planning History

Reference	Description	Decision	Decision Date
20100956	Erection of metal railings and gates along front and part side boundary with public house.	PERMITTED	15.12.2010
19950350	Continued use of premises for vehicle hire and erection of detached single storey building to form office and reception area.	TEMPORARY PERMISSION	08.08.1995
19930160	Continue use of premises for vehicle hire and erection of detached single storey building to form new office and reception area.	PERMITTED	02.06.1994
19920103	Continued use of premises for car sales, mechanical and body repairs, with ancillary office accommodation – Permitted.	SPLIT DECISION	23.04.1992
1992/0002 1/REF	Continued use of premises for car and van hire with ancillary offices – Refused.	APPEAL DISMISSED	26.01.1993
19910646	Application for established use certificate in respect of use of premises for car sales, Mechanical and Body repairs, car and van hire and offices.	REFUSED	17.12.1991

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- 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 12 – Achieving Well-Designed Places
- Section 16 – Conserving and Enhancing the Historic Environment

Other Material Considerations

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.

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)
- Overcliffe Conservation Area Appraisal (2009)
- Northfleet Conservation Areas Management Plan (2009)

Other Relevant Guidance

- Kent County Council Dropped Kerb Guidance and Self-Assessment (2023)
- Gravesham Driveway Dropped Kerb Guidance (Informal Guidance) (2023)
- Gravesham Front Driveway Design Guidance (Informal Guidance) (2023)

Consultations, Publicity and Representations

Part 2A, Paragraph 5J of The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 sets out the consultation requirements of applications for Permission in Principle (PiP). It states that consultations should be undertaken for 14 days prior to a decision notice being issued and that the relevant consultees are set out in the Table in Schedule 4 to the Town and Country Planning (development Management Procedure) (England) Order 2015.

A site notice was displayed on site which expired on 22nd July 2025. No comments were received.

KCC Heritage

The site lies within an area of multi-period archaeological potential. I defer to your Conservation Officer with respect to the built heritage and Listed Building aspects.

Based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

Officer's Analysis

The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order as amended. The proposal seeks permission in principle for residential development.

This consent route has two stages. The first stage establishes whether a site is suitable in principle. The second stage, i.e. the technical details consent, is where the detailed development proposals are assessed.

The current proposal relates to the first stage and therefore only the principle of the proposal in respect of its location, land use and amount of development can be considered. Issues relevant to these 'in principle' matters can be considered at this stage. However, other matters should be considered at the technical details consent stage.

The Local Planning Authority can inform applicants what they expect to see at the technical details consent stage but cannot impose planning conditions.

Site Description

The site is located on the western side of Pier Road on the site of a former Car Sales Forecourt. To the south of the site is a terrace of three storey buildings consisting of commercial and residential uses. East of the site are 3 storey 19th century town houses and two storey dwellings to the south. The Elephant's Head Public House is a local landmark building standing at the junction with Pier Road and London Road.

The site is within Overcliffe Conservation Area.

Proposal

The proposal seeks permission in principle for the construction of 6 self-contained flats. This would include vehicular access from Pier Road to provide two parking spaces. To the rear of the site is a bike shelter and play area.

Principle of Development/Sustainability

The scope of consideration is limited to location, use and amount of development proposed with reference to the Development Plan and other material considerations, including the National Planning Policy Framework (NPPF).

There are certain limitations set out in the relevant Order. For the avoidance of doubt the proposed development is not:

- (a) Major development
- (b) Habitats development
- (c) Householder development
- (d) Schedule 1 development

The proposed development is not considered to be Schedule 1 or 2 development within the meaning of the EIA Regulations.

Location and Land Use

94 Pier Road is located within the urban area of Northfleet and within 2 minute walk of the application site is London Road which is served by frequent bus routes including 'fastrack' bus service. There is also a supermarket, Public House and restaurant within 2 minutes of this site.

Due to the narrow scope of consideration allowable when assessing and determining a PiP, some usual planning issues are difficult to consider in depth. However, in terms of use it is important to note the proposal is for a sensitive end use and is close to a public house. These two uses can be incompatible and at any technical details stage it would be essential to ensure that the standard of amenity provided to future occupiers was adequate and would also give no reason for complaint so as not to prejudice the continued and future operations of the Public House.

It is considered that the site is a sustainable location for new residential development with respect to access to local services and amenities and thus the proposed land use is acceptable, and the proposal meets the requirements of Policies CS01 and CS02 (LPCS) 2014 and the NPPF (2024).

Amount of Development

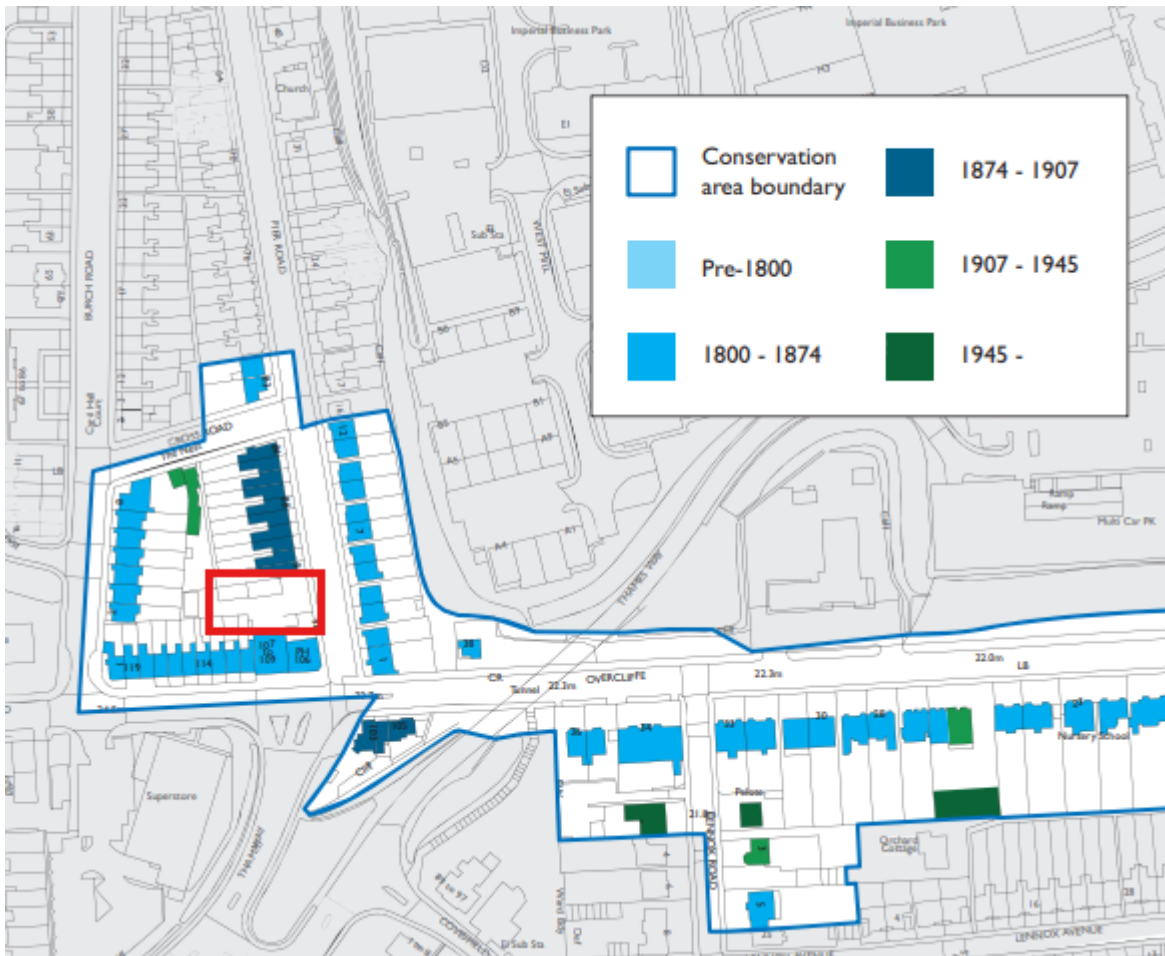
The proposal seeks (PIP) for the construction of 6 self-contained flats and it is considered that whilst the site can accommodate residential use the amount of development proposed is unacceptable due to the Heritage issues associated with the site.

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.

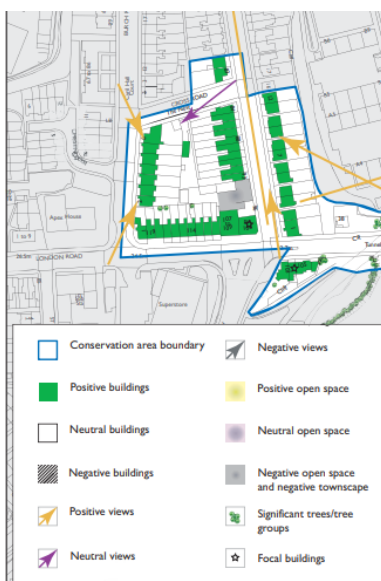
Saved Policy TC3 (LPFR) also states that development is expected to make a positive contribution to the conservation area. As mentioned previously the application is within the Overcliffe Conservation Area.

As shown below (extract from Conservation Area appraisal) the site is surrounded by historic buildings dating from 1800 – 1907 and the application site was never built on.



The conservation area appraisal identifies the buildings on Pier Road which lie within the Conservation Area consist of two distinct periods of development: 19th century paired villas lie on the east side of the road, and an early 20th century terrace lies on the west side of the road.

The conservation area appraisal goes on to identify the application site being a negative feature within the Conservation Area as shown below



It is considered that that the construction of a 3 storey building in this prominent location would be harmful to the surrounding buildings (which are all identified as positive buildings). The three-storey building would

be directly adjacent to modest two storey dwellings and would dominate the buildings which would be unacceptable within a Conservation Area and would be out of keeping with the character of the area.



The proposal, due to its size and scale, is therefore contrary to Policies CS19 and CS20 (LPCS) and saved Policy TC3 (LPFR) which, amongst other things, require new development to conserve and enhance the character of the area and to protect heritage assets. In addition, it does not comply with Saved Policies TC3 which amongst other things expect development to make a positive contribution to a Conservation Area. The proposed three storey building would constitute overdevelopment of the site.

Access and Parking

The plans show there being two car parking spaces to serve the 6 flats. Whilst the parking is limited there is scope to provide additional parking on site. Details of car parking could be appropriately addressed at Technical Details Consent stage.

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 £337.49 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 6 additional residential dwellings 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 £337.49 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).

Planning Balance

There are positive economic and social benefits of the delivery of 6 self-contained flats in this location. The 6 units would be in a sustainable location and would help meet towards the Council's 5 year housing target. In terms of the PIP assessment, the location and land use are acceptable in principle.

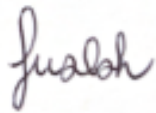
However, when considering the amount of the development, it is considered excessive in terms of size and scale. The negative features outweigh the positives of this application. The site is within The Overcliffe Conservation Area surrounded by positive buildings. The proposed 3 storey building within a metre of attractive two storey dwellings would be harmful to the wider settings of Conservation Area. As the proposal would not enhance or preserve the designated Heritage asset the application cannot be supported. As such, the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994) and sections 12 and 16 of the National Planning Policy Framework (2024).

The proposal also fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 193 and 194 of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Recommendation

Refusal.

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

Case Officer:	Mr Richard Hart	Team Leader:	Mrs Faye Walsh
Signed:	<i>R Hart</i>	Signed:	
Dated:	01 September 2025	Dated:	03 September 2025