
SUMMARY REPORT

Application Ref:	20241010
Site Address:	Garage Block Arthur Street Gravesend Kent
Application Description:	Demolition of existing garage block and construction of 6 no 1 bedroom flats.
Applicant:	Mr C Sian
Agent:	Mr Derek Evans, W.D.Evans Building Services
Ward:	Pelham
Parish:	Non-Parish Area
Decision due date:	12 May 2025
Publicity expiry date:	20 March 2025
Decision Level:	Committee Decision
Reason for referral:	Member call-in
Recommendation:	Refusal

Summary of Reasons for Recommendations

The scale and appearance of the proposed development would be detrimental to the character of the surrounding area. It would also constitute an overdevelopment of the site which would result in a cramped form of development which would be out of keeping with the character of the area. The development would therefore fail to preserve or enhance the character and appearance of the Darnley Road Conservation Area.

Whilst the delivery of 6 additional dwellings should be afforded weight, this would not clearly outweigh the harm. As such the proposed development would be contrary to the National Planning Policy Framework (2024), Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), Policy TC3 of the Gravesham Local Plan First Review (1994) and the Darnley Road Conservation Area Character Appraisal (2009).

The proposal would result in a detrimental impact on the amenities of neighbouring occupiers in terms of loss of privacy, loss of sunlight and overbearing impact. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2024) and Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

The proposed development would fail to provide a satisfactory level of residential amenity for future occupiers due to lack of outlook from habitable rooms. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2024), Policy CS19 of the Gravesham Local Plan Core Strategy (2014), the Technical Housing Standards – nationally described space standard (2015) and the Council's Residential Layout Guidelines including Housing Standards Policy Statement (October 2015, Adopted 1996 – amended June 2020).

In the absence of detailed information relating to the use and occupancy of the existing garages, it is considered that their loss could lead to a displacement of parking. This would increase the demand for parking on local streets where there are already high levels of parking stress. As such the proposal would fail to meet the tests set out in Policy CS11 of the

Gravesham Local Plan Core Strategy (2014) and Saved Policy P3 of the Gravesham Local Plan First Review.

The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 193 and 194 of the National Planning Policy Framework (2024).

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is defined on the Core Strategy Policies Map as lying within the urban area and the Darnley Road Conservation Area.
- 1.2. The site lies on the southern side of Arthur Street and comprises two garage blocks each of which contains four garages. The site can be seen in the following photograph:



- 1.3. This proposal involves the demolition of the garages and their replacement with a detached building containing six flats. The building would accommodate two flats at ground floor level and two flats at first floor level. An additional two flats would be accommodated within the roofspace of the building. All six flats would have one bedroom. A communal garden area is shown to serve the development.

2. Planning History

Reference	Description	Decision	Decision Date
20240504	Demolish of existing garage block and construction of 6 no 1 bedroom flats.	Refused	28.08.2024

3. Proposal

- 3.1. The current proposal is for the demolition of existing garage block and construction of 6 no 1 bedroom flats.

4. Planning Policy, Development Plan and other Material Considerations

- 4.1. The Development Plan for Gravesham currently comprises:

Gravesham Local Plan Core Strategy and Policies Map, September 2014;
Saved policies in the Gravesham Local Plan First Review, November 1994;
The Kent Minerals and Waste Local Plan 2024 to 2039, March 2025.

- 4.2. The relevant policies for this proposal are as follows:

Gravesham Local Plan Core Strategy (2014)

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- TC3 – Development Affecting Conservation Areas

- 4.3. Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

- 4.4. The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

Other Material Considerations

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

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)
- Design for Gravesham – Design Code (2024)
- Darnley Road Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Area (2009)

5. Consultations and Publicity Responses

Consultations

GBC - Environmental Protection

5.1. The comments made for the previous (refused) application are re-iterated:

The site falls within the buffer zone of a historic landfill site. In addition, the garages have been used for storage and use of this type of lock up garage often includes oil/chemical storage and often car repairs. It's noted that the garages are also constructed of asbestos containing material. In view of this a contaminated land assessments will be needed. It will therefore be important to ensure that when the garages are demolished care is taken to avoid asbestos dust and fragments being left on site (therefore contaminating the site) or being blown/deposited in the vicinity. The applicant is advised to contact the HSE for advice and use an appropriately licensed contractor for the demolition and removal of the asbestos materials. To address this and other matters, the following is recommended.

Land Contamination

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the Environment Agency's Land Contamination Risk Assessment Management (LCRM) guidelines and methodology and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

Land Contamination - Watching Brief

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

Code of Practice on Construction and Demolition

Please apply as appropriate to minimise any disruption to nearby premises.

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Smoke Control Informative

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

information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Drainage/sewerage informative

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

GBC – Waste Services

- 5.2. 05.03.25 - I have reviewed this planning application and I require more information on the bin storage arrangements. At the moment, there are bins located in three locations so I require more details on what waste type each bin would hold.

For guidance, for a development such as this we would require the following number of bins;

- Refuse - 1 x 1100ltr bins
- Recycling - 1 x 1100ltr bins
- Food Waste - 1 x 140ltr bin and an individual 5ltr caddy per flat

Gravesham Borough Council operates a fortnightly collection of refuse and recycling and a weekly collection of food waste.

Developers are required to pay for the provision of all bins required for a development, quotes for bins can be obtained by emailing waste.management@gravesham.gov.uk.

Collections from sites will not occur until containers are in place.

It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints in regard to non-collection due to the fault of the developer will be passed onto to the developer for response.

The Council should be informed at least two weeks prior to the waste collections by the council commencing so that collections can be scheduled.

Following the above comments, the agent submitted additional bin storage details which GBC Waste Services confirmed were acceptable on 20.05.25.

GBC Conservation Architect

- 5.3. No comments received.

KCC Heritage Conservation

- 5.4. No comments received.

Neighbouring Properties

- 5.5. The application was advertised by the displaying for a site notice, press notice and individual letters sent to fifteen surrounding properties with an overall expiry date of 26th March 2025. Two letters of objection were received making the following summarised comments:

5.6. Objections Summary

- Overlooking
- Loss of privacy
- Many windows directly overlooking garden and into the back of the house
- Would change the character of outdoor space
- Loss of light
- Height of the building looks higher than the existing houses
- Not in keeping with the conservation area
- Impact on protected Horse Chestnut tree in the garden
- Tree not plotted on any of the plans
- Drawings don't show height of building in context to others
- Parking
- Biodiversity

5.7. Local Ward Councillors were also consulted. No comments have been received.

6. Planning Analysis and Head of Planning Comments

Background

6.1. An application was submitted in 2024 for *the Demolish of existing garage block and construction of 6 no 1 bedroom flat* with planning application reference 20240504. This application was refused for the following reasons:

1. *The scale and appearance of the proposed development would be detrimental to the character of the surrounding area. It would also constitute an overdevelopment of the site which would result in a cramped form of development out of keeping with the character of the area. The development would therefore fail to preserve or enhance the character and appearance of the Darnley Road Conservation Area. The proposal would not result in public benefits that would clearly outweigh that harm. As such the proposed development would be contrary to the National Planning Policy Framework (2023), Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), Policy TC3 of the Gravesham Local Plan First Review (1994) and the Darnley Road Conservation Area Character Appraisal (2009).*
2. *The proposal would result in a detrimental impact on the amenities of neighbouring occupiers in terms of loss of privacy, loss of sunlight and overbearing impact. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2023) and Policy CS19 of the Gravesham Local Plan Core Strategy (2014).*
3. *The proposed development would fail to provide a satisfactory level of residential amenity for future occupiers due to insufficient levels of internal living space, lack of outlook from habitable rooms and a community amenity area that would not be accessible to the occupiers of all six flats. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2023), Policy CS19 of the Gravesham Local Plan Core Strategy (2014), the Technical Housing Standards - nationally described space standard (2015) and the Council's Residential Layout Guidelines including Housing Standards Policy Statement (October 2015, Adopted 1996 - amended June 2020).*
4. *In the absence of detailed information relating to the use and occupancy of the existing garages, it is considered that their loss could lead to a displacement of parking. This would increase the demand for parking on local streets where there are already high levels of parking stress. As such the proposal would fail to meet the tests set out in Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy P3 of the Gravesham*

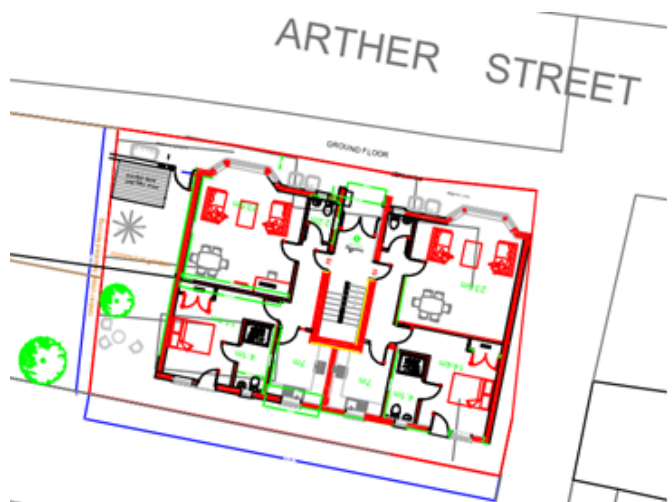
Local Plan First Review.

5. *The proposed development would fail to provide appropriate and accessible cycle storage facilities and as such would be contrary to the National Planning Policy Framework (2023) and Policy CS11 of the Gravesham Local Plan Core Strategy (2014).*
6. *The proposed development would fail to provide appropriate and accessible waste storage facilities and as such would be contrary to the National Planning Policy Framework (2023), Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and the Council's Residential Layout Guidelines including Housing Standards Policy Statement (October 2015, Adopted 1996 - amended June 2020).*
7. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 186 and 187 of the National Planning Policy Framework (2023).*

- 6.2. The current application seeks to overcome the previous reasons for refusal. The main differences between the previously refused application and the current submission are shown in the following images (not to scale):

20240504 (Refused Application)

Current Proposal



Block Plan

Block Plan

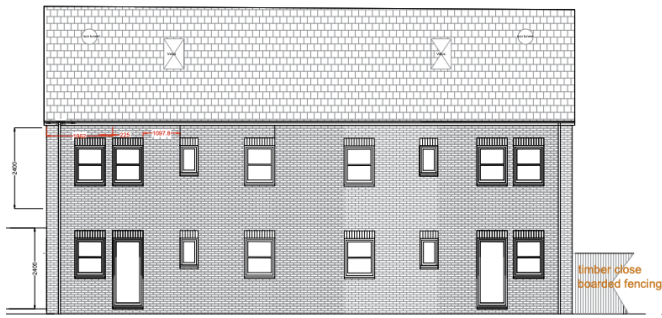


Front Elevation (facing rear gardens)

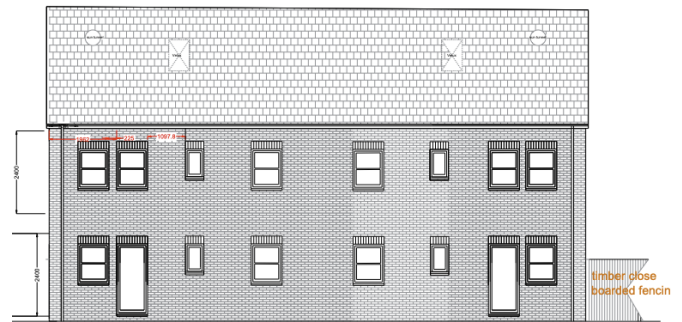
Front Elevation (facing Arthur Street)

20240504 (Refused Application)

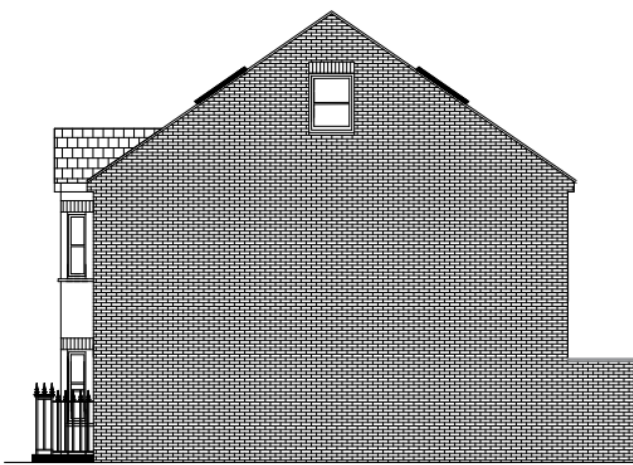
Current Proposal



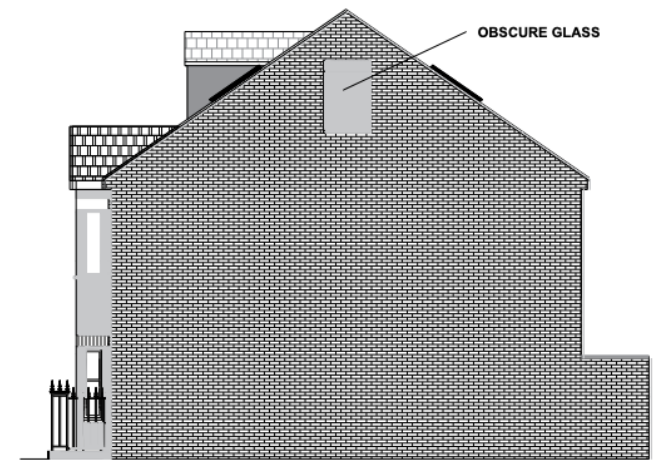
Rear Elevation (facing Arthur Street)



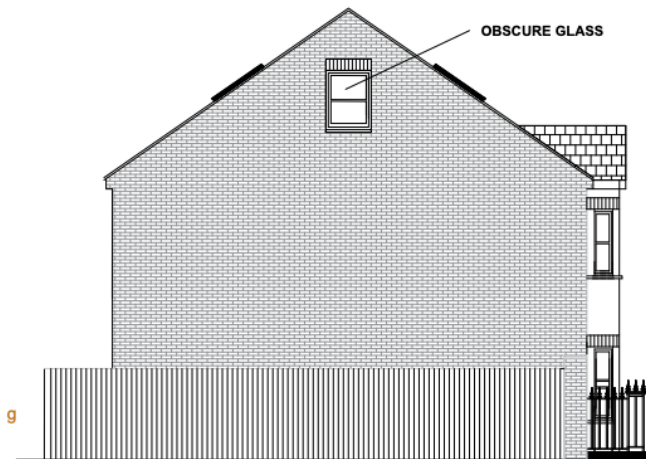
Rear Elevation (facing rear gardens)



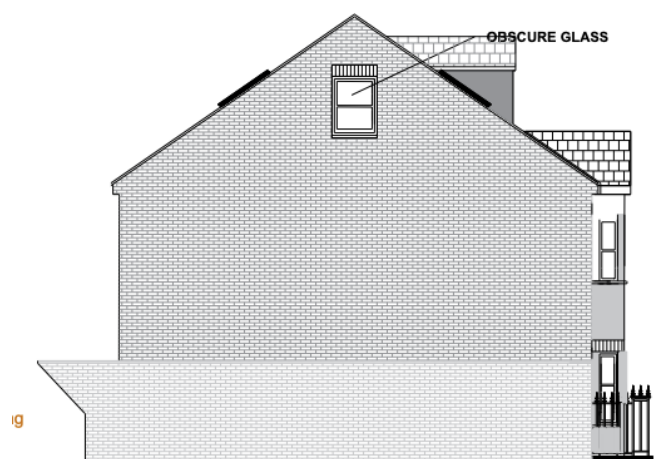
Side Elevation (facing Nine Elms Grove)



Side Elevation (facing rear gardens of Darnley Street)



Side Elevation (facing rear gardens of Darnley Street)



Side Elevation (facing Nine Elms Grove)

- 6.3. As can be seen from the images above, the proposed building has been rotated 180° so that the main entrance is facing north onto Arthur Street, a cycle store has been included within the communal garden and there are 2 no. dormers in the north (front) roof slope to serve the second floor flats instead of the previously proposed rooflights.

The Main Issues

6.4. The main issues in this submission relates to:

- Housing Need
- Principle of residential development
- Design and Heritage
- Residential Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Housing Need

6.5. 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 National Planning Policy Framework (NPPF) (2024) 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 policymaking 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.”

6.6. 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 February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 years.

6.7. 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) (2024). 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.”

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

- Habitats sites (and those sites listed in NPPF paragraph 194)

- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 75)
- Areas at risk of flooding or coastal change

- 6.9. 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 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.
- 6.10. The proposed development for a net increase of '6' residential units would offer a modest contribution towards meeting this local need and, accordingly, officers consider that this should be accorded moderate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2024) 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.

Principle of residential development

- 6.11. The broad principle of the proposed residential development finds support in the NPPF (2024). Paragraph 61 is particularly relevant:

To support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

- 6.12. In addition, paragraph 73 requires that in order to promote the development of a good mix of sites local planning authorities should, *inter alia*, "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".
- 6.13. The application site is defined on the Policies Map of the Gravesham Local Plan Core Strategy as lying within the urban area. Policy CS02 of the Core Strategy "prioritises development in the urban area as a sustainable location for development".
- 6.14. In light of these considerations, there is no objection to the broad principle of residential development at this site, however, the proposal has to be considered against the wider Development Plan and material considerations e.g. the National Planning Policy Framework.

Design and Heritage

- 6.15. Government's requirements in relation to design issues. Paragraph 131 of the NPPF (2024) is particularly relevant:

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.

- 6.16. The aims set out in paragraph 131 of the NPPF are reflected in Policy CS19 of the Council's Core Strategy. This requires new development to be "visually attractive, fit for purpose and locally distinctive" and to "conserve and enhance the character of the local built, historic and natural environment". It also requires new development to "integrate well with the surrounding local area". In addition, Policy CS19 requires the following:

...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. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings.

- 6.17. As the property is located within a conservation area, Section 16 of the NPPF is also relevant. This sets out requirements relating to conserving and enhancing the historic environment. Paragraph 203 is of particular relevance and 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.

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

- 6.19. This area is characterised by a mixture of terraced, semi-detached and detached buildings which differ in terms of their appearance and architectural style. They include two and three storey buildings some of which comprise flatted developments. There is also variation in the use of materials. The proposed development is of a standard design. Given the mix of building types within this locality, there is no objection to the broad design of the building.

- 6.20. The previously refused application resulted in the rear elevation of the proposed building facing north (i.e. towards the public highway), with a timber close boarded fence located between the building and public footpath. This had a dead and unattractive frontage which would have been out of keeping with the more traditional form of development within this locality. In addition, due to the proximity of the

building to the public highway the gable walls of the building would have been particularly prominent, which due to their height and scale, would have appeared visually dominant and overbearing within the street scene and the proposal would have had an adverse impact on visual amenity, failing to make a positive contribution to the Darnley Road Conservation Area. As part of this proposal, the building has been rotated 180 degrees, so that the front of the proposed building would face onto the public highway, resulting in an improvement to the visual impact of the development, thus addressing this issue from the previous refusal.

- 6.21. Design for Gravesham requires new developments to respond sensitively to the prevailing pattern and intervals of existing development to reflect the grain of the existing character area of where the building is placed, with a coarse development pattern with large monolithic buildings to be avoided. It further states that proposals should follow a design-led approach to achieving appropriate density at a site, with the proposed density suitably justified taking into account the prevailing character of the area.
- 6.22. However, the proposed building would still have a footprint that occupies the majority of the site, which is evidenced from the submitted ground floor layout. This scale and density of development would be out of keeping with the form of development within the immediate locality where the size of buildings are more proportionate to the size of the plots within which they sit. This would detract from the perception of quality of place, and result in fragmentation and harm to the character of the area. This is evidenced from the following proposed block plan which accompanies the application:



- 6.23. It is acknowledged that the existing garage blocks are visually unattractive. Indeed, the Townscape Appraisal Map of the Darnley Road Conservation Area Character Appraisal identifies the garage blocks as “negative buildings”, whilst 67 and 69 Darnley Road immediately adjacent to this site are categorised as focal buildings within the Conservation Area. Positive features of the Conservation Area include buildings arranged with a common building line behind front gardens and being domestic in scale.
- 6.24. The Heritage Statement supporting the proposal, does not consider the effect of the proposal on the Conservation Area’s setting or significance, so provides no clear or convincing justification for harm to the asset, contrary to paragraph 213 of the NPPF.
- 6.25. For the reasons set out above, the proposed development would have a negative impact upon this part of the Conservation Area. The poor visual quality of the existing garage blocks would not be sufficient to overcome the concerns with this proposal. The proposal by reason of the amount of development proposed, and the consequential bulk and massing of the proposal and poor layout would not preserve nor enhance the character or appearance of the Conservation Area and so it would be detrimental to the Conservation Area’s significance. This level of harm would be less than substantial.
- 6.26. In light of the above, it is considered that this proposal would fail to meet the tests set out in the NPPF (2024), Policies CS19 and CS20 of the Core Strategy, saved Policy TC3 of the Gravesham Local Plan First Review 1994 and the Darnley Road Conservation Area Character Appraisal (2009).

Residential Amenity

- 6.27. Paragraph 135 of the NPPF requires planning decisions to, inter alia, provide “a high standard of amenity for existing and future users”. In addition, Policy CS19 of the Core Strategy requires new development to be located, designed and constructed to “safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land”.

Privacy

- 6.28. Nos. 69 and 71 Darnley Road lie immediately to the west of the application site. These are both substantial three storey buildings with upper floor windows facing the application site. These can be seen in the following image:



- 6.29. These windows would have clear and uninterrupted views into the communal amenity area serving the proposed flats. Given the proximity of these windows to this area, this would result in a significant loss of privacy to future occupiers.
- 6.30. A window is shown to be provided within each of the flank elevations of the proposed building at second floor level which are both shown to be obscure glazed. As such there would be no loss of privacy to the occupiers of nos. 69 and 71 Darnley Road and no. 34 Arthur Street.
- 6.31. Within the rear (southern facing) elevation of the proposed building, there are a number of windows at first floor level which would have unobstructed views of the private garden areas of the properties at no. 73 and 75 Darnley Road. This would result in a loss of privacy to the occupiers of these properties. As these serve bedrooms and kitchens which are habitable rooms, they cannot be obscured glaze.
- 6.32. In light of the above, the communal garden area of the proposed development would be overlooked by neighbouring properties and the proposal would result in a loss of privacy to the private amenity areas of neighbouring and nearby dwellings. Whilst the current application has rotated the proposed building and the windows are smaller than the previous refused application, the development would still result in unacceptable harm to both occupiers and existing residents.
- 6.33. As such, the proposal would result in a detrimental impact on the amenities of neighbouring and future occupiers in terms of loss of privacy, loss of sunlight and overbearing impact. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2024) and Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Sunlight and daylight

- 6.34. As a result of the siting and orientation of the proposed new building, it is unlikely to have a significant impact upon neighbouring properties in terms of loss of daylight.

With respect to sunlight, the property at no. 69 Darnley Road is likely to be most affected. As it lies to the west of the application site, the rear garden area is likely to experience overshadowing during morning hours. Similarly, the ground and lower ground windows of this building may also experience loss of sunlight during this part of the day. In the absence of a sunlight/daylight assessment an objection must therefore be raised on this issue.

Dominating impact

- 6.35. The western elevation of the proposed building would be located in close proximity to the rear boundary with the existing properties at nos. 69 and 71 Darnley Road. Due to the scale and height of the proposed building and the limited size of the garden area of these neighbouring properties, the development would appear visually overbearing and imposing. It would dominate outlook from the windows on the rear elevation of the existing properties as well as from the rear garden area. This would result in an unacceptable loss of amenity to the occupiers of nos. 69 and 71 Darnley Road.

Internal space standards

- 6.36. The “Technical housing standards – nationally described space standard” was published by the Department for Communities and Local Government in March 2015. This document sets out requirements for the gross internal area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 6.37. Each flat on the first and second floors would comprise a one-storey, one bedroom, two person dwelling. The required minimum gross internal floor area for such units is 50m². The gross internal floor area of each proposed flat would significantly exceed this standard.
- 6.38. The two flats within the roofspace would comprise a one-storey, one bedroom, one person dwelling. The required minimum gross internal floor area for such units is 37m². The gross internal floor area of each proposed flat would measure 36.66m² which is just short of the minimum.

Overall, it is considered that the proposal would accord with the minimum requirements for gross internal floor areas as set out in the “Technical housing standards – nationally described space standard”.

External space standards

- 6.39. Policy CS19 of the Core Strategy requires that new development “will provide appropriate levels of private and public amenity space”. In addition, the Council’s Residential Layout Guidelines require that for communal flats, a communal garden area equivalent to a minimum of 10 sq. metres shall be provided for amenity space. This is expanded on within Design for Gravesham, which requires apartment buildings to provide communal outside space, which incorporates areas of planting and trees, and incorporates opportunities for play, seating, relaxation, exercise and communal facilities.
- 6.40. Whilst the minimum area standard would be met in terms of the size of the amenity area, it would not provide the utility required by Design for Gravesham.

Other issues

- 6.41. The living/kitchen areas of the two flats within the roofspace would only be served by a dormer window which is an improvement over the previous application which only had rooflights. However, it is noted that the bedrooms would only be served by a single obscure glazed window and therefore whilst this would allow a degree of light, it is not an acceptable outlook for a habitable room. This is considered to be unacceptable as it would provide insufficient levels of outlook for future occupiers.
- 6.42. In light of the above assessment, it is considered that the impact of the proposed development on residential amenity would not be acceptable and would fail to meet the tests set out in the NPPF, Policy CS19 of the Core Strategy, the Technical Housing Standards – nationally described space standard (2015) and the Council's Residential Layout Guidelines.

Parking and Highways

- 6.43. Policy CS11 of the Core Strategy seeks to ensure that new development mitigates its impact on the highway and that sufficient parking is provided in accordance with adopted parking standards, reflecting the availability of public transport provision and the accessibility of local services and facilities. Saved Policy P3 of the Gravesham Local Plan First Review requires development to make provision for vehicle parking in accordance with the Kent County Council Vehicle Parking Standards. These standards require a maximum of one parking space for each one-bedroom unit.
- 6.44. The proposed scheme does not make provision for on-site parking. However, the application site is located within a sustainable location adjacent to Gravesend town centre with its associated retail, leisure, community, business and educational facilities. It is also located in close proximity to good public transport links. Gravesend train station lies within walking distance of the site and local bus services are available. Given the sustainable location of the application site and its proximity to good public transport links, it is considered that, on balance, a nil level of on-site parking would be acceptable in this situation.
- 6.45. However, the application does not provide any information concerning the existing ownership and use of the garages to be demolished. Whilst the supporting statement says that the garages are dilapidated and unused, there is no supporting evidence to support this, it is therefore likely that a number of these garages are currently used for parking purposes. Indeed, images from Google Streetview clearly suggest that the site is used to park cars and appear to be in reasonable condition. The loss of these garages would therefore result in the displacement of parking. Although a controlled parking zone operates in the roads in the immediate locality, displaced parking could be pushed further afield where there are no such controls and where there are high levels of parking stress. Demand for parking within these local streets could potentially be exacerbated due to the loss of the existing garages. In the absence of detailed information relating to the current occupancy and use of the garages, an objection must be raised on the grounds of loss of parking.
- 6.46. The adopted Kent County Council Vehicle Parking Standards provide minimum cycle parking standards. For flats, there is a requirement of one space per unit. As such provision for a total of six cycles would be required. The submitted drawings on this current application includes cycle store provision within the communal garden, however no further details have been provided. If planning permission were forthcoming, a condition of details would need to be imposed.

- 6.47. In light of these considerations, whilst the submitted plans show provision for cycle storage, no further details have been provided on the loss of the existing garages and therefore the current proposal would fail to meet the tests set out in Policy CS11 of the Core Strategy and saved Policy P3 of the Gravesham Local Plan First Review.

Any Other Material Planning Considerations

Waste Storage

- 6.48. Paragraph 32 of the Council's Residential Layout Guidelines (2020) relates to refuse storage and contains the following requirement:
- 6.49. Refuse containers shall be provided on a hardstanding and within purpose built enclosures, which are readily accessible for collection.
- 6.50. Three different areas have been shown within the site for bin storage which are located to the front of the property and therefore allows for kerbside collection. Further details were obtained for the provision of 2no. 1100ltr bins for general waste, 1no. 1100ltr bin for recycling (plastic, glass etc.) and 5litre Caddies to each flat and 140ltr bin for collection. This level of provision for this development is acceptable.

Archaeology

- 6.51. The site is located in an Area of Archaeological Potential. However, given that the comments of KCC Heritage it is considered that the proposal is unlikely to have a significant below-ground archaeological impact. The proposal is therefore considered compliant with Policy TC7 of the Gravesham Local Plan First Review.

Ecology

- 6.52. 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 overwinter 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.
- 6.53. 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 £ 337.49 per dwelling) where applicable. 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 to enable the Council to undertake an Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.

- 6.54. 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.
- 6.55. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 193 and 194 of the National Planning Policy Framework (2024).

Biodiversity Net Gain

- 6.56. Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.
- 6.57. In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
- 6.58. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
- 6.59. The application seeks to construct six dwellings on a site of 0.01 hectares, on a site that currently has no biodiversity. The inclusion of a communal garden would result in a net gain and therefore there is no objection in this regard.

Other Issues

- 6.60. The comments of the Council's Environmental Protection Services in relation to land contamination, construction and demolition, lighting, smoke control and drainage are

noted. The issues raised could all be addressed through the use of appropriately worded planning conditions or informatives if permission were to be granted.

7. Conclusion

- 7.1. 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 of the Core Strategy must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF.
- 7.2. The proposal would result in less than substantial harm to the Darnley Road Conservation Area designated heritage asset, through development within its setting. The NPPF requires decision takers to give great weight to the assets' conservation, irrespective of the level of harm. Accordingly, considerable weight is given to the harm to the Conservation Area's significance.
- 7.3. However, this less than substantial harm to the significance of a designated heritage asset, has to be weighed against the public benefits. The provision of six dwellings on a small site that could be built out relatively quickly, subject to any legal agreements in place for the use of the garages, would contribute to the Borough's acknowledged shortfall in housing land supply, this is afforded modest weight. There would also be economic benefits from the construction phase, as well as potential future occupiers using local services and facilities. However, given the modest scale of the scheme this can only be afforded limited weight.
- 7.4. Individually or cumulatively, the weight attached to these public benefits would not outweigh the considerable weight of harm to the heritage asset's significance. Policies within the NPPF that protect provide a clear reason for refusing the proposal on heritage grounds, as does the harm identified to habitat sites and a designated Site of Special Scientific Interest. Individually and cumulatively therefore, as set out in footnote 7 of the NPPF, the presumption in favour of sustainable development at paragraph 11 d) of the NPPF is not engaged.
- 7.5. Despite the benefits of the proposal listed above, the harm to heritage, habitat sites and a designated Site of Special Scientific Interest, as well as other harm identified in the form of design, amenity, living standards, and parking, results in the proposal conflicting with the development plan, when read as a whole. No other material considerations, including the NPPF, indicated that a decision should be taken otherwise in accordance with the Development Plan. As such the officer recommendation is for a refusal, as set out below.

Recommendation

Refusal for the Following Reasons:

1. The scale and appearance of the proposed development would be detrimental to the character of the surrounding area. It would also constitute an overdevelopment of the site which would result in a cramped form of development out of keeping with the character of the area. The development would therefore fail to preserve or enhance the character and appearance of the Darnley Road Conservation Area. The proposal would not result in public benefits that would clearly outweigh that harm. As such the proposed development would be contrary to the National Planning Policy Framework (2024), Policies CS19 and

CS20 of the Gravesham Local Plan Core Strategy (2014), Policy TC3 of the Gravesham Local Plan First Review (1994) and the Darnley Road Conservation Area Character Appraisal (2009).

2. The proposal would result in a detrimental impact on the amenities of neighbouring occupiers in terms of loss of privacy, loss of sunlight and overbearing impact. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2024) and Policy CS19 of the Gravesham Local Plan Core Strategy (2014).
3. The proposed development would fail to provide a satisfactory level of residential amenity for future occupiers due to lack of outlook from habitable rooms. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2024), Policy CS19 of the Gravesham Local Plan Core Strategy (2014), the Technical Housing Standards – nationally described space standard (2015) and the Council's Residential Layout Guidelines including Housing Standards Policy Statement (October 2015, Adopted 1996 – amended June 2020).
4. In the absence of detailed information relating to the use and occupancy of the existing garages, it is considered that their loss could lead to a displacement of parking. This would increase the demand for parking on local streets where there are already high levels of parking stress. As such the proposal would fail to meet the tests set out in Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy P3 of the Gravesham Local Plan First Review.
5. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 193 and 194 of the National Planning Policy Framework (2024).