

Delegated Report

Householder Planning Application

Planning Application No: 20230741

Location: 21A Cobham Street Gravesend Kent DA11 0SB

Description: Erection of basement and ground floor rear extension to provide space for an additional residential unit.

Applicant: Mr Grix

Site Visit Date: 23/06/2023 (for previous application reference 20230354)

Submitted Documents/Plans

- Application form;
- Drawing no. 001 Rev. A – Existing and Proposed Block Plan, Location Plan;
- Drawing no. 002 Rev. B – Existing Floor Plans and Elevations; and
- Drawing no. 003 Rev. A – Proposed floor Plans and Elevation.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230354	Erection of two storey rear extension at basement and ground floor levels and alteration of existing maisonette over the basement and ground floor levels into 2no. one bedroom self-contained flats.	Refused	27.06.2023

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS11 - Transport
- 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
- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- TC3 – Development Affecting Conservation Areas
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 6 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving sustainable development and well-designed places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

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 published statement), 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 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 176)
- 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 63); 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 123(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.

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

This is an edge of town property, so no car parking is required, however the creation of an additional flat does require the provision of a secure cycle parking space.

GBC Environmental Protection

I would re-iterate the comments and recommendation made with regards to the earlier (refused) application namely:

No objection to this application. The following conditions and informatives are recommended:

Code of Practice on Construction and Demolition: Please apply as appropriate to minimise the impact of noise and dust on neighbouring premises as a result of the construction works.

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

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

GBC Waste

Due to the nature of the street and the building, consideration needs to be given to waste storage between collections which means that wheelie bins are not left on the pavement between collections.

Each of these properties have back gardens, so waste could be stored at the rear between collections and moved by the residents on the relevant collection day.

The street scene in Cobham Street has been massively affected in recent years due to a lack of planned refuse storage.

Neighbouring properties

28 surrounding properties were consulted plus site and press notices – the overall consultation expiry date was 08.09.2023 – 5 responses have been received the comments of which can be summarised as follows:

Overcrowding issues

- Due to the conversion of the majority of the buildings to several dwellings it means Cobham Street is already overcrowded and overpopulated which causes issues huge pressure on parking, decreased water pressure, anti-social behaviour, fly-tipping and rubbish overflowing the street amongst other things. An additional dwelling would increase all of these pressures and the overcrowding of the street;

Parking

- Is a real problem in the street and becoming worse – most nights cars are parked down both sides of this narrow street – the proposal would just make this even worse;
- During construction 1-2 parking spaces would likely be lost;
- What alternative parking options will be made available to residents of Cobham Street?

Refuse

- Street is already overflowing with rubbish on the pavements, no. 21A does not have sufficient space for storage of more bins

Design/Heritage

- The houses in Cobham Street are of architectural significance but have been blighted poor quality developments, this shouldn't be allowed to continue in a conservation area;
- Building in the gardens of a conservation area would deteriorate the appearance of their gardens and set the precedent for others to remove trees and gardens to maximise landlord profits;

Neighbouring Amenity

- What reassurance will be given to neighbours by way of limitation of the working hours?

Biodiversity

- By reducing their garden in this way it may open the flood gates for other centrally located properties to reduce their green and communal spaces in this way potentially impacting on wildlife, vegetation and air quality;

Other

- Revised plans still involve utilising their front door and hallway to gain access to one of the new flats which they are not happy with;
- An application was already turned down earlier this year, this application just seems to be worded differently from the first;
- What benefit would the proposal give to the area?
- How will the proposal assist with reducing the pressure in the locale on the need for social housing?;
- What review is being completed into private landlords in the area who are already letting their properties to multiple people and families?;

Non-material planning consideration

- Would cause dust, noise and disturbance throughout the building works

Officer's Analysis

Procedural Note

Following the site visit and an observation of the internal layout it became clear that the external stairs

which are to be removed under the proposals serve only the upper floor maisonette providing access from the first floor to garden level and that also proposed flat no. 2 at ground floor level would use the front entrance door of the existing upper maisonette (which is the main front door of the building) to provide access to a new internal front entrance door that would be installed in order to provide access to flat no. 2. In the previous application the applicant had signed certificate A to state they own all the land to which the application relates and they have done so again in this current application.

However, if the applicant is not the owner of the upper maisonette notice should have been served on the owner. Had planning permission been forthcoming the applicant would have been asked to clarify these matters and if necessary amend the application form to sign certificate B and serve notice on the owner of the upper floor maisonette however, as planning permission is not to be forthcoming, as will be seen below, then this has not been sought. It is also prudent to note that the granting of planning permission and the serving of any notice on other owners etc. does not negate the need for an applicant to gain any other consents that they may need to obtain including concerning any civil matters.

Previous application reference 20230354 which was for 'Erection of two storey rear extension at basement and ground floor levels and alteration of existing maisonette over the basement and ground floor levels into 2no. one bedroom self-contained flats' was refused on 27 June 2023 on the following grounds:

1. The proposal would result in extremely poor living conditions for future occupiers of flat 1 (basement flat) by virtue of this unit of accommodation being wholly below ground level and the living/kitchen/dining room in this flat receiving virtually no natural sunlight/daylight or outlook. The proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 130 (f) of the National Planning Policy Framework (2021).

2. The applicant has failed to provide any ecological evidence to 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 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 180 and 181 of the National Planning Policy Framework (2021).

It therefore needs to be seen whether this application addresses these concerns and also whether all other matters are acceptable or not.

Principle

The site is within the urban boundary of Gravesend which is covered by Policy CS02 (LPCS) which supports the principle of residential development within the urban area. The property has already been converted from a single dwelling to two self-contained maisonettes at some time in the past so the proposal would not be contrary to Policy CS15 (LPCS) which protects conversion of family sized dwellings. The property is also in an area where there are a number of other properties which have been converted to flats and so the proposal is compliant with part (i) of saved Policy H5 (LPFR) which states the building shall be in an appropriate area for conversion to flats. It will now need to be seen if the proposal would be acceptable in respect of design, character and appearance including heritage, future occupier amenity, neighbouring amenity, parking and highway safety and protect the SAMMS/SPA.

Design, Character and Appearance including Heritage

The proposed two storey rear extension at basement and ground floor levels would be 3m in depth, 4.94m in height and extend the full width of the dwelling. It would have a flat roof design and be faced with rendered walls to match the existing.

Ordinarily a two storey flat roofed rear extension would not be acceptable in design terms but given that the proposed extension would be at basement and ground floor levels the actual part of the extension that would extend above garden level would be 3m in height which would therefore be akin to a single storey rear extension. A flat roofed single storey rear extension is generally considered acceptable due to its low level and low visibility. As such in this case the proposed two storey rear extension is considered acceptable in design terms given that due to its positioning at basement and ground floor levels the actual main part that would be visible above garden level would be no greater in height than a standard flat roofed single storey rear extension and due to its low level and prominence the flat roof is considered acceptable in visual terms. The extension would be of modest depth at 3m and would be faced with matching render. Overall therefore the extension is considered to be in keeping with the scale and character of the host dwelling. Due to its location at the rear the proposal would have no impact on the streetscene or the Darnley Road Conservation Area, the character and appearance of which would be preserved. It is also noted that there is a similar extension on the rear of no. 22 Cobham Street.

In respect of design, character and appearance including heritage the proposal is considered compliant with Policies CS19 and CS20 (LPCS) and saved Policy TC3 (LPFR).

Amenity of Future Occupiers

This matter related to ground of refusal no. 1 of previous application reference 20230354.

The proposal includes converting the existing two bedroom maisonette at basement and ground floor levels to 2no. one bedroom flats - one at basement level and one at ground floor level.

Flat sizes and bedroom sizes

Flat no.	Internal Floorspace (sq. m)	Technical Housing Standards (THS) (2015) minimum standard for the type of accommodation (sq.m)	Does it meet the THS minimum standard?
1 (Basement level - 1 bedroom, 2 persons, 1 storey dwelling)	54	50	Yes
2 (Ground floor level – 1 bedroom, 1 person, 1 storey dwelling)	47.7	39	Yes

The double bedroom in Flat 1 would be 12.2 sq. m and the single bedroom in Flat 2 would be 11.7 sq. m. The bedrooms would therefore exceed the minimum size for double and single bedrooms as set out in the Technical Housing Standards (THS) which is 11.5 sq. m for a double and 7.5 sq. m for a single.

Both flats therefore exceed the minimum standards as set out in the THS (2015) for the overall internal floor space and bedroom sizes.

Amenity Space

SPG2 states that flats should provide a minimum of 10 sq. m private amenity space per flat. The site as a whole has a rear garden.

On the plans it is stated that the amenity space for flat 1 would be a new area to be excavated at basement level in front of the proposed extension which would measure 12.5 sq. m. This is acceptable in terms of its

size as it exceeds the 10 sq. minimum standard however, the amenity space would be unsatisfactory as it would be located wholly at basement level and any users of the space would experience very poor living conditions as they would be surrounded by 1.9m high retaining walls on the west and south sides (the wall to the south would be only 2.96m in front of the window) and a 2.8m high wall on the east side. It would create for a very confined and enclosed amenity space .

It should be noted that although there is an existing external area at basement level outside of the rear bedroom window of the existing lower maisonette, this is not accessible from the maisonette and so it does not operate as external amenity space; it therefore does not provide any justification for the proposed external amenity area for flat 1 in this application.

The plans are annotated to show that the amenity space for flat 2 would be the whole of the rest of the garden. The main part of this would be some 45 sq. m and it would be wholly at ground floor level and so it would provide acceptable amenity space for flat 2.

It should be noted however, that there is the existing maisonette at first floor level of the building no. 21B, and there is no information in the application as to how the garden is currently used and allocated amongst the two existing maisonettes in the building and how this may or may not be affected under the proposals i.e. – would the use of the garden solely for flat 2 cause any loss of garden for the first floor maisonette, 21B? Ultimately the use of the garden and how it is allocated between the individual flats is a civil matter between the owners of those flats however, it is helpful if an agent can provide sufficient detail in an application so that the existing and proposed provision between all flats in respect of the garden can be fully understood in order for the Council to assess the provision for further proposed flats.

Private amenity space provision for each of the proposed flats is not pivotal in this case given the location of the site whereby occupiers would have access to public parks nearby which they could enjoy. However, the amenity space which is proposed for flat 1 is unsatisfactory due to its wholly basement level location and being fully enclosed by high walls on all sides. This is therefore a new issue which wasn't present in the previous refused application reference 20230354, that would be harmful to future occupiers of proposed flat 1.

Layout/Light/Outlook

This was the key issue for the proposal being unacceptable in relation to amenity of future occupiers in the previous refused application reference 20230354.

In the previous application the proposal resulted in altering an existing unit of accommodation (a maisonette which is spread across the basement and ground floor levels of the building) into two self-contained flats one of which (flat no. 1 at basement level) was to be wholly below ground level. SPG2 (2020) states that no unit of accommodation should be wholly below ground level. This issue has not been resolved in this current application at all as it is still proposed to have a unit of accommodation wholly below ground level.

Furthermore, in the previous application the proposed flat 1 wholly at basement level would have had very poor levels of amenity in terms of sunlight/daylight and outlook. This was particularly in respect of the living/kitchen/dining room at the rear of the flat as it was shown that it would be served by one window and a door in the rear elevation however, as the garden level retaining wall would have been directly in front of the window and door (there would have been a minute gap of 90mm) there would have only been a 300mm section of the window that would have been above the garden level retaining wall and no part of the door would have been above it. There were to be no other windows serving that room. As such the living/kitchen/dining room would have experienced virtually no natural sunlight/daylight or outlook.

In this current application it is now proposed to excavate an area at basement level in front of the proposed extension which would measure 12.5 sq. m in area. This is an improvement on the previous proposal however, it is still considered that the living/kitchen/dining room would receive insufficient natural

sunlight/daylight and outlook. The window in the rear elevation at basement level would be the only window serving the living/kitchen/dining room to flat 1, it would be at basement level and would be surrounded by retaining walls – there would be a 1.9m high retaining wall just 2.96m in front of the window as well as a 1.9m high retaining wall on the west side and a 2.8m high wall on the east side. As such it is considered that the living/kitchen/dining room would still experience very poor levels of natural sunlight/daylight or outlook.

Future occupiers of proposed flat 1 would therefore experience extremely poor living conditions which would be harmful to their amenity and this matter with the previous application has therefore still not been resolved.

The living/kitchen/dining room of the ground floor flat would not have the same issue as the basement flat as the window and door would be above the garden level retaining wall.

In respect of the proposal creating a unit of accommodation (proposed flat no. 1 at basement level) that would be wholly below ground level and by virtue of the living/kitchen/dining room in the proposed basement flat receiving very poor levels of natural sunlight/daylight or outlook and having a very confined and enclosed external amenity area, the proposal would provide an extremely poor level of amenity and living conditions for future occupiers of the flat and in this regard the proposal is therefore contrary to Policy CS19 (LPCS) and paragraph 130 (f) of the NPPF (2023). The proposal has also therefore not resolved ground of refusal no. 1 of previous application reference 20230354.

Neighbouring Amenity

The neighbouring property to the east no. 20 Cobham Street which is divided into flats. This property is set back some 1.3m from the rear elevation of no. 21 Cobham Street. The proposed two storey rear extension at basement and ground floor level which would be 3m in depth, 4.94m in height, would mean that the proposed extension would not cause any overshadowing or loss of outlook to the occupiers of any of the flats of no. 20. There are no windows proposed in the east flank elevation of the extension therefore no impact regarding overlooking.

The neighbouring property to the west no. 22 Cobham Street which is divided into flats has a part two storey, part single storey extension on its rear elevation. The proposed extension would seemingly not extend any taller or deeper than this extension and so there would be no impact on any of the flats at no. 22 with regards overshadowing or loss of outlook. There are no windows proposed in the west flank elevation of the extension therefore no impact regarding overlooking.

The proposed extension by virtue of its scale and positioning would not cause any impact on the upper maisonette at first and second floor levels with regards overshadowing, loss of outlook or overlooking. The matter of the staircase and access has been discussed in the procedural note above.

In summary, it is considered there would be no impact on the amenity of neighbouring properties and in this respect the proposal is compliant with Policy CS19 (LPCS).

Parking and Highways

The neighbour comments made regarding parking are noted. The proposal provides no off-street parking and it is not possible to provide any given the site constraints. However, as the Highways Development Management Officer advises, given that this is an edge of town centre location no car parking is required. Furthermore, it is also the case that the existing flat at basement and ground floor levels has two bedrooms and the proposed two flats would have one bedroom each therefore, there is no actual increase in bedrooms as there would be equal demand.

It is therefore considered the proposal would have no impact with regards parking and highway safety. In

respect of these matters the proposal is therefore considered compliant with saved Policy P3 (LPFR).

Ecology/Biodiversity

This matter related to ground of refusal no. 2 of previous application reference 20230354 and has still not been resolved.

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 Borough Council has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £314.05 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

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.

This proposal would result in the net addition of 1 unit and the applicant has still not paid the required tariff (£314.05). The Local Planning Authority cannot therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore, the proposal in respect of ecology and biodiversity is contrary to Policy CS12 (LPCS) and Paragraphs 180 and 181 of the NPPF (2023). The proposal has also therefore not resolved ground of refusal no. 2 of previous application reference 20230354.

Refuse

It should be noted that although this was not raised as an issue in the previous application upon further consideration and as a result of the information gained as a result of the neighbour consultation the proposal is unacceptable in respect of refuse storage as explained below.

At the site visit it could be seen that currently refuse bins for the existing maisonette at basement and ground floor levels are located at basement level in front of the bay window. It appears the refuse bins for the upper maisonette at first and second floor levels may be located here also.

No details have been provided on the refuse storage provision for the two proposed flats that would be created from converting the existing lower maisonette into two flats.

A number of neighbour comments have raised the issue of rubbish in the street due to insufficient refuse provision and GBC Waste also raise this issue. As such it is considered pivotal that all flats should have sufficient refuse provision and it needs to be made clear in an application where that refuse storage is so that an assessment can be made of whether that provision is acceptable or not but this information has not been provided.

Furthermore, potentially the bins for both of the proposed flats could be located at basement level as the existing bins are for the existing lower maisonette. However, if that was the case that would mean the refuse bins for potentially up to 3 flats could be located outside the bedroom window of flat 1 which isn't considered acceptable for the amenity of the future occupiers of flat 1 or their living conditions due to potential odours and noise and disturbance from people coming and going to access the bins etc.

In the absence of any information to the contrary in the submitted application it is therefore considered that the proposal would provide insufficient refuse storage in between collections for the flats and as such in this respect the proposal is contrary to Policy CS19 (LPCS).

Archaeology

The site is located in an Area of Archaeological Potential. Should permission be forthcoming it is considered that a condition could be added to request an Archaeological Watching Brief to ensure there would be no impact on any potential archaeology. In respect of archaeology it is considered that subject to condition the proposal would be compliant with saved Policy TC7 (LPFR).

Any Other Material Planning Considerations

None.

Balancing Exercise/Conclusion and Recommendation

The proposal is considered acceptable in respect of design, character and appearance including heritage, neighbouring amenity, parking and highway and archaeology (subject to conditions in some cases) and would result in the net gain of one additional unit of accommodation which would offer a very small contribution to the Borough's housing supply. However, it has been found that the proposal, remains unacceptable in respect of future occupier amenity and ecology and biodiversity and has also been found to be unacceptable in respect of refuse.

The proposal would provide extremely poor living conditions for future occupiers due to creating a unit of accommodation (flat 1 at basement level) that would be wholly below ground level, the living/kitchen/dining room in the proposed basement flat would receive very poor levels of natural sunlight/daylight and outlook and it would have a very confined and enclosed external amenity area. The proposal also does not put in place adequate measures to mitigate potential significant effects on the Thames Estuary and Marshes SPA/Ramsar site. It also provides insufficient information on refuse storage provision.

Paragraph 130 (f) of the NPPF (2023) states that development should create a high standard of amenity for existing and future users. Paragraph 180 (a) states that if significant harm to biodiversity resulting from a development cannot be avoided, including being adequately mitigated, then planning permission should be refused. As stated in paragraph 181 of the NPPF (2023), SPA's and Ramsar sites should be given the

same protection of habitats sites.

As set out above the weight of all the other considerations does not outweigh the harm identified and provides a clear reason for refusing permission. The proposed development is therefore contrary to Policies CS12 and CS19 (LPCS) and paragraphs 130(f), 180 & 181 of the NPPF (2023) and has not resolved ground nos. 1 & 2 of previous refused application reference 20230354.

Recommendation: Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	18th September 2023	Dated:	18 September 2023