



Delegated Report

Planning Application

Planning Application No: 20240843

Location: Former Deneholm Surgery Hunt Road Northfleet Gravesend

Description: Erection of a second floor extension to provide a new 2 bed flat.

Applicant: Mr Martin Foster

Site Visit Date: 25th October 2024

Submitted Documents/Plans

Application Form

2023/31/01 – Existing Site Location and Block Plan

2023/31/02 – Existing Ground Floor Plan

2023/31/03 – Existing First Floor Plan

2023/31/04 – Existing Elevations (Front and Side)

2023/31/05 – Existing Elevations (Rear and Sectional Side)

2023/31/10 – Proposed Site Location and Block Plan

2023/31/11 – Proposed Ground Floor Plan

2023/31/12 – Proposed First Floor Plan

2023/31/13 – Proposed Second Floor Plan

2023/31/14 – Proposed Elevations (Front)

2023/31/15 – Proposed Elevations (Side)

2023/31/16 – Proposed Elevations (Rear)

2023/31/17 – Proposed Elevations (Sectional Side)

Design and Access Statement

Relevant Planning History

Reference	Description	Decision	Decision Date
20170966	Conversion of first floor to form 1no. two bedroom self-contained flat and 1no. one bedroom self-contained flat.	Permitted	19.01.2018
20120523	**REVISED PLANS/AMENDED DESCRIPTION** Conversion of doctor's surgery into three self contained flats comprising two, two bedroom flats on the ground floor and one, three bedroom flat on the first floor, including construction of entrance from Dene Holm Road across amenity space and balcony at first floor level to Dene Holm Road elevation.	Permitted	23.10.2012
20010175	Erection of two storey rear extension to form enlarged lounge and kitchen at ground floor level with two bedrooms and an en-suite bathroom/wc over.	Permitted	15.05.2001
19890619	AMENDED APPLICATION Erection of part two storey and part single storey detached building to form replacement doctor's surgery and the formation of 9no. car parking	Permitted	15.03.1990

	spaces at the rear.		
--	---------------------	--	--

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact on the Highway Network

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 5 – Delivering a sufficient supply of homes
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-Designed and Beautiful Places

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Environmental Protection

Whilst there is no objection to this application, it is noted that there are some inconsistencies in stacking arrangement of the rooms in the existing 1st floor flat and the proposed flat on the 2nd floor above. For example, the kitchen/living area of the proposed flat is over bedroom 1 of the flat below and bedroom 1 of the proposed flat is over the kitchen/living area of the flat below. Kitchen and living rooms are inherently

noisier than bedrooms, particularly if being used late at night. In this respect, it is advised that the sound insulation of the partition between the 2 floors is enhanced above that required by Building Regulations in order to avoid noise problems at a later date.

GBC Housing

No comments received.

GBC Waste and Refuse

No comments received.

KCC Highways

Received on 25th September 2024:

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

KCC Biodiversity

Received on 22nd October 2024:

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

The proposal will directly impact a building and it's not clear from the information submitted with the planning application or available to us if the building supports suitable features that could be used by roosting bats.

To establish the potential for protected species presence, that must be taken account of in the planning decision, in the first instance, high quality, labelled, photographs of all aspects of the building, and the construction zone should be requested. These can then be reviewed by Kent County Council Ecological Advice Service (KCC EAS). These photographs may satisfy KCC EAS that no ecological surveys are necessary at the site. However, where photographs are inconclusive, or indicate possible features suitable for protected species, a simple Ecological Impact Assessment (EclA) may need to be undertaken by a suitably qualified ecologist¹, in accordance with good practice guidelines. Any EclA would need to include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Roost Assessment (PRA)
- Details of any required roost undertaken following the PEA;
- Details of any appropriate and achievable ecological mitigation measures;
- Identification of any residual ecological effects after avoidance and mitigation measures have been considered, and any compensation measures required to offset residual effects;
- Details of ecological enhancement measures; and
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

The above is in line with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/20052 which states "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".

The above is also in line with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraphs 180 and 186 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. Enhancement refers to providing net benefits for biodiversity over and above

requirements for avoidance, mitigation and compensation.

Neighbouring properties

9no. surrounding properties were consulted and 1 comment, objecting to the scheme was received. The final date to submit comments ended on 11.10.2024.

Summary of objection:

- Three storey buildings are uncharacteristic of this area.
- Further creation of flats but no increase in parking provision.
- Raising the roof would impact neighbouring properties.
- The extra floor will impact light to neighbouring properties.

Officer's Analysis

Proposal

The application site formerly, was Denholm Road Surgery. It was converted into 3 flats (2 on the ground floor and one on the first floor) following planning consent in 2012. Further planning consent was granted to change the single flat on first floor to 2 flats in 2018. As it exists there are 2no. 2-bedroom flats on the ground floor and 2no. flats on the first floor (1no. 2 bed and 1no. 1 bed). This application seeks to part extend the 2 storey building upwards, to create an additional, 2 bedroom flat. There would be no increase in parking provision, with the only change being a redistribution of the allocated spaces on site.

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the 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;
- sites 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; and
- 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 NPPF 2023 (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

In this case, the proposed development would result in the increase of 1 residential unit which would result in a minor reduction towards meeting this local need and, accordingly, officers consider that this should be accorded appropriate weight in the consideration 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 a high standard of amenity for existing and future occupiers.

Principle of Development

This site is in the Urban Boundary as defined by the Policies Map of the Core Strategy Document (2014). Paragraph 4.2.4 (Table 2: Settlement Hierarchy) of the Local Plan Core Strategy (2014), identifies Northfleet as a First Tier Settlement. Paragraph 4.2.5 states that these areas are the most sustainable parts of the borough.

This application is located inside the Urban Boundary, where alterations and extensions to residential buildings are generally acceptable in principle as per Policy CS02: Scale and Distribution of Development.

However, all other relevant matters should be considered. In this instance, the main points to consider would be the potential impact on; Visual Amenity (Design, Character and Appearance), Amenity of Future Occupiers, Residential Amenity of neighbours, Biodiversity and Waste and Refuse.

Design, Character and Appearance

Policy CS14 (LPCS) states that new housing development will be expected to provide a range of dwelling types and sizes taking into account the existing character of the area and to create sustainable and balanced communities. Policy CS15 (LPCS) states that sites will be developed at a variety of densities depending on the site's location and accessibility to public transport. Furthermore, development needs to be delivered at a density that achieves good design and does not compromise the character of the area. 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 NPPF (2023) sets out that the creation of high quality, beautiful and sustainable 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.

This proposal is for the erection of a second-floor extension to provide a new 2 bed flat. The existing and proposed elevations are shown below for context (Not to Scale):

Existing	Proposed
 Front Elevation to Hunt Road	 Front Elevation to Hunt Road
 Rear Elevation to Car Park Area	 Rear Elevation to Car Park Area
 Side Elevation facing Dene Holm Road	 Side Elevation facing Dene Holm Road

It is important to note that in this case that the external footprint of the building will not change, it is the height, bulk and massing which is increasing.

Density
Design Principle 5.12 focusses on Density.

Design principle 5.12

Density

- a. Applicants **must** follow a design-led approach to achieve an appropriate density of development for the site.
- b. Applicants **must** justify the proposed density through a contextual assessment of density within the Design and Access Statement. The study area used for the assessment **must** be clearly indicated.
- c. Development in the rural area **must** deliver at least 30 dph and development in the urban area deliver a minimum density of 40 dph.

Policy CS15 relates to housing density and requires a minimum density of 40 dwellings per hectare in the urban area.

The site area is 536.4m². The proposed additional flat would result in a total of 5 residential units on this plot. This would be a total of 93.21 dwellings per hectare. This would be over three times the minimum requirement of 30dph. This is indicative of the cramped and overdeveloped nature of the application which would result in an inappropriate densification of the plot.

Design

Design Principle 5.9 of the Design for Gravesham – Design Code (2024) focusses on pattern, grain and scale. And Design Principle 5.13 focusses on building lines.

Design principle 5.9

Pattern, grain and scale

- a. New development **must** respond sensitively to the prevailing pattern and intervals of existing development to reflect the grain of the existing character area where the building (or larger development) is placed.
- b. A coarse development pattern with large monolithic buildings or uniform development frontages **must** be avoided.

Design principle 5.13

Building lines

- a. The majority of the primary frontage of a new building **must** follow the existing building line on the street. It is acceptable for architectural features such as porches, bays, balconies or limited and short protrusions to protrude beyond the building line.
- b. Garages, side extensions and outbuildings **must** be set back from the building line.

Design Principle 5.10 relates to height.

Design principle 5.10

Height

- a. Where a development proposes variations in height, that is not consistent with the existing context, applicants **must** assess and evidence the height of existing buildings in the immediate vicinity and the local context (prevailing height). This evidence **must** be used to inform the development proposal and to demonstrate its impact on the local surroundings and the skyline.
- b. For small scale infill development where the height of existing buildings along the street is consistent or of minimal variation, new developments **must not** exceed the existing building height level of the adjacent plots along the street.
- c. Development **must not** overshadow or compromise the quality of neighbouring buildings.

This building is currently a two storey building which is in keeping with the surrounding area, regardless of the land levels which are explored further into the report. The surrounding area is predominantly residential, consisting of two storey single family dwellings, with the exception of the purpose built care home to the rear. Although the building was previously used as a doctors surgery, any extensions/alterations have been sensitive to the residential setting, and not significantly exceeding the heights of surrounding properties. A three storey building in this location, raises cause for concern, especially given it's prominent corner location.

When the combine the above concerns with the topography of the site, it creates further issues. Due to the land levels to rear declining, and the building being elevated on the corner above the higher, it already has an dominating feel, even at two stories. The proposal would result in increased height to three storey, retaining the single storey element to the rear section of the building and two storey element to the front section.

The below images were taken during the site visit on 25th October 2024;





As can be seen, the building is located on higher ground level than the highway, and is located on a corner, giving it greater prominence. The rear of the site appears taller than two storeys from the rear and given its extensive depth to the rear, appears taller than its adjoining neighbours from the rear. The properties within the streetscene have minimal variation in height, and are all two-storey in height. Whilst a Design and

Access Statement is provided, this is limited and provides no design justification for the excessive increased height. The Design and Access Statement is limited in its entirety and provides very little information specifically on how the local context and buildings were considered in the strategy for designing this scheme.

Overall, in terms of design, the proposed increased floor level would result in a building, which would appear to be significantly large, in a prominent location raised to the front, on the corner and with a significant appearance in height from the rear given the existing falling ground levels. The building also has significant depth and visibility along Dene Hold Road and the increase height would result in an overbearing, incongruent level of bulk. The three-storey building would be out of character with the existing height of the area, with significant prominence and visibility, resulting in harm to the street-scene and the density of the residential units would be excessively overwhelming for this small plot.

On balance, the proposed development would **NOT** comply with the requirements of Policy CS19 and of the Core Strategy 2014 and Section 12 of the NPPF (2023), in terms of design, character and appearance and impact on the Conservation Area.

Amenity of Future Occupiers

Internal Space Standards

The NPPF (2023) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land. The impact on neighbours will be assessed in the next section of the report.

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen/Diner	25.2 (Including Living Room)	12
Living Room	25.2 (Including Kitchen/Diner)	13.2
Double Bedrooms	17.5 13	6.5
WC and Bathrooms	4 3.3 (Ensuite)	3.5

The minimum space required for a kitchen/Diner and Living room combined would be 25.2 m² which would be met by the proposed scheme. The ensuite would be under the required size for the bedroom but as the shared bathroom would meet the required size, there would be adequate bathroom facilities available.

External Space Standards

At paragraph 31, amenity space requirements for flats area addressed as follows:

For communal flats, a communal garden area equivalent to a minimum of 10 sq. metres shall be provided for amenity space.

For self-contained units (not necessarily communal) which have two or more bedrooms and are capable of providing family accommodation, an area of amenity space in excess of 10 sq. metres will be expected. Such amenity space shall be of sufficient size to accommodate the following activities :

- children's play space;
- drying area;
- limited outside storage;
- sitting out;
- general leisure use.

In this case there appears to be a small communal external area of 21m² to the south side of the building. It

does appear to have limited natural light due to its location besides the built form from the neighbouring property and is not considered to be a high quality outdoor amenity space. However, it is noted that this outdoor space is existing and utilised by the existing 4no. units on the site currently and this scheme would simply add another user and would not change the scale, position or layout of the external amenity space. There may also be a case to justify the limitation of the external amenity spaces, if it can be shown that adequate communal facilities are available in the area.

Noise

The Environmental Protection Team have commented but have not objected to the scheme. They have advised that implementation of sound insulation of the partition between the 2 floors is enhanced above that required by Building Regulations should be installed, in order to avoid noise problems at a later date. This is due to the stacking arrangement between the existing first floor flats and the proposed second floor flat. An alternative layout may also resolve this issue and if the application were to be supported, a revision to address this would have been sought.

Amenity Summary

Overall, the internal amenity space standards have been met and the proposed scheme would provide appropriately scaled external space standards for future occupiers. While there is a concern in terms of noise, this could have been resolved through negotiations were the application to be supported. It is not considered a reason to refuse the application, although would need to be addressed if any future proposal was submitted.

On balance, the scheme would be compliant with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 which states that new development shall be designed and constructed to safeguard the amenity of its occupants and paragraph 130 of the National Planning Policy Framework (2023) and SPG2 Residential Layout Guidelines (2020).

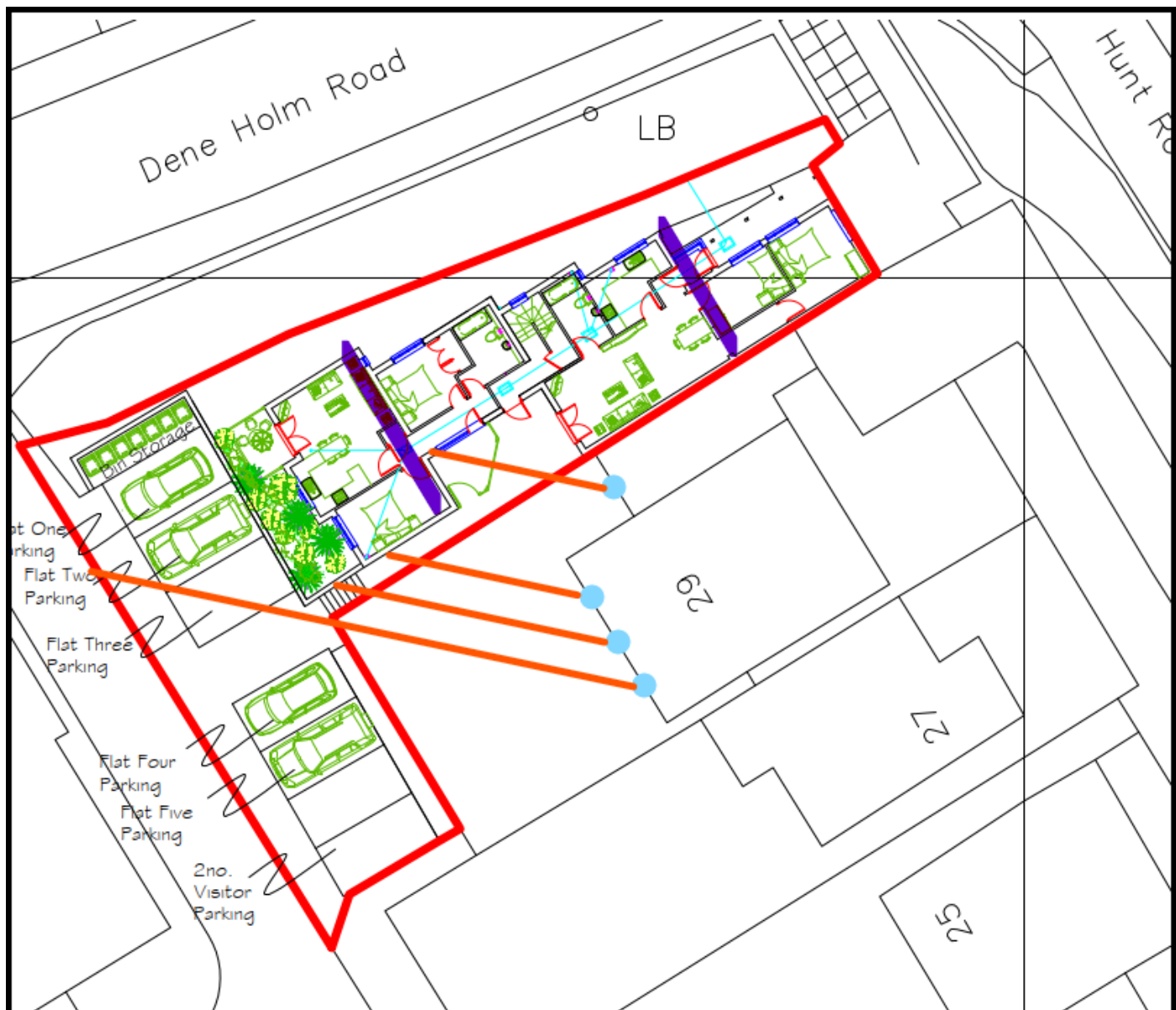
Neighbouring Amenity

There is 1 residential property which may be impacted by the development. This is 29 Hunt Road, which is the adjoining dwellinghouse, located to the south of the site. The proposed development would result in increased roof height and so consideration to the impact of that on the neighbouring property in terms of potential overshadowing, and overbearing bulk, needs to be taken into account. There are no increased openings to the south side of the property and so no increased overlooking would result from this proposed scheme.

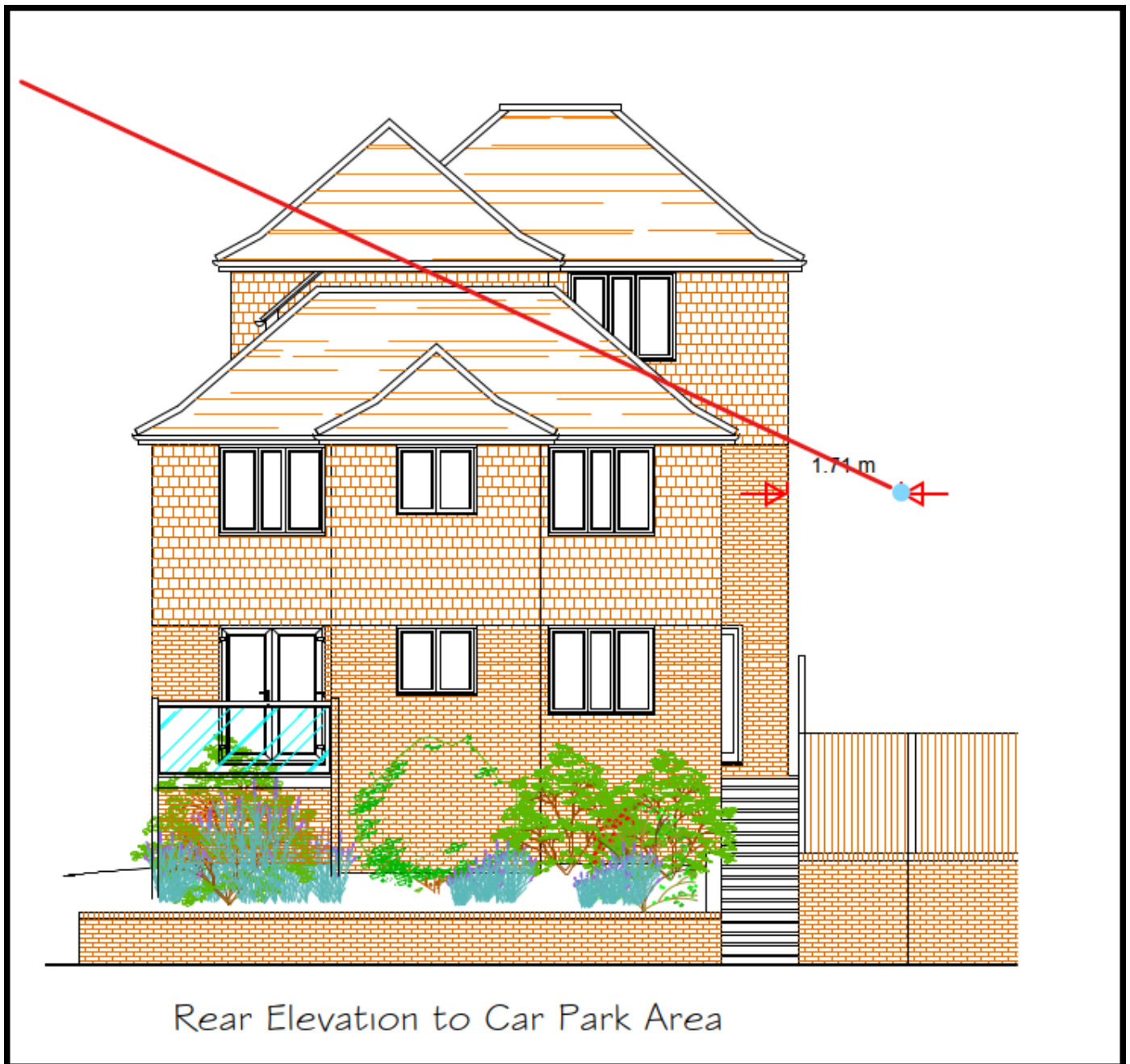
The proposed elevations do not show the neighbouring property. There appears to be no north side facing openings on this neighbouring property. However, the depth of the subject property is significantly greater than this neighbour's property and there are rear facing openings which could be overshadowed as a result.

A 45 degree test should be applied in such instances, to assess potential impact.

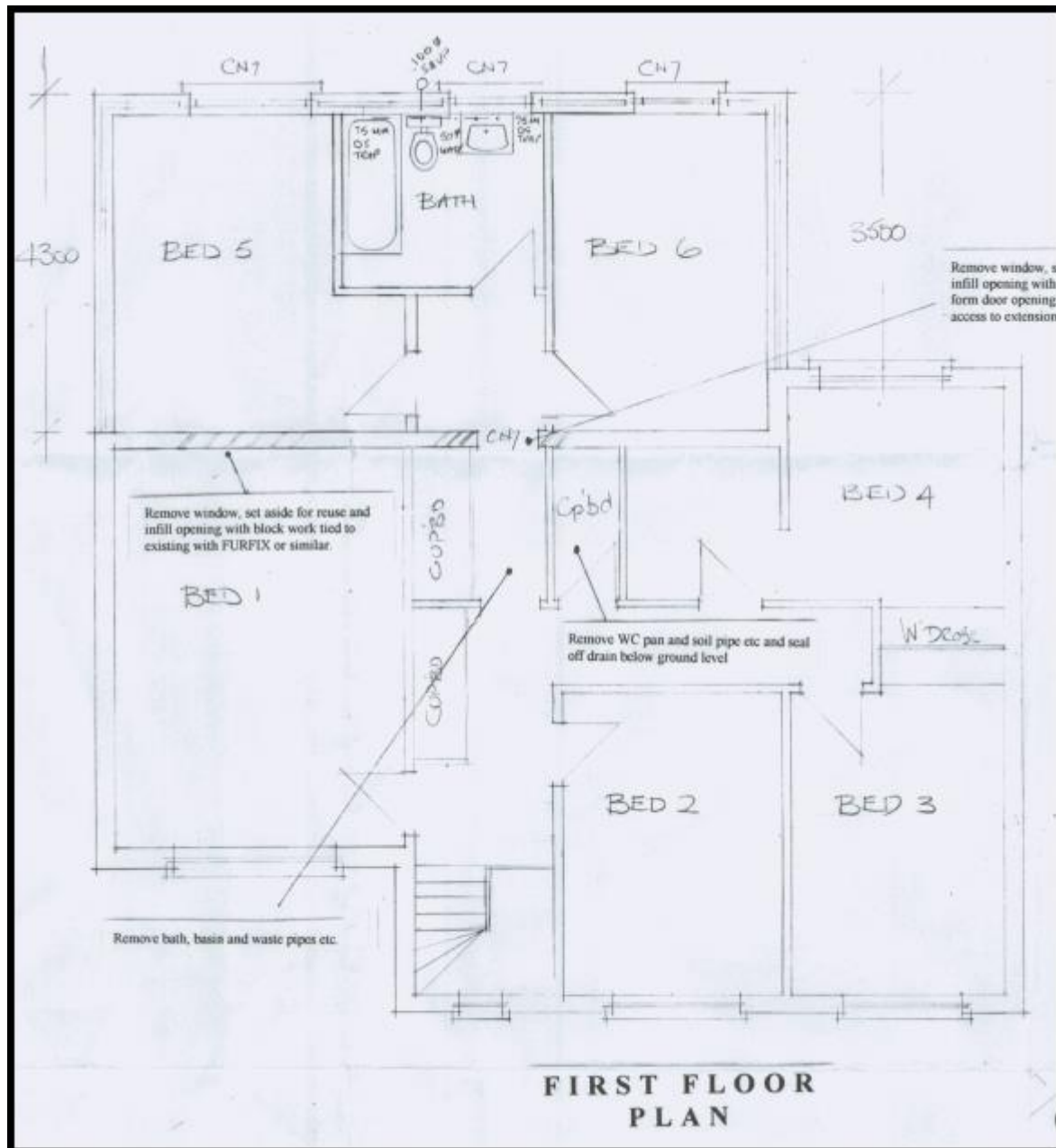
The below diagram shows, the 45 degree test measured using the proposed block plan (Not to Scale). The added purple lines indicated the area's between these lines which would have increased build height. The blue dots and orange lines indicate the position of neighbouring window and the 45 degree measurement from this window, which show potential overshadowing. As can be seen, the window closest to this neighbour may be impacted by raised roof levels, but the remaining rear facing windows would not.



A 25 Degree test, using elevations can be used to show impact on this window. This is shown below (Not to Scale). As it shows, this window would be overshadowed by the increased height proposed.



The plans approved for extensions at this neighbouring property under planning reference 20010175, shows that this window serves a bedroom (Bed 4) as per the image below (Not to Scale).



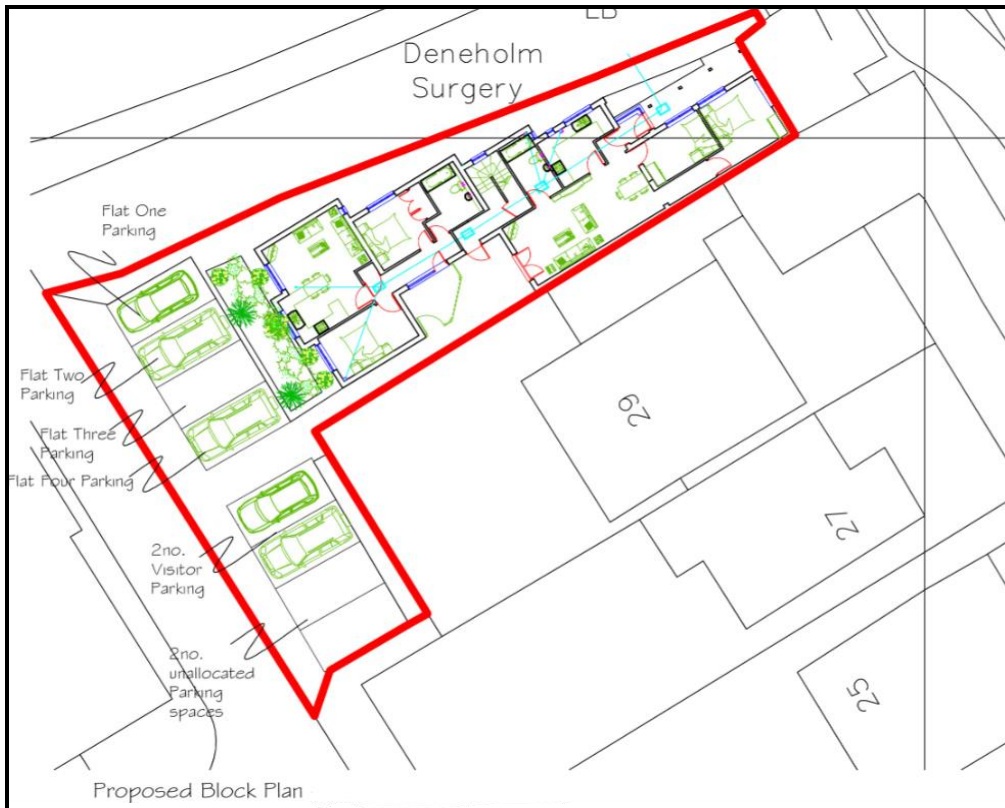
The proposed development would therefore result in significant overshadowing to the neighbouring properties habitable room.

The increased bulk and massing of the proposed development would also result in the neighbour feeling hemmed in, resulting in an unneighbourly form of development.

The proposal is therefore considered **NOT** to safeguard the amenity of neighbouring property 29 Hunt Road, in contradiction with policy CS19 of the Core Strategy 2014 due to resultant overshadowing of neighbouring window which serves a habitable room, as well as a strong sense of enclosure.

Parking and Highways

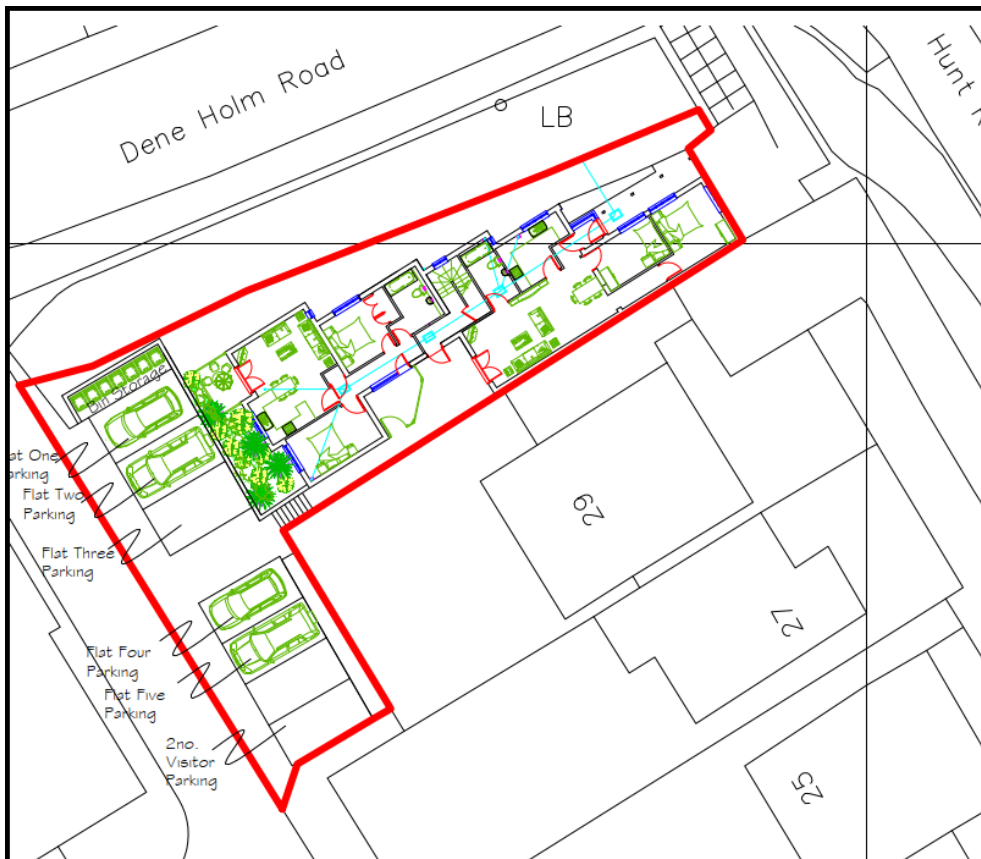
Required parking provision would be dependent on the number of units and the number of bedrooms in each unit, at the site. As it exists, there are 3no. 2-bedroom flats and 1no. 1 bedroom flat at the property. This has a requirement of 7 spaces. It is noted that planning approval 20170966 approved 8 parking spaces, but only 7 have been installed, as shown on the existing plans provided with this application.



Approved Block Plan – 20170966



Existing Block Plan



Proposed Block Plan

The KCC Parking Standards as applied, would require a minimum of 7 parking spaces for the existing properties. The addition of the 2 bedroom flat as proposed would increase the on site parking requirements to 9 spaces. No changes in the existing parking numbers are proposed and so only 7 spaces would be available on site. No cycle parking storage is proposed. No justification has been provided for a reduced level of required parking provision on this site.

The parking requirement per flat is detailed as follows:

Ground Floor Existing

- 2 bedroom flat (2 parking spaces required)
- 2 bedroom flat (2 parking spaces required)

First Floor Existing

- 2 bedroom flat (2 parking spaces required)
- 1 bedroom flat (1 parking spaces required)

Second Floor Proposed

- 2 bedroom flat (2 parking spaces required)

Adequate vehicle and cycle parking provision would therefore **NOT** be available in compliance with paragraphs 114 to 117 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Local Plan Core Strategy 2014.

KCC Biodiversity

Biodiversity Net Gain

Under the Environment Act 2021 and supporting Statutory Instruments Biodiversity Net Gain (BNG) is now

mandatory for most development. The legislation requires a minimum 10% gain in biodiversity from applicable development either onsite, offsite or a combination of both.

BNG provided under the mandatory requirements offsite and significant BNG onsite must be secured by a legal agreement for 30 years under an approved Habitat Management and Monitoring Plan (HMMP)

There are strict legal requirements in terms of what an application must contain in relation to BNG before it can be accepted as valid. This is set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and requires the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application and other information.

However, certain applications are exempt from the BNG regulations (the Biodiversity Gain Requirements Exemptions) Regulations 2024) including householder applications and include:

- Householder development as defined within article 2(1) of the Town and Country Planning Development Management Procedure) (England) Order 2015.
- Development granted planning permission by a development order under section 59. This includes permitted development rights.
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- Self-build and custom build development - development which:
 - consists of no more than 9 dwellings, and
 - is carried out on a site which has an area no larger than 0.5 hectares, and
 - consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

In this instance, the application form indicates that the application is subject to the de minimis exemption and therefore exempt from the requirement for 10% Biodiversity Net Gain. As such no Biodiversity information has been submitted with the application, nor a completed BNG Metric.

Biodiversity Mitigation

Thames Estuary and Marshes Ramsar Site and Special Protection Area (SPA) –

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £328.27 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £328.27 per dwelling by filling in the Strategic Access Management and

Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has **NOT** completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue. Given the other issues outstanding on the site, payment has not been sought as it would likely not be conducive to a favourable outcome in this instance.

Protected Species –

The documents provided with the application do not include sufficient information to determine whether an Ecological Impact Assessment or a Bat Survey is required. As such, it is not possible to make a determination as to the impacts of the proposal on Ecology and Biodiversity. The proposal is contrary to Section 16 of the Nation Planning Policy Framework (2024).

Therefore, the development would **NOT** comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 185 and 186) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Waste and Refuse

Details of bin storage location have been provided. Therefore, if approved, details relating to scale and appearance of the bin storage would be reserved by condition.

Conclusion

The proposed development represents overdevelopment of the site by virtue of its increase in scale, excessive height, density and design, and would also result in significant harm to the character of this area, and due to its increased scale on this prominent modestly sized, elevated corner site. The development is therefore considered to be harmful to the character of the area and would as a result fail to comply with the requirements of Policy CS19 of the Core Strategy 2014, and Section 12 of the NPPF (2023), in terms of design, character and appearance.

By virtue of the excessive height, poor location and design the proposal would result in harm to the living environments of the neighbouring property. Windows to neighbouring habitable rooms would be significantly overshadowed as well as sense of enclosure due to the increased bulk and massing. The proposal would therefore fail to provide a high standard of amenity for neighbouring sites which conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 131 and 135 of the National Planning Policy Framework 2023.

The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 188) of the National Planning Policy Framework (2023) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

The proposal fails to provide adequate vehicle and cycle parking provision on site. Therefore the development fails to comply with the requirements of paragraphs 114 to 117 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014.

Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Ecological Impact. The documents provided with the application do not include an Ecological Impact Assessment or a Bat Survey. As such, it is not possible to make a determination as to the impacts of the proposal on ecology and biodiversity. The proposal is contrary to Section 16 of the Nation Planning Policy Framework (2024).

Recommendation

For the above reasons, the recommendation is to refuse this application.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	7th November 2024	Dated:	12 November 2024