

PLANNING & HERITAGE STATEMENT – OCTOBER 2024



Erection of 4no. flats

Clarence Place, Gravesend

INTRODUCTION

This Planning & Heritage Statement forms part of an application for the erection of 4no. flats on Clarence Place, Gravesend.

This Statement has been prepared in accordance with the Royal Town Planning Institute Code of Conduct.

SITE DESCRIPTION

The site lies within the settlement of Gravesend, in a central location.

The site is accessed from Clarence Place which runs to west to east, characterised by residential properties. The site is within walking distance of Gravesend centre, local schools and other facilities via a safe pedestrian route.

The site itself comprises an overgrown area between 35 Clarence Place and Veterans Club.



PLANNING HISTORY

n/a

PLANNING POLICY

- National Planning Policy Framework
- Gravesham Local Plan Core Strategy

National Planning Policy Framework

Paragraph 8 outlines that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. With regards to social, this includes supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment.

Paragraph 10 confirms that the common theme running through National Planning Policy is a presumption in favour of sustainable development.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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.

Paragraph 39 states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre- application discussion enables better coordination between public and private resources and improved outcomes for the community.

Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including but not limited to, those who buy affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people who wishing to commission or build their own homes).

Paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirements of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites, Local Planning Authorities should support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 70 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;
- c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;
- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
- e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

Paragraph 76 states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.

Paragraph 79 states that to maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:

- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;
- b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.
- c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.

Paragraph 123 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 124 states that planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be

used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. They should also allow mansard roof extensions on suitable properties where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building's construction, the extension should emulate it with respect to external appearance. A condition of simultaneous development should not be imposed on an application for multiple mansard extensions unless there is an exceptional justification.

Paragraph 128 states that planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed and beautiful, attractive and healthy places.

Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 135 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 136 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 203 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Gravesham Local Plan Core Strategy

Policy CS01 relates to Sustainable Development and states that planning applications that accord with the policies in the development plan for Gravesham will be approved without delay, unless material considerations indicate otherwise.

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in this Core Strategy. It will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy CS02 (LPCS) 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 at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of 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:

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

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

- Habitats sites
- Sites of Special Scientific Interest;

- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets; 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.

Policy CS11 relates to Transport and states that new developments should mitigate their impact on the highway and public transport networks as required. As appropriate, transport assessments and travel plans should be provided and implemented to ensure the delivery of travel choice and sustainable opportunities for travel. Transport assessment work is required to be undertaken in accordance with national and local policy guidance, and to identify detailed highway and public transport network requirements and management arising from the development.

Sufficient parking in new development will be provided in accordance with adopted parking standards which will reflect the availability of alternative means of transport and accessibility to services and facilities.

Policy CS12 relates to Green Infrastructure and states that there will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity Areas shown on the Strategic Green Infrastructure Network map and within new development.

Policy CS14 relates to Housing Type and Size and states that the Council will protect the mix of housing in the existing housing stock and will resist the conversion of family sized residential units to smaller properties.

The Council will expect new housing development to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

Policy CS15 relates to Housing Density and states that sites will be developed at a variety of densities, depending on their location and accessibility to public transport. The form and density of housing will vary across the larger sites, in response to accessibility and other characteristics of each part of the site. Variations in density across a site should be used to develop different character areas.

All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.

Policy CS19 relates to Design & Development Principles and states that new development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anticrime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through the criteria set out below:

- New development will encourage sustainable living and choice through a mix of compatible uses which are well connected to places that people want to use, Gravesham Local Plan Core Strategy Adopted

September 2014 including the public transport network, local services and community facilities; encourage sustainable travel; enhance Green Grid links and encourage healthier lifestyles;

- New development will be located, designed and constructed to:
 - safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land;
 - avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination; and
 - not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems;
- The design and layout of new residential development, including conversions, will accord with the adopted Residential Layout Guidelines;
- New development will be designed in an inclusive way to be accessible to all members of the community;
- New development will provide appropriate levels of private and public amenity space;
- New development will include details of appropriate hard and soft landscaping, public art, street furniture, lighting and signage and will ensure that public realm and open spaces are well planned, appropriately detailed and maintained so they endure;
- Car parking will be well related to the development it serves;
- New development will protect and, where opportunities arise, enhance biodiversity and the Borough's Green Infrastructure network. Support will be given to environmental enhancements where opportunities arise;
- New development will be fit for purpose and adaptable to allow changes to be made to meet the needs of users;
- The design and layout of new development will take advantage of opportunities to build in resilience to the effects of climate change. This will include protection against flood risk, where relevant, delivering carbon reduction, provision for low carbon and renewable energy, and minimising energy consumption and water use;
- New development will incorporate appropriate facilities for the storage and recycling of waste; and
- The layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism.

Policy CS20 relates to the historic environment and states that the Council will accord 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 through neglect, decay or other threats. Securing viable, sustainable and appropriate futures for such assets at risk will need to be reconciled with the sensitivity to change that many present.

Proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance of the Borough's heritage assets, their setting where it contributes to the significance of the asset and their interpretation and enjoyment, especially where these contribute to the distinct identity of the Borough.

These include:

- Gravesend Town Centre, its development as a heritage riverside town, and its setting;
- The Borough's urban and rural conservation areas; and
- Surviving built features and archaeology relating to the Borough's maritime, military, industrial and transport history.

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.

Windmill Hill Conservation Area Character Appraisal

The Conservation Area's boundary comprises the roads that skirt the base of the topographical landmark of Windmill Hill, including Leith Park Road, a section of Windmill Street and Clarence Place. The eastern boundary is formed by Parrock Road, connecting to the southern part of Parrock Street, and encompassing the streets around Christ Church Gardens.

Windmill Hill Conservation Area is a residential enclave of Gravesend, containing a variety of accommodation types. Dwellings range from the five storey houses of nos. 1-5 Constitution Crescent, to two storey paired villas on Clarence Place, and townhouses subdivided to form flats on Parrock Street.

Clarence Place contains public and religious buildings integrated into the wider residential streetscape. Gravesend Veterans Club lies on the south side of the street and the Gravesend Spiritualist Church occupies a former villa on the north side. Siri Guru Nanek Darbar Gurdwara has used the former Milton Congregational Church as a Sikh place of worship since 1968, but will vacate the building once a new temple has been completed on Khalsa Drive.

Many of the buildings within the Windmill Hill Conservation Area are set back from the pavement line behind front garden areas. This enhances the spacious character in wide streets such as Clarence Place. The common built form is of the paired villa, with interesting spaces created between, and glimpses through to rear gardens beyond; the overall impression is of harmonious groups of buildings, rather than an unbroken building line.

The buildings within the Conservation Area are predominantly residential. Two and three storey stucco houses, arranged as paired villas, and short terraces are particularly characteristic along Clarence Place, Primrose Terrace and Parrock Road, generously arranged within large garden plots. There are also a number of large detached villas, such as Echo Lodge. Tight-knit two storey brick terraces are to be found on South Hill Road, Christ Church Road and Christ Church Crescent. 20th century residential units have been erected as infill development on previously large garden areas.

A number of unlisted buildings have been identified as being buildings of townscape merit. Buildings identified as having 'townscape merit' will vary, but commonly they will be good examples of relatively unaltered historic buildings where their style, detailing and building materials provides the streetscape with interest and variety. Most importantly, they make a positive contribution to the special interest of the conservation area. Where a building has been heavily altered, and restoration would be impractical, they are excluded. Key unlisted buildings include:

- Nos. 1-27 Clarence Place, nos. 32-35 Clarence Place & nos. 37-38 Clarence Place.

Clarence Place is residential in character, with paired villas and stucco terraces grouped to form a continuous plot development on the north side of the street. The residential development on the south side of Clarence Place is more fragmentary and varied, with the greater density of buildings concentrated at the western end. With the exception of Nos. 1-4, which were formerly shops, all of the buildings in Clarence Place are set back from the pavement line, by varying degrees, behind front gardens and this contributes with the wide road to create a spacious appearance.

Windmill Hill Gardens form a principal feature of Clarence Place and make an important contribution to the open, 'green' character of the street. The gardens rise up the northern slope of the hill; the land becomes

increasingly steep as it rises toward the summit of the hill. A dwarf wall and cast iron railings separate the gardens from the street, and act as a visually transparent barrier between the spaces, permitting clear views across the formal gardens to the War Memorial and beyond to the summit of the hill. The War Memorial is an important landmark. The granite base is engraved with the names of those lost in the First World War, and it is surmounted by a bronze winged figure of Peace. It was unveiled by General Lord Home in 1922. These open views across the gardens to the hill play a significant role in establishing the special character of this Character Area. Only the lower part of the Windmill Hill Gardens has been included within this Character Area (the remainder is in Character Area 2b – Windmill Hill); the formal gardens surrounding the War Memorial and the adjacent tennis courts and bowling green have a direct visual correlation to Clarence Place, whereas the upper reaches of the garden are screened by a bank of trees and are of a less-cultivated character.

The principal features of the built form are:

- Urban character;
- Cohesive qualities of two or three storey buildings, dating from the 19th century;
- Two important listed buildings: no. 29 and nos. 30-31 Clarence Place;
- Buildings predominantly arranged as pairs of villas or short terraces, and set back from the pavement behind front gardens;
- Shallow pitched slate roofs on many of the houses;
- Roofs have similar ridge and eaves height, but there is variety in form, with some hipped, gabled and mansard roofs;
- Decorative ironwork on balconies and area railings.

Negative features/issues:

- Some unsympathetic modern infill at no. 36 Clarence Place, with garages and a forecourt of hardstanding;
- Loss of boundary walls and front garden areas to create off-road vehicle parking areas;
- Vacant building at no. 16 Clarence Place;
- Some poorly maintained buildings on Parrock Street;
- Partial loss of important brick boundary wall on William Street, to create off road parking areas for houses on north side of Clarence Place;
- Some graffiti.

PRE-APPLICATION ADVICE

PRE20240039

11th June 2024

"GBC Conservation Officer - Having reviewed the proposals the following comments are offered.

The site is located in the Windmill Hill Conservation Area on the southern side of Clarence Place. The side of Clarence Place is predominantly open space that contributes to the setting of Windmill Hill, the gardens and recreation grounds, which form the heart of the conservation area.

The site has large and mature trees and shrubs set in open lawns that make an important contribution to the conservation area by screening the flank wall of the adjacent villas and contributing to the park land setting of Windmill Hill Gardens and recreation grounds.

The adjacent two historic villas are formed in pairs of townhouses (semi-detached), whereas the proposal is for one half of a villa, which will appear incongruous.

The existing site makes a significant contribution to the open space that is associated with Windmill Hill conservation area and should not be developed.

Any proposals to build on the site will cause harm to the conservation area.

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

GBC Highways Officer – The Council's adopted vehicle parking standards are outdated and considered no longer relevant. The National Planning Policy Framework states;

"112. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists."

Kent County Council issued more recent guidance in the form of Interim Guidance Note 3 of the Kent Design Guide, but this still sets a maximum requirement for town centre and edge of centre locations.

However, the provision of any off-street parking will result in a reduction of on street parking to the detriment of existing residents, due to the need to create a carriage crossover and alterations to the existing Traffic Regulation Order which would have to be funded by the applicant. Also, any new parking will become dedicated to the parking for the new residents, and the net gain in car parking would be limited to one or perhaps two spaces at best and a maximum of three spaces would be achievable, assuming the front garden has a minimum depth of 5 metres (6 metres in front of any door to the property).

Looking at the TEMPRO (2011) figures for vehicle ownership there is the suggestion that some 46% of households in the town centre do not have access to a car. It is therefore considered doubtful that a refusal based on the lack of car parking would be successful at appeal, given the sites proximity to the town centre and its bus and railway stations.

I have no objections to the proposal, but the applicant will need to provide secure cycle parking at the rate of one cycle per flat.

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

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 proposed development for a net increase of '4' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

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

The proposed development, based on the information provided, is considered unlikely to cause any detrimental impacts on neighbouring amenity in terms of privacy, loss of light, outlook or sense of enclosure. However, there is no proposed block plan to show how the new building would relate to the adjoining four storey building, which could have some amenity issues. Therefore, it is not possible to conclude with certainty that the proposed four storey building would impact neighbouring amenity.

PLANNING POLICY CONSIDERATIONS

Five Year Housing Land Supply

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated, "It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). 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 paragraph 187) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72);
- 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 128(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of four residential units would offer a contribution towards meeting this local need and, accordingly, we consider that this should be accorded appropriate weight in support of the proposals.

Principle

A fundamental planning theme in Government Planning Policy in the National Planning Policy Framework (NPPF) is achieving sustainable development and Paragraph 8, advises that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The economic objective is to build a strong, responsive and competitive economy. The social objective is to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The environmental objective is to contribute to protecting and enhancing our natural, built and historic environment.

Policy CS01 (Sustainable Development) of the Gravesham Local Plan Core Strategy sets out that support will be given to proposals that accord with the development plan. A positive approach to new development will be taken that reflects the presumption in favour of sustainable development set out in the NPPF and the Local Plan Core Strategy.

The application site is not specifically allocated for residential development or any other forms of development as such in the adopted development plan being within an urban area. Therefore, development proposals would need to be judged against the general policies of the development plan.

Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development.

The development as proposed would conform to national planning policy and local plan policy as sustainable development and clearly involves the reuse of underused land. It is within a highly sustainable location, and it is within reasonable walking distance of the town centre and the Gravesend main line railway station and close to bus stops and local shops.

In respect of housing delivery 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 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:

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- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets, and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will 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.

Effectively the Government expects developments to make optimal use of the potential of each site where there is an existing shortage of land for meeting identified housing needs.

The residential development of the site also supports the Governments greater emphasis on delivering and prioritising housing land as set out in the current version of the NPPF.

The redevelopment of sites within the urban area to higher densities appropriate to context 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 environmental and Green Belt policies. This would be in conformity with the NPPF. In terms of plan making, the starting point for determining the minimum need for housing in Gravesham is the Government's 'Standard Method'. This suggests a minimum housing need of around 10,500 units through to 2036

Therefore, the development of the site for 4 units would offer a very modest contribution towards meeting this local need and, accordingly, weighs in support of the development as proposed.

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

Density

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. The area is within a mixed area and there are nearby some flatted schemes, as well as family type housing.

Policy CS15 (Housing Density) of the Gravesham Local Plan Core Strategy 2014 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 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 the density of the development would only be circa 133 dwellings per hectare thus in excess of the target minimum density.

This level of density is consistent with the prevailing character of the area, which has witnessed traditional family housing converted into flats. Certainly, the row of housing in which the proposed development would sit, follows the same pattern, layout and indeed density.

National planning policy seeks to achieve an economic use of potential development sites. It is a difficult balance but overall, it is considered that the current scheme, having regard to all the constraints in relation to site boundaries and relationships with adjacent development, represents a number of units that should be supported for this site.

Affordable Housing

Policy CS16 (Affordable Housing) of the Gravesham Local Plan Core Strategy states that the Brough Council will seek 30% provision of affordable housing for schemes of 15 dwellings or more.

In this case the scheme falls well under the threshold for the provision of affordable housing.

Design, Layout and Character & Appearance of the Area

The design and built form of the proposals need to be considered against the Council's 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.

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.

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.

The proposals have been designed to respect its context and location, noting that the adjacent buildings provide a clear design approach.

The proposals seek to add a further four storey structure, alongside and adjoining the row of four properties which have been converted to flats.

The building is therefore read in the context of its neighbours and would not appear out of place when built.

Amenity of Future Residents

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020).

Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

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

The proposals have been considered against the adopted standards, and were amended following pre-application advice. The proposals are now fully compliant with the necessary space standards in terms of both unit sizes, but also the individual rooms.

Amenity of Existing Residents

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. It is also important to assess the quality of any residential environments that are proposed as part of the scheme. Policies seeking to protect amenity and ensure acceptable future living conditions are included in the Local Plan Core Strategy.

The NPPF also assists and seeks to ensure developments will function well, do not undermine the quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings".

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 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 proposed development is considered unlikely to cause any detrimental impacts on neighbouring amenity in terms of privacy, loss of light, outlook or sense of enclosure.

Highways

The proposed development needs to be considered against Policy CS11 (LPCS) 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 is also reflected by Saved Policy T1 (LPFR) which requires proposed development to be

adequately served by the highway network and Saved Policy P3 (LPFR) which sets out highways parking standards for development.

At a national level the NPPF (2023) states at paragraph 109, significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF (2023) goes on to state development should only be prevented or refused on transport grounds where the cumulative impact of development is severe.

The proposal makes no provision for off- street parking, but given its Town Centre location and its proximity to shops and the public transport modes it is considered that this is satisfactory for such a sustainable location and that no further provision is required.

The proposals, however, do make allowance for a safe and secure cycle storage for each dwelling.

Biodiversity & Trees

Section 15 of the NPPF (2023) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural England Commission Rural Communities (NERC) Act (2006) and the Environmental Act (2021).

Policy CS12 (LPCS) indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.

The Thames Estuary and Marshes Special Protection Area (SPA) is 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 Local Planning Authority 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 additional dwelling). This approach is approved by Natural England for all new residential developments. For every planning application for a new dwelling (including new flats), the tariff contributions are secured through a Section 106 legal agreement or unilateral undertaking or if there are no other financial contributions this is secured through a contribution agreement. Where a developer is unwilling to make the SAMMS payment, sufficient evidence is required to be supplied by the applicant to enable the Council to undertake an Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.

The tariff has previously been accepted effectively in lieu of an Appropriate Assessment (AA). However, in a recent Court of Justice European Union (CJEU) ruling this approach was not considered to be valid, as the CJEU considered the first stage to 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. In this respect, the CJEU judgement made 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 Appropriate Assessment and that mitigation measures cannot be taken into account at the screening stage.

There are two components to consider here.

The first being the expected request for a financial contribution. The applicant has no objection to this request, which is considered the norm in such circumstances.

The second being the removal of some trees. The trees fronting Clarence Place do provide some character to the area, but are not as significant as other fronting Clarence Place which are of greater scale and quality.

This is certainly the case for other trees within the grounds of the Veterans Club and trees within the grounds of the open space further to the west.

The proposals, however, provide the ability to include suitable mitigation and replacement planting. This would reflect the character of Rouge Lane, which is heavily treed.

The replacement also always for suitable Biodiversity Net Gain, as required at the national level.

The scheme would therefore be suitable when judged against national and local plan policy.

Conservation / Heritage Statement

Policy

The site is located in the Windmill Hill Conservation Area on the southern side of Clarence Place.

The Windmill Hill Conservation Area lies to the south of the historic centre of Gravesend.

The character of the Conservation Area is of a residential suburb, containing a large number of buildings of architectural and historic interest. The buildings are relatively unaltered and generally in a good state of repair. The topography has shaped the street pattern, with narrow lanes meandering up the steep slopes of the hill and buildings arranged to take full effect of attractive views.

The two typical forms of buildings are paired villas and terraces, many of which are set back from the pavement line behind front gardens.

Windmill Hill Conservation Area is a residential enclave of Gravesend, containing a variety of accommodation types. Dwellings range from the five storey houses of nos. 1-5 Constitution Crescent, to two storey paired villas on Clarence Place, and townhouses subdivided to form flats on Parrock Street.

Clarence Place contains public and religious buildings integrated into the wider residential streetscape. Gravesend Veterans Club lies on the south side of the street and the Gravesend Spiritualist Church occupies a former villa on the north side. Siri Guru Nanek Darbar Gurdwara has used the former Milton Congregational Church as a Sikh place of worship since 1968, but will vacate the building once a new temple has been completed on Khalsa Drive.

Paragraph 200 of the NPPF 2023 states:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

NPPF paragraph 203 states:

“In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

NPPF paragraph 208 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Policy CS20 relates to the historic environment and states that the Council will accord 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 through neglect, decay or other threats. Securing viable, sustainable and appropriate futures for such assets at risk will need to be reconciled with the sensitivity to change that many present.

Proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance of the Borough’s heritage assets, their setting where it contributes to the significance of the asset and their interpretation and enjoyment, especially where these contribute to the distinct identity of the Borough.

These include:

- Gravesend Town Centre, its development as a heritage riverside town, and its setting;
- The Borough’s urban and rural conservation areas; and
- Surviving built features and archaeology relating to the Borough’s maritime, military, industrial and transport history.

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.

PPG elaborates upon the Framework and was initially introduced in 2014. It has been updated to reflect the subsequent updated versions of the Framework. The following sections of PPG are relevant to this proposal.

PPG expands on the issue of the conservation of heritage assets. Conservation is an active process of managing change, requiring a flexible and thoughtful approach to get the best out of heritage assets. Part of

the public value of heritage assets is the contribution that they can make to our understanding and interpretation of our past.

Consequently, where complete or partial loss of an asset is justified, the aim would be to capture and record the evidence of the significance which is to be lost, to interpret its contribution to the understanding of our past and to make that information publicly available (paragraph ID 18a-002-20190723).

PPG advises that 'significance' (as defined in the glossary of the Framework) is important in decision taking. An assessment must be made in respect of the nature, extent and importance of the significance of the heritage asset, and the contribution of its setting in understanding the potential impact and acceptability of development proposals (paragraph ID 18a-007-20190723). Setting of a heritage asset is defined in the glossary of the Framework as follows: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

In order to assess the significance of a heritage asset it is important to consider both the heritage asset's physical presence as well as its setting. Whether a proposal causes substantial harm will be a judgment for the decision taker. Substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting (paragraph ID: 18a-018-20190723).

An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (paragraphs 199 and 200 of the Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 201 of the Framework.

However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole (paragraph ID: 18a-019-20190723).

In order to avoid or minimise the harm to the significance of a heritage asset a clear understanding of that significance and its setting is necessary (paragraph ID: 18a-008- 20190723).

As per the Framework in paragraph 202, public benefits should be used to justify the proposal where it is likely to lead to less than substantial harm to the significance of a heritage asset. The PPG advises that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits, such as: (i) sustaining or enhancing the significance of a heritage asset and the contribution of its setting; (ii) reducing or removing risks to a heritage asset; (iii) securing the optimum viable use of a heritage asset in support of its long term conservation (paragraph ID: 18a-020-20190723).

Context

The land in question comprises an area of informal open space, send behind a collection of self-seeded trees. The trees carry little significance, as does the open nature of the land.

In conservation terms, the contribution the land makes to the Conservation Area is limited at best.

Impact on Significance

Significance is defined in the NPPF as “the value of a heritage asset to this and future generations because of its heritage interest”. Significance is also defined as the sum of all heritage values including evidential, historical, aesthetic and communal.

Evidential value is the potential of a place to yield evidence about past human activity. Historical value is the way in which a site can illustrate aspects of history and people’s lives. Aesthetic value is the way in which a place can give sensory or intellectual stimulation. Communal value is the value of the asset to the local community over time.

Given that the site delivers little benefit to the Conservation Area, it’s redevelopment will equally have only a limited impact on its significance.

Potential Impact

Noting that the site is open, erecting a building on the land would result in some harm. But the level of harm to be attributed to the proposals is considered to be a limited end of the scale

Redeveloping the site to create an appropriately designed building comprising of 4no. flats, would make a valuable contribution to housing delivery.

Furthermore, ongoing good stewardship of the building and associated garden land will benefit the setting and therefore the significance of the heritage assets close to the application site.

Therefore, even if a conclusion is reached that there is limited harm to the Conservation Area, the clear public benefit of assisting in housing delivery would outweigh this harm.

Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise, such as a Government Policy or emerging Local Policy.

This Planning and Heritage Statement, along with submitted plans have sought to demonstrate that these revised proposals now comply with all relevant provisions of the adopted local development plan as well as the relevant provisions of the NPPF.

Notwithstanding this, Gravesham Borough Council’s acknowledged lack of a 5-year housing land supply engages the NPPF’s presumption in favour of sustainable development and means that the most important local development plan policies in this instance are technically out-of-date.

In such circumstances the NPPF dictates that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The application of policies in the Framework that protect areas or assets of particular importance would not provide a clear reason for refusing the development proposed in this instance.

As such, full planning permission should be granted accordingly.

SUMMARY

This Planning & Heritage Statement forms part of an application for the erection of 4no. flats on Clarence Place, Gravesend.

It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 (LPCS) must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF (2021).

The proposed development for a net increase of 4no. dwelling units (in this case 4 houses) would offer a contribution towards meeting this local need and delivery and, accordingly, adds some weight in support of the application.

However, notwithstanding this a balanced approach has to be taken and it is considered that any adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and established local policy taken as a whole.

In this case, it is considered that the balance is tilted towards approval.