

Delegated Report

Major Planning Application

Application No:	20240136
Location:	22-25 London Road, Northfleet, Gravesend, Kent, DA11 9JH
Description:	Demolition of 4 terrace houses and erection of a 3 storey building to accommodate 12no. one bedroom residential units.
Applicant:	Super Asset Management Ltd

Positive and Proactive Decision Making

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) (2024), the Local Planning Authority has approached the assessment and determination of this application in a positive manner.

The Local Planning Authority engaged with the applicant regarding the application, in order to seek Biodiversity Net Gain (BNG) information, changes to the design and increase in parking provision. Some discussions resulted in information being submitted in relation to BNG, however the applicant has been unwilling to negotiate and the Local Planning Authority gave a deadline for return of 07 July 2025, with no response received. These discussions are set out within the report, however in this case the proposed development, and additional evidence provided, were not considered to meet local or national planning policy requirements, and the application cannot be supported.

Submitted Documents/Plans

- Application Form – dated 20 May 2024;
- Design and Access Statement;
- Supplementary Information – Transport Statement by Entran;
- Supplementary Information – Biodiversity Net Gain Assessment by Arbtech (dated 07 August 2024);
- Supplementary Information – Biodiversity Net Gain Metric (06 August 2024);
- Supplementary Information – Baseline Habitat Condition Assessment (BHCA) by Arbtech (dated 01 August 2024);
- Drawing no. 001 – Rev. A – Site Location and Block Plans (Existing and Proposed);
- Drawing no. 002 – Rev. A – Proposed Block Plan;
- Drawing no. 003 – Rev. A – Proposed Floor Plans;
- Drawing no. 004 – Rev. A – Proposed Elevations;
- Drawing no. 005 – Rev. A – Proposed Sections;
- Drawing no. 006 – Rev. A – Existing Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220431	Erection of a 4-storey building attached to No.25 London Road to provide 2no. 2-bedroom and 7no. 1-bedroom flats; and, erection of a 2-storey detached block to provide 2no. 2-bedroom and 2no. 1-bedroom flats with associated parking, amenity space and waste storage at Fox and Hounds, 26-27 London Road, Gravesend DA11 9JH.	PERMITTED	21.06.2023
20191149	Application for a minor material amendment to planning permission reference no. 20180916 for the erection of a four storey building attached to 25 London Road to provide 2no. 2 bedroom and 7no. 1 bedroom self-contained flats; and, erection of a two storey detached block to provide 2no. 2 bedroom and 2no. 1 bedroom self-contained flats with associated parking, amenity space and waste storage; to allow blocks A and B being reduced in width, amendment to their siting, the ridge height of block B being increased by 350mm to accommodate habitable space within the roof space and alterations to the parking and amenity layout to the rear.	PERMITTED	17.03.2020
20180916	Erection of a four storey building attached to 25 London Road to provide 2no. 2 bedroom and 7no. 1 bedroom self-contained flats; and, erection of a two storey detached block to provide 2no. 2 bedroom and 2no. 1 bedroom self-contained flats with associated parking, amenity space and waste storage.	PERMITTED	06.03.2019
20130298	Proposed demolition and erection of two blocks of 21 one and two bedroom self contained flats comprising one three/four storey building and one two storey building together with amenity space, car parking, access and other ancillary development.	PERMITTED	11.11.2016
20041142	Demolition of public house and adjacent dwelling and erection of a three storey building attached to no.25 London Road, to provide nine, one bedroom self-contained flats, laying out of nine car parking spaces and erection of a refuse store.	PERMITTED	02.03.2005

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS09 – Culture and Tourism
- CS10 – Physical and Social Infrastructure
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size

- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design and Development Principle
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- T5 – New Accesses onto Highway Network
- TC7 – Other Archaeological Sites

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

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

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 6 – Building a strong, competitive economy
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Guidance

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

Consultations, Publicity and Representations

External Consultees

Natural England –

This development site is within the zone of influence (Zol) for recreational pressure impacts to one or more European Sites (habitats sites).

Within this Zol, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and

confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Environment Agency –

We do not object to this application subject to the following planning conditions and informatives being applied to any planning permission granted.

Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Land affected by Contamination

1. No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 - a) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

2. Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason - To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy

shall be implemented as approved.

Reason - To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework.

Surface Drainage

The design of infiltration Sustainable Drainage Systems may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

4. No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework.

Foul Drainage

5. Development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by, the local planning authority in consultation with the water undertaker and the Environment Agency. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy.

Reason - To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

Piling

6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework.

Informatives

- Surface water drainage Informative - Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

- Piling Informative - Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
- Waste on-site Informative - The CLAIRE Definition of Waste: Development Industry Code of Practice (DoWCoP version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the Environment Agency
 - some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It should be noted that re-use of historic landfill materials (including capping materials) is not covered under DoWCoP.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - The Environmental regulations page on GOV.UK
- Waste Informative - Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010 • The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment

Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

Kent County Council Economic Development –

The Economic Development comments are attached as Appendix 1 and detailed in a later section of this report.

Kent County Council Flood and Water Management –

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development.

According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- (a) The winning and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwelling houses where:
 - i. The number of dwelling houses to be provided is ten or more; or
 - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Notwithstanding the above, please feel free to contact us again if you consider there to be local flood risk issues on this site that may require further consideration.

Kent County Council Ecology –

We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application. This includes:

- An Ecological Impact Assessment that considers the potential of the buildings for demolition to support roosting bats; and
- Confirmation that a mandatory 10% biodiversity net gain does not apply to this development *i.e.*, that the application was submitted before 12th February 2024. If a mandatory 10% biodiversity net gain does apply to this application then the relevant advice below should be applied.

Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

Ecological Impact Assessment - Submitted ecological information does not include an assessment of the buildings' suitability to support roosting bats, protected species that must be taken account of in the planning decision. As such, an Ecological Impact Assessment (EcIA) should be undertaken by a suitably qualified ecologist¹, in accordance with good practice guidelines.

The EcIA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any necessary additional surveys undertaken;
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures; and
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EcIA is sought prior to determination of the planning application. This is in

alignment 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 EcIA will also ensure alignment 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.

Mandatory 10% Biodiversity Net Gain - This application was received on Tuesday 13th February 2024, with the application form declaration signed 20th May 2024, according to the information available on the planning portal. The site is 368 square metres (0.037 hectares) in size, according to the information in the application form.

Under the National Planning Policy Framework 2023, proposals achieving a biodiversity net gain with no specific percentage target should be viewed favourably³. Under the Environment Act 2021, all planning applications for major development (unless exempt^{4,5}) submitted on or after 12th February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications, unless exempt, submitted on or after the 2nd April 2024. We highlight that local policy may expect a higher level of biodiversity net gain and that ‘significant’⁶ on-site habitat gains, and off-site habitats created/enhanced to achieve biodiversity net gain will need to be secured for at least 30 years.

We note that the applicant has claimed an exemption for mandatory 10% biodiversity net gain as the applicant claims the planning application was submitted before commencement of biodiversity net gain. We have been unable to verify this, and it should be verified by Gravesham Borough Council. Where the applicant believes an exemption to apply, they should submit information with the planning application to justify their position.

In the event that a mandatory 10% biodiversity net gain does apply to the application, we have completed the below table in order to show whether and how the applicant has demonstrated the capability of providing a biodiversity net gain of 10% in line with the minimum requirements prior to determination⁷.

Information Needed	Provided	Comments
Confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition.	No	The applicant has stated an exemption applies in the application form.
The pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate).	Yes	The submitted baseline habitat condition assessment report indicates a site survey was carried out 1st August 2024.
Where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date.	-	
The completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value.	Yes	The completed metric indicates a 48.91% biodiversity loss from the site.
A statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value (‘degradation’), and	No	

where they have: • a statement to the effect that these activities have been carried out; • the date immediately before these activities were carried out; • the pre-development biodiversity value of the onsite habitat on this date; • the completed metric calculation tool showing the calculations, and • any available supporting evidence of this.		
A description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date).	Yes	No irreplaceable habitats reported on-site.
Plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).	Yes	

We note that biodiversity calculations indicate that there will be a 48.91% biodiversity loss from the site.

Paragraph: 019 Reference ID: 74-019-202402148 of the government standing advice states: *“The statutory framework for biodiversity net gain involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development. The determination of the Biodiversity Gain Plan under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the Biodiversity Gain Plan is approved.*

Given this, it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met.

However, decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. Matters for consideration may include the following (but this is not an exhaustive list):

- *The appropriate balance expected between onsite gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy;*
- *Whether the type and location of any significant onsite habitat enhancements proposed for onsite gains are appropriate, taking into account other policies to support biodiversity (including local nature recovery strategies) and other wider objectives (for example policies for design, open space and recreation, and retention of trees); and*
- *Any planning conditions which need to be imposed to secure any significant onsite habitat enhancements, including any conditions requiring the maintenance of the enhancement for at least 30 years after the completion of the development.*

Prior to the determination of the planning application, decision makers will also want to discuss with the applicant whether any section 106 planning obligations are required to secure either significant onsite habitat enhancements or offsite gains for the development.

For some planning applications (for instance, applications for outline planning permission where landscaping and layout are reserved matters), the implications for existing onsite habitats and the contribution to onsite gains may be uncertain at the time of the determination of the application. In these cases, decision makers may want to consider what subsequent approvals will be necessary to ensure significant onsite habitat enhancements are appropriately secured.

Onsite habitat enhancements to support the biodiversity gain objective may have positive implications for other policy objectives which may need to be taken into account as part of the determination of the planning application. For example, such as delivering wider benefits to landscaping, amenity, and climate change adaptation”.

If planning permission is granted, the statutory biodiversity gain condition (and its reason for imposition) should not be included on decision notices. Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the biodiversity net gain information which needs to be included on non-exempted decision notices. The Planning Practice Guidance (Paragraph: 026 Reference ID: 74-026-20240214)⁹ provides a link to a document with suggested paragraphs for Biodiversity Gain Information to fulfil these requirements.

If planning permission is granted, the decision notice must set out (as far as relevant):

- Information relating to the biodiversity gain condition, including exemptions to the condition, and transitional provisions in relation to that condition;
- Information to note the effect that section 73(2D) of the Town and Country Planning Act 1990 applies (that an earlier biodiversity gain plan in relation to a previous planning permission is regarded as approved);
- The planning authority for the purposes of the Biodiversity Gain Plan;
- Requirements relating to irreplaceable habitats; and
- Where development is to proceed in phases, a statement to that effect, and that the development cannot begin before an Overall Biodiversity Gain Plan and Phase Biodiversity Gain Plan have been submitted to, and approved by the planning authority, and that a Phase Biodiversity Gain Plan is required to be approved before that phase may begin.

The applicant should submit a biodiversity gain plan form¹⁰ along with supporting information (e.g., legal agreement and habitat management and monitoring plan) once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered. The biodiversity gain plan must include the following information:

- Information about steps taken or to be taken to minimise the adverse effects of the development on biodiversity;
- The pre-development biodiversity value of the on-site habitat;
- The post-development biodiversity value of the on-site habitat;
- Any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development; • Any biodiversity credits purchased for the development; and
- Any other matters that the Secretary of State may be regulations specify.

When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant¹¹.

Neither the statutory definition of the biodiversity gain plan, nor the current DEFRA biodiversity gain plan template require management and maintenance measures to be specified. Consequently, the statutory condition does not on its own secure compliance with the approved biodiversity gain plan (including the

implementation of any habitat creation and enhancement works or their maintenance for a 30-year period). The DEFRA biodiversity gain plan template¹² acknowledges a Habitat Management and Monitoring Plan (HMMP) can be annexed to the approved plan. The statutory condition does not require the HMMP to be approved even if it is attached, therefore delivery of the gain envisaged by an HMMP needs to be secured by condition, or legal agreement. Significant habitat creation and enhancement on-site can be secured by condition. Guidance on what constitutes significant is available as government standing advice¹³:

- Significant enhancements contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development and would normally be:
 - Habitats of medium or higher distinctiveness in the biodiversity metric;
 - Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development;
 - Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development;
 - Areas of habitat creation or enhancement which are significant in area relative to the size of the development;
 - Enhancements to habitat condition.

Non-significant enhancements are those whose loss will not significantly decrease the development's biodiversity value e.g., private gardens or container planting. These types of enhancements do not normally require maintenance provisions and so no HMMP, legal agreement or commitment to maintain them is required.

Where achieving a minimum 10% biodiversity net gain from proposals is reliant on implementation of a detailed planting plan and the implementation of a suitable habitat management and monitoring plan¹⁴ secured through planning condition or obligation, we can provide suggested condition wording in line with the Planning Advisory Service on request.

Where off-site habitat creation is required, we direct the applicant towards the Kent Biodiversity Net Gain Site Register¹⁵ available on the Making Space for Nature in Kent and Medway website. Biodiversity Net Gain Guidance for Kent is also available on this website.

Off-site gains/the purchase of biodiversity credits will need to be subject to a deed of conservation covenants, unilateral undertaking or Section 106 (as appropriate). Off-site gains must be registered¹⁶ after determination. Section 106 agreement templates are available on the Planning Advisory Service website¹⁷.

The submission of provisional/draft legal documents outlining the agreement between the applicant and the provider of any off-site gains are advisable prior to determination to confirm that the proposed route to delivering net gain is feasible, but this information is not required until submission of the pre-commencement Biodiversity Gain Plan.

North Kent Sites - The development includes proposals for new dwellings within the zone of influence (ZOI) (6km) of the Thames Estuary and Marshes Special Protection Area and its associated Wetlands of International Importance under the Ramsar Convention (Ramsar Site).

Gravesham Borough Council must consider the impact the proposal will have on these designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework (NPPF) 2023.

Gravesham Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full Appropriate

Assessment is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be carried out as part of this application.

The Conservation of Habitats and Species Regulations 2017 Regulation 63 (3) also indicates that for Special Areas of Conservation (SACs) and Special Protection Areas (SPAs): *"The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies."* The local planning authority (the "Competent Authority") must therefore consult with and take into consideration Natural England's advice in determining the application. The local planning authority also needs to be confident that proposals will not adversely affect these sites in line with the NPPF 202318. For this type of development, it is possible to obtain an autogenerated Natural England advice letter which we have attached to the email accompanying this advice note.

The responsibility for carrying out a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment lies with the Competent Authority.

Kent County Council Highways –

I note that the application has been submitted with an accompanying Transport Statement prepared by Entran, Environmental and Transportation. Having reviewed this and other submitted documents I have the following comments to make.

The site will utilise the existing access from Rural Vale which is acceptable, however, the access should be demonstrated on the block plan. 2m x 2m pedestrian visibility splays should be provided and maintained and these should be shown on the revised plan.

This site would be considered as suburban and all parking should therefore be accommodated within the site, to prevent an overspill of car parking on the surrounding highway.

The level of vehicle parking provided, in accordance with KCC Residential Parking Standards (IGN3), would be 1 space for each unit. The current proposals would therefore require a minimum of 12 parking spaces and the 4 parking spaces proposed are inadequate.

Consequently, the applicant is required to either increase the number of parking spaces to meet the standards or provide justification as to why the proposed provision is suitable. Any additional parking demand would create undue stress on the available on-street parking places and could result in inappropriate parking, to the detriment of highway safety.

The applicant should undertake a parking beat survey within the vicinity, to determine whether there is the capacity to provide any on street parking to support this application. This should take place over 7 days, hourly between the hours of 6am and 10pm, and the number of cars parked and available spaces should be counted.

Should this application be approved, all parking spaces should remain unallocated to specific units, to maintain flexibility. Due to the demand from existing residents in the surrounding area, there would also be concerns about additional residents parking permits being issued to future residents of these flats.

I am pleased to note that secure, covered cycle storage is to be provided for 12 cycles, which meets the requirements of Kent Residential Parking Standards (IGN3). The cycle storage area, as well as the refuse storage and collection points, should be shown on the revised block plan. The applicant should also consider the provision of electric vehicle charging points, which should also be shown on any further submitted plans.

I look forward to the additional information being provided, to assist me in determining this application from a highway perspective.

Kent County Council Heritage –

The site lies within an area of background, multi-period archaeological potential on one of the few areas of original chalk topography in this area which was not quarried. The terrace, proposed for demolition, would appear from historic mapping to date from the early-to mid-19th century and was the first block of terraced houses constructed on this part of London Road. Historic mapping records that there was a well in the back garden. The east end of the terrace formerly included the Fox and Hounds public house. This terrace is not listed and does not lie within a Conservation Area but your Conservation Officer may wish to comment on the significance of the terrace as a potential non designated heritage asset given the terrace's survival as part of the historic character of Northfleet.

The proposed development would impact on the built heritage and potentially on any surviving below-ground archaeological remains, and if planning permission is granted, I recommend that the following condition is applied to any forthcoming consent:

1. *To ensure that features of archaeological interest are properly examined and recorded during development works:*
 - (a) *Prior to any development works (including demolition) the applicant (or their agents or successors in title) shall secure a programme of archaeological work comprising of an archaeological watching brief (including historic building recording to Historic England Level 2) so that building works and groundworks are observed and archaeological information is recorded. The archaeological work shall be undertaken by an archaeologist approved by the Local Planning Authority and in accordance with a written Specification, which has been submitted to and approved in writing by the Local Planning Authority.*
 - (b) *The archaeological watching brief and historic building recording, post excavation assessment, analysis and reporting shall be carried out in accordance with the agreed Specification.*
 - (c) *Within 6 months of the completion of the programme of archaeological works a Report shall be submitted to and approved in writing by the Local Planning Authority.*

REASON: To ensure that the archaeological interest of the site affected by the development is properly examined and recorded in accordance with local and national planning policy.

Kent Fire and Rescue Service –

Following my assessment of Fire and Rescue Service emergency access provisions for a screening opinion application number 20240136, I would like to make the following observations.

I note the proposed elevations and what appears to be a 4-storey building with 12 one-bedroom residential units. It appears that the emergency access requirements for the Fire and Rescue Service, under the above 1981 Act, would be met. However, applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Kent Police Designing Out Crime –

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We request a condition for this site to follow SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site, any parking areas/ courts and pedestrian routes. These areas must be well lit and covered by natural surveillance from neighbouring properties.
2. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways to have secure side gates, which are lockable from both sides, located flush to the front building line.
3. To meet SBD guidance we would strongly recommend the installation of pavements on both sides of the roads to avoid vehicle and pedestrian conflict and promote safer spaces for families. It is now common practice to have some shared vehicle/ pedestrian areas on secondary routes. If pavements cannot be installed in these shared spaces, we strongly recommend traffic calming measures, especially where there is a curvature in the road.
4. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or sold secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse. If car ports are unavoidable, we recommend they be lit and painted in a light colour to optimize surveillance opportunities. For car parks, we recommend the Safer Parking Scheme, which follows CPTED guidance from both the police and the British Parking Association.
5. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
6. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
7. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors and individual flat entrance doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please note PAS 24 is a minimum-security standard, and communal doors may require a higher standard, such as STS or LPS.
8. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
9. For cycle storage, we advise on the use of ground/ wall SBD or sold secure anchors within a lockable shed or storage area. Bin storage must also be secure with access control.
10. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be

delivered within the lobby, there must be an access-controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

11. CCTV is advised for all communal entry points and to cover the mail delivery area.
12. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
13. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
14. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.
15. Defensible spaces. Corner properties require well established boundaries to avoid desire lines across front gardens. This can be provided by using hedges or knee rails/ fences, for example.
16. Blank Walls. It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces. This type of elevation tends to attract graffiti, inappropriate loitering, and ball games. The provision of a 1m buffer zone using either a 1.2 – 1.4m railing or a 1m mature height hedge with high thorn content should address those issues.
17. Vehicle mitigation may be required on pedestrian routes, to prevent mopeds or similar vehicles accessing the area and causing nuisance.
18. Open space. Open space areas must be well lit and boundaries must be clearly defined to avoid conflict or ball games causing nuisance. For any LAP or LEAP, we recommend fencing at a minimum height of 1.2m and vandal resistant play equipment. Consideration should be given to a single dedicated entry and exit point to enable adult control/supervision.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

Southern Water –

First Comment (18 March 2024)

Following the review of the submitted documents, we have the below comments for the Planning consultation.

Protection of Public Apparatus

Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewers within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 100 mm and 150 mm public foul sewers requires a clearance of 3 metres on either side of the public foul sewers to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public foul sewers without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: www.southernwater.co.uk/media/3011/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Foul and Surface Water Drainage

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

www.developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:
www.southernwater.co.uk/developing-building/connection-charging-arrangements

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here: www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

Second Comment (03 February 2025)

Thank you for your correspondence, please see our comments below regarding the above application.

Rear / side extension build-over/close-to a sewer

It appears that the developer is intending to build-over/close-to a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building-over/close-to the sewer. The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water. The conditions and application associated with the build-over/close-to a public sewer are available at Southern Water's Get Connected service:

<https://developerservices.southernwater.co.uk>

Recommended Condition: -

In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; prior to the commencement of development, the developer must advise the local authority, in consultation with Southern Water, of measures which will be undertaken to protect the public sewers.

Insufficient Information provided

The applicant has not provided details of the proposed means of disposal of foul/surface water drainage from the site. Southern Water is unable to comment fully on this Planning Consultation until such time as

the relevant information is provided.

Recommended Condition: -

Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

Internal Consultees

Gravesham Highways Officer –

This application requires very careful consideration. The applicant mentions the Gravesham adopted vehicle parking standards, but as they are maximum, plan they do not align with the current National Planning Policy Framework and as such should be ignored.

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

This leaves Interim Guidance Note 3 Residential Parking of the Kent Design Guide and issued by Kent County Council who is also the Highway Authority. However, whilst it forms part of the Kent Design Guide, Gravesham has not adopted this guidance note.

The interim guidance note suggests there should be a minimum of one space per one bedroom unit in the suburban area, which gives a minimum requirement of 12 and not 4 spaces. Considering the TEMPRO data for 2011 the information suggests that approximately 32% of households do not have access to a vehicle whilst 48% have access to one vehicle, it is extremely doubtful that vehicle ownership would extend to two or more vehicles., so adjusting the above to represent 100%, 40% of households would not have and 60% would have access to a vehicle, so 7 spaces should be provided. Therefore, there is a potential shortfall in car parking of between 3 and 8 spaces. Considering the limited TRIC's data to determine accumulated parking, it would appear an absolute minimum of 6 parking spaces is appropriate to avoid a negative parking requirement and in truth one or more vehicles may not have been moved during the survey period.

Time	Arrivals	Departures	Accumulation
			(5 initial assumed)
07:00 – 08:00	0.324	1.944	3.380
08:00 – 09:00	0.000	1.296	2.084
09:00 – 10:00	1.620	0.648	3.056
10:00 – 11:00	0.324	2.592	0.788
11:00 – 12:00	1.296	0.324	1.76
12:00 – 13:00	0.972	0.324	2.408
13:00 – 14:00	1.296	2.268	1.436
14:00 – 15:00	1.296	1.62	1.112
15:00 – 16:00	0.972	0.648	1.436
16:00 – 17:00	1.944	0.324	3.056
17:00 - 18:00	1.944	0	5
18:00 – 19:00	1.296	0.972	5.324

This analysis shows at 7pm with rounding up a minimum of 6 car parking spaces are required and this makes no allowance for vehicles that were not moved during the day. If the analysis is rounded to zero decimal places, then the minimum parking requirement reduces to five.

Irrespective of how the analysis is done it would appear 4 car parking spaces is inadequate and additional car parking is required, unless the applicant can provide suitable analysis based on existing properties in the area. The recommendation is one of refusal.

Gravesham Environmental Protection –

This site is close to London Road and Rosherville Way, both of which are heavily trafficked. IN this respect, a noise assessment will be required to ensure internal noise levels within the flats are in accordance with the criteria in BS8233:2014. It's also noted that some of the flats have balconies – noise levels on these will need to be compliant with levels contained in BS8233 for external amenity areas.

To address this and other matters, the following is recommended.

Condition(s)

Noise Control

1. Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:
 - The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
 - The maximum internal noise levels in all habitable rooms should not exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
 - If relevant, the rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014
 - External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.

Watching Brief

2. 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.

Informatives

- Code of Practice on Construction and Demolition - Please apply as appropriate.
- 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).
- 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. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the

terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

- **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
- **Asbestos Informative** - Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings should be undertaken, and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's building control department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

Gravesham Leisure –

Policy CS13 and the NPPF recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Due to the constrained nature of the site and size of the additional accommodation, it would not be expected for the developer to provide formal and informal leisure provision on site, but it is reasonable to expect the applicant to offset the impact of its development on existing leisure facilities within the area.

The approach promoted by officers is to secure a financial contribution towards the upgrading and development of existing local sporting and recreational facilities located within a reasonable distance of the application site, such that it will be directly related to the development and will contribute to offsetting the impact of the increased population.

Based on all the assessment data currently available including, the Open Space, Sport & Recreation Assessment compiled by Knight Kavanagh & Page in 2016 and updated indoor leisure feasibility study 2022; there is particular shortage in the provision of artificial pitches, a shortage of junior/youth grass pitches, municipal tennis court upgrades and ageing leisure centre facility stock. There is also the need for major capital improvements to play equipment across the borough of which the number of total sites available within the borough is remarkably less when compared to other areas. This includes the nearest play area to the proposed development based at Rosherville Recreation Ground off Rurak Vale, as well as Fountain Walk and the Riverside Leisure Area, which are earmarked for improvement in the future, in line with Corporate Plan priorities for improvements to play facilities across the borough at existing sites.

Using the Sport England Sports Facility Calculator (SFC) as a guide for associated costs, based on the anticipated maximum number of residents generated from the new development (1bed/2 person x 12 units), the SFC gives an indicative figure of £12,906 towards one of these particular leisure projects/areas mentioned above depending on timing.

Gravesham Waste –

I have reviewed this planning application and there does not appear to be any refuse storage details as part



of the application.

To assess the application I will require the refuse storage arrangements for this application but the number of units and requirements for the whole site to make sure sufficient allowance is provided.

Neighbouring properties

First Consultation

An advert was published in the Gravesend Messenger and notice was displayed on site 07 March 2024.

In addition, fifteen surrounding properties were consulted and no representations were received.

The consultation period expired 29 March 2024.

Second Consultation

An advert was published in the Gravesend Messenger and a notice was displayed on site 12 September 2024.

In addition, fifteen surrounding properties were consulted and no representations were received.

The consultation period expired 04 October 2024.

Preliminary Matters

The Local Planning Authority note that the plans submitted for this application are erroneous and show the consented development (ref. 20220431) with a different roof form than approved. The plan extracts below demonstrate the changes made to the roof form:

Submitted Plans (ref. 20240136)



Approved Plans (ref. 20220431)





Amended Plan to show ref. 20220431 as approved



Officer's Analysis

Site Description

The application site contains a row of 5no terraced properties, located on the southern side of London Road.



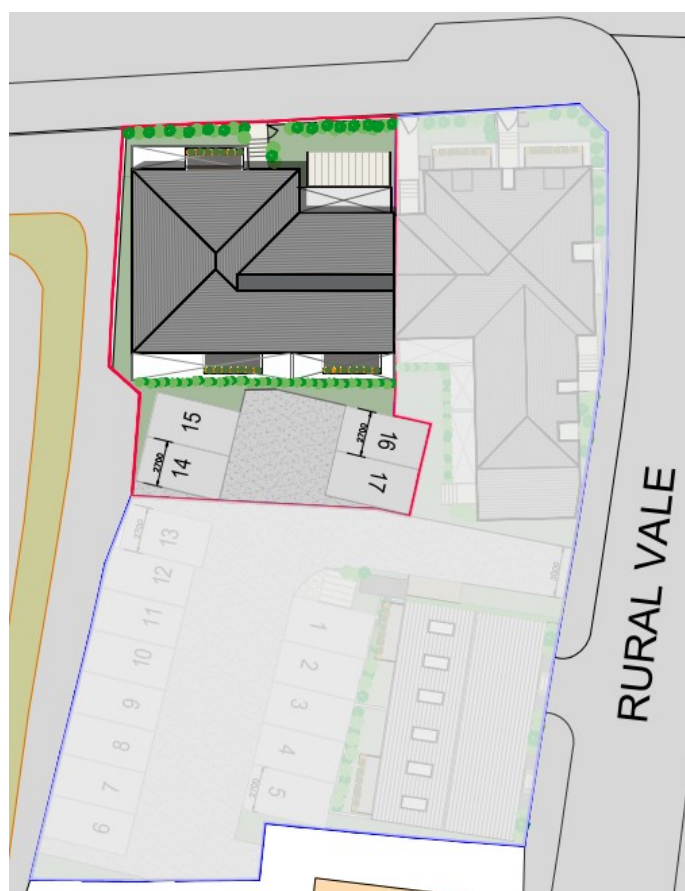
Development Proposal

This application proposes the demolition of the terraced houses and erection of a three storey building containing 12no. one bedroom flats. The proposed building would have the following dimensions:

- Depth – 10.8m
- Width – 15.4m
- Height (max) – 10.85m
- Height (eave) – 8m



The development would utilise the approved vehicular access from Rural Vale and provide four off-street parking spaces.



Principle of Development

- Housing Need
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Refuse Arrangements
- Sustainable Urban Drainage
- Sustainable Development
- Archaeology
- Contaminated Land
- Air Quality
- Ecology and Biodiversity
- Affordable Housing, Planning Obligations and Development Viability

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 February 2025, it demonstrates that based on data for the period 2024-2029, the Council can only demonstrate a land supply of 3 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 Policy CS02 of Gravesham's Local Plan Core Strategy (LPCS) (2014) 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:

1. 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
2. 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 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or

within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and

- and areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 130(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '12' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded significant 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 be high quality, beautiful and sustainable, and to create better places in which people can live and work, which also helps make development acceptable to existing local communities.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Design

Policy CS19 (LPCS) states that the design, layout and form of new sustainable 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 (2024) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The NPPF (2024) makes it clear that development that is not well designed should be refused, especially where it fails to reflect local design policies (e.g. Local Plan Policy CS19 and the associated Supplementary Planning Document adopted by the Council, Design for Gravesham) and government guidance on design (contained in the National Design Guide and National Model Design Code).

The quality and character of the built environment is also important in making the Borough an attractive place in which to invest. Therefore, a balance is required between achieving an effective use of a site, whilst ensuring the development is a sustainable, place-led development with people at its heart and one which protects local amenity. At the level of individual sites and buildings, the environmental impact of new development can be minimised by reducing energy in use; minimising external pollution and environmental damage; reducing embodied energy and resource depletion; and minimising internal pollution and damage to health.

Density of Development

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area.

Policy CS15 (LPCS) requires that all new housing will be developed at a density, which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, new residential development within the urban area will be expected to achieve a minimum density of 40 dwellings per hectare. It is clear that whilst Policy CS15 (LPCS) seeks to achieve this minimum density, this should not be at the expense of compromising the character of the surrounding area.

Policies CS14 and CS15 (LPCS) are expanded upon by Design for Gravesham, which also requires applicants to follow a design-led approach to achieve an appropriate density, to deliver a level of density that is contextual to area and to deliver a minimum of 40 dwellings per hectare (dph) in the urban area.

Based on the area of the site, the density of the development would be circa 327dph, thus significantly exceeding the minimum density requirements of both the LPCS and Design for Gravesham. Although the density calculation might suggest overdevelopment of the site, the proposal forms part of a wider site with a planning approval (ref. 20220431). The combined number of units on the site would be 25, which drops the overall site density to 206dph. This still significantly exceeds the minimum standard, and would suggest overdevelopment, which is considered in later sections of this report (parking and highways).

Housing Type, Mix and Size

Policy CS14 (LPCS) seeks to ensure that new housing development provides a range of dwelling types and sizes. The proposed scheme will deliver 12no one bedroom, one person dwellings, which is considered to fail to provide a range of dwelling types or sizes contrary to Policy CS14 (LPCS).

Design, Character and Appearance

In design terms, Gravesham's Design Code: Design for Gravesham (2024) sets out the long-term strategic direction for and standard of design required for new developments within the Borough. The Design Code comprehensively covers all aspects of design principles and those of particular relevance to this application are as follows:

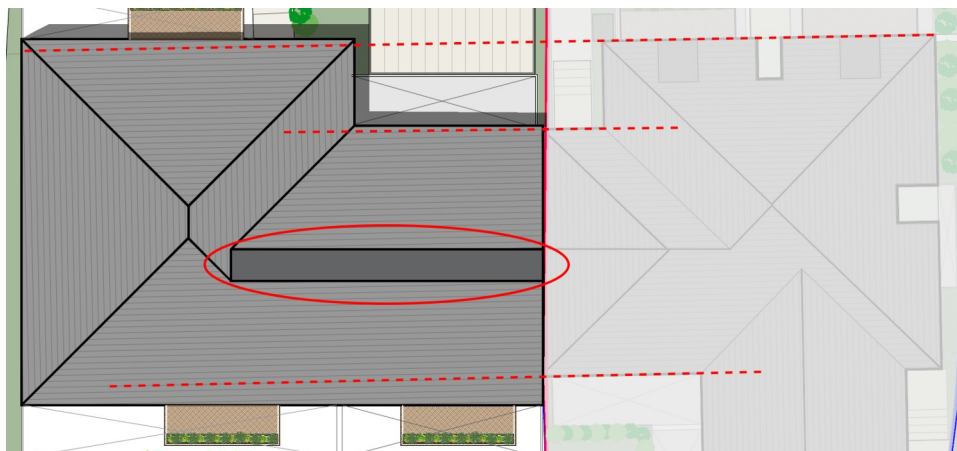
- *Pattern and Scale* –
 - 5.9(e) When a larger development is proposed, the massing should be broken down into smaller proportionate elements that contextually respond to the character of the area and create a human-scaled street scene.
- *Tall Buildings* –
 - 5.11(a) New development **must** be of exemplary design quality. This includes considerations of height, massing, proportions, materials, detailing, site layout and its relationship with the surrounding context, positively contributing toward the character of the area.
- *Building Lines* –
 - 5.13(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.
 - 5.13.2 – Continuous building lines with regular and planned variations help deliver a well-defined street scene. Where buildings do not follow a continuous alignment, the street frontage may appear fragmented.
- *Roofscape* –
 - 5.15(a) New development **must** respect the character of the local area and **must** respond to prevailing roof forms in a way that is appropriate to the context.
 - 5.15(e) Inconsistent roof pitches **should** be avoided.

The proposed block would be attached to the approved ref.20220431 development and has been designed with similar characteristics, through a contemporary appearance with aluminium windows arranged to match the approval, matching materials and mirrors the approval with a gable projection on the frontage. While this approach is generally considered positive and creates continuity within the street scene, the new building fails to relate to the approved scheme:



As shown above, the new block would have a gable end adjoining the approved building, which has a hipped roof. This creates a clear contrast between the two buildings and conflicting appearance, with the new building not tying in with the approved building to which it is adjoined and has been designed to relate to with matching materials and features. As such, the new development would have a detrimental impact on the character and appearance of the approved development and cause harm to the street scene contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Furthermore, the proportions of the new block are at odds with the approved building. The front wall and gable are set forward of the approved building, and the rear wall is also set-back wall from the flank projection on the approved building. This creates a discordance between the two buildings and would appear as an awkward arrangement and further contradicts the design strategy of tying the to match the approved development. There is also a greater discordance at the rear, however there is less concern with this by virtue of this part of the development being screened from public vantage point.



The additional depth of the new building is facilitated by a table-top flat roof, which are generally not supported by the Local Planning Authority due to their perceived bulk and poor design. This feature, along with the discordance with the approval, demonstrate overdevelopment to the detriment of design and would result in a negative impact on the character of the approved development and the wider street scene.

Conclusion on Overall Design, Character and Appearance

The proposed development would be completely at odds with the approved building with an awkward roof arrangement, discordant elevations and bulky flat roof sections, which would result in a jarring contrast and have a detrimental impact on the character and appearance of the street scene contrary to Design for Gravesham: Design Code (2024), as well as Policy CS19 of the Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2024).

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow

changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These Nationally Described Space Standards (NDSS) came into effect on 1 October 2015.

The national housing standard guidance provides minimum gross floor areas for units, breaking down the number of bedrooms and bed spaces (persons). These figures have been compared to the proposed units and are shown in the tables below:

Flat	Proposed Floor Space	Amenity Space	National Space Standard (m²)
<i>Flat 1 - (1b / 1p)</i>	37m ²	0m ²	37m ²
<i>Flat 2 - (1b / 1p)</i>	42.3m ²	0m ²	37m ²
<i>Flat 3 - (1b / 1p)</i>	40.1m ²	0m ²	39m ²
<i>Flat 4 - (1b / 1p)</i>	37.3m ²	0m ²	37m ²
<i>Flat 5 - (1b / 1p)</i>	39.1m ²	0m ²	39m ²
<i>Flat 6 - (1b / 1p)</i>	37.2m ²	0m ²	37m ²
<i>Flat 7 - (1b / 1p)</i>	37.3m ²	0m ²	37m ²
<i>Flat 8 - (1b / 1p)</i>	39.1m ²	0m ²	39m ²
<i>Flat 9 - (1b / 1p)</i>	37.2m ²	0m ²	37m ²
<i>Flat 10 - (1b / 1p)</i>	46m ²	0m ²	39m ²
<i>Flat 11 - (1b / 1p)</i>	37.5m ²	0m ²	37m ²
<i>Flat 12 - (1b / 1p)</i>	40m ²	0m ²	39m ²

Table 1 - Unit Sizes

As shown above, if the flats are assessed at maximum capacity all units comply with the recommendations within the National Space Standards. Therefore, it is suggested that the units would provide acceptable accommodation and safeguards the amenity of future occupiers.

All rooms within the flats are also in accordance with the minimum floor areas of Gravesham's RLG.

In summary it is considered that dwellings will provide acceptable living conditions for future occupiers and thus comply with the Council's Residential Layout Guidelines (and National Space Standards) and therefore the proposal complies with CS19 (LPCS) and Section 12 of the NPPF (2024).

Further to the amenity standards, the proposed development is situated on London Road (B2175) which is a busy arterial road out of the Town Centre, and habitable rooms and balconies will front the road. These are set-back by approx. 5.7m, however the noise impacts could be detrimental to future occupier amenity. Gravesham's Environmental Protection Officers have recommended a noise control condition be attached should the application be supported, which would ensure complies with internal and external noise levels. Therefore, subject to conditions, the amenity of future occupiers would be safeguarded in terms of noise in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and the NPPF (2024) requires development to have a high standard of amenity for existing users (In this case surrounding properties).

The proposed development is not considered to have any detrimental impact on the amenity of neighbouring properties. The new block would replace the existing terrace, with no properties situated across London Road (BS2175) to the north. There are dwellings to the south, but these are set forward to the new block and would be approx. 31m from the rear wall. As such, there will be no impacts through overshadowing, privacy, sense of enclosure or outlook.

Overall, the proposal is considered to safeguard the neighbour amenity in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Parking and Highways

The proposed development needs to be considered against Policy CS11 (LPCS) which states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities. This is also reflected by Saved Policy T1 (LPFR) which requires proposed development to be adequately served by the highway network and Saved Policy P3 (LPFR) which sets out highways parking standards for development.

At a national level the NPPF (2024) states at paragraph 110, significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF (2024) goes on to state development should only be prevented or refused on transport grounds where the cumulative impact of development is severe.

The proposed development would utilise the approved vehicular access (ref. 20220431) from Rural Vale, with a dedicated parking area to the rear of the proposed building which contains 4no. parking spaces and would provide 12no. secure cycle spaces.

Due to the suburban location of the site, the Councils Highway Officer and Kent County Council Highways consider the parking provision to be inadequate. While it is noted that smaller shops are a short walking distance from the site, it is approx. 1.3km from Gravesend Town Centre and the superstores, as well as 1.9km from the Train Station. While there are public transport routes operating on London Road, the distance to larger amenities and the train station would lead to future occupiers utilising cars.

Based on this, the expectation of Kent County Council Highways is that each new dwelling should have a dedicated parking space, to prevent overspill onto the surrounding highway network. The highway authority registered objection on this basis and required the applicant to either provide 1-1 off-street parking or justification for the under-provision.

As aforementioned in this report, the Local Planning Authority attempted to engage with the applicant a number of times and put forward KCC Highways concerns, requesting additional information through a parking beat survey. However, no justification was submitted and as such, the proposal fails to deliver sufficient off-street parking, is contrary to Gravesham's adopted parking standards (SPG 4) and would result in increased competition and have a severe impact on the local highway network.

The proposal fails to provide any off-street parking provision for the new dwellings contrary to Gravesham's adopted parking standards (SPG4) (2006), adding to existing pressure for on-street parking within the immediate area in conflict with Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

Refuse Arrangements

Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.

The plans do not detail any waste provision or bin stores for the new flats. The site is extremely constrained in size and there would be limited space for adequate bins to be stored for the 12 residents in the building. Therefore, the proposal fails to incorporate appropriate facilities for the storage and recycling of waste, contrary to Policy CS19 (LPCS).

Sustainable Urban Drainage

Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. The application as submitted makes no reference to either of these requirements and the agent will be required to provide a Sustainable Urban Drainage Strategy (SUDS) for the site which should include the following design principles.

- Pervious pavements/road surface to allow water to drain through the surface;
- Filter Drains; and
- Rainwater catchment.

In order to deal with the above a condition will be required to deal with Sustainable Urban Drainage Strategy (SUDS) for the site.

Sustainable Development

Policy CS01 (LPCS) requires the Local Planning Authority to take a positive approach that reflects the presumption in favour of Sustainable development contained within the LPCS and the NPPF (2024). Policy CS02 (LPCS) requires development to prioritise the redevelopment and recycling of underused, derelict and previously developed land in the urban area. Due to the location, size and layout, together with the spatial character of the area, this application site meets these definitions.

Policy CS18 (LPCS) sets out that new development should aim to reduce the overall carbon footprint of on development, and Policy CS19 (LPCS) requires (where relevant) that new development will provide carbon reduction and provision for low carbon and renewable imagery, minimising energy consumption and water use.

At a national level, the NPPF (2024) states in paragraph 8 that achieving sustainable development means improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Paragraph 105 of the NPPF (2024) states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

The application does not include any details of sustainable energy sources or materials. However, the proposed scheme is relatively small scale and therefore Building Regulations would cover the sustainability requirements of the development under Part S, without planning conditions being required.

Archaeology

Policy CS20 (LPCS) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage

asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

Saved Policy TC7 (LPFR) 1994 indicates that planning permission may be refused without adequate assessment of the archaeological implications in areas of archaeological potential.

At a national level paragraph 214 of the NPPF (2024) advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest (evidence of past human activity), local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The application site is within an area of archaeological potential and has been reviewed by Kent County Council Heritage, who raise no objection subject to the conditions being attached should the application be supported. Therefore, subject to conditions, the proposal accords with saved policy TC7 (LPFR), Policy CS20 (LPCS) and paragraph 214 of the NPPF (2024).

Contaminated Land

Policy CS19 (LPCS) indicates that new development will be located, designed and constructed to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination.

Paragraph 187 of the NPPF (2024) indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

The application has not been supported by any preliminary ground assessments, however Gravesham's Environmental Protection officers and the Environment Agency have raised no objection in relation to contamination, subject to conditions being attached to the decision notice, should the application be supported. Therefore, subject to conditions, the proposal would not result in any contamination issues and be in accordance with Policy CS19 (LPCS) and paragraph 187 of the NPPF (2024).

Ecology and Biodiversity

Paragraph 187 of the NPPF (2024) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural England Commission Rural Communities (NERC) Act (2006) and the Environmental Act (2021).

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

Appropriate Assessment

The Habitats Directive protects certain species of plants and animals that are particularly vulnerable and requires a Habitats Regulations Assessment (HRA) to be undertaken by a competent public body, such as a local planning authority where any development has the potential to have an impact on a protected site. The process of HRA involves an initial 'Screening' stage followed by an Appropriate Assessment (AA) if proposals are likely to have a significant (adverse) impact on a protected site - in this case the Thames

Estuary and Marshes Special Protection Area of SPA (termed Natura 2000 site).

In the light of any such assessment, the Borough Council may only grant planning permission if it has been ascertained that the proposed development will not, either on its own or in-combination with other plans and projects, have an Adverse Effect on the Integrity (AEIOI) of such a site, unless there is no feasible alternative or imperative reasons of overriding public interest apply.

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

The Thames Estuary and Marshes Special Protection Area (SPA) is classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Local Planning Authority has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £337.49 per additional dwelling), and if appropriate other mitigation. This approach is approved by Natural England for all new residential developments. For every planning application for a new dwelling (including new apartments), the tariff contributions are secured through a Section 106 legal agreement or unilateral undertaking or if there are no other financial contributions this is secured through a contribution agreement. Where a developer is unwilling to make the SAMMS payment, sufficient evidence is required to be supplied by the applicant to enable the Council to undertake a Habitats Regulations Assessment (HRA). A HRA is a process that determines whether or not development plans could negatively impact local plans on a recognised protected European site beyond reasonable scientific doubt.

The tariff has previously been accepted effectively in lieu of an Appropriate Assessment (AA). However, in a 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.

Although the SAMMS mitigation payment has not been made by the applicant, this would have been secured through a S106 agreement for a major development, should the applicant be supported by the Local Planning Authority. Therefore, the

Furthermore, the application has not been supported by an Ecological Impact Assessment (EcIA), which would assess the suitability of the existing terraced buildings to support roosting bats, which are a European protected species. Kent County Council Ecology have reviewed the application and stated that an EcIA is required and additional information on the ecological baseline of the site through a Preliminary Ecological Appraisal (PEA) should also be undertaken.

Therefore, insufficient information has been submitted to ensure that the development does not impact protected species or establish ecological baselines, required mitigation and enhancement measures. On this basis, the proposal is contrary to Paragraphs 193 and 194 of the NPPF (2024) and Policy CS12

(LPCS), and the requirements of the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain

The Environment Act sets out the following key components of mandatory biodiversity gain:

- Minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan;
- Significant on-site habitat and all off-site habitat secured for at least 30 years for at least 30 years via conditions, planning obligations or conservation covenants;
- Delivered on-site, off-site or via a new statutory biodiversity credits scheme; and
- National register for net gain delivery sites.

Under the Environment Act 2021 any major development (unless exempt) submitted on or after 12th February 2024 will have to deliver at least a 10% biodiversity net gain. This application was received by the Local Planning Authority 13th February 2024, and therefore the BNG requirements apply.

The supporting BNG metric sets out a net loss of 48.91% of BNG (habitat units), with the Biodiversity Net Gain Assessment (by Arbtech) recommending amendments to the landscaping proposal or off-site compensation through habitat units being secured. The scheme and metric have been reviewed by KCC Ecology, who set out that off-site compensation would be required and this can be addressed through the statutory BNG condition and the submission of a biodiversity gain plan should planning permission be granted.

Affordable Housing and Planning Obligations

Affordable Housing

The Borough Council's position on affordable housing, as set out in Policy CS16 (LPCS) is that affordable housing will be required at a provision of 30% on sites within the urban area proposing 15 or more dwellings, on a site of 0.5 hectares or more. Policy CS16 (LPCS) seeks a broad mix of 70% rented and 30% shared ownership (negotiable), although the tenure mix should meet local needs and achieve a viable, sustainable and socially inclusive development.

The proposal does not meet the 15 dwelling threshold of Policy CS16 (LPCS) and no affordable housing provision is required.

Planning Obligations

The applicant has agreed to enter into an agreement with the Local Planning Authority under Section 106 of the Town and Country Planning Act (1990) to secure mitigation measures.

The Community Infrastructure Levy Regulations 2010, as amended, set out legal tests relating to the use of planning obligations. Regulation 122 states (where there is no CIL charging regime) a planning application may only constitute a reason for granting planning permission for the development if the obligation is:

- i. necessary to make the development acceptable in planning terms;
- ii. directly related to the development: and
- iii. fairly and reasonably related in scale and kind to the development.

The NPPF (2024) at Paragraph 56, makes it clear that, *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition"*.

The Government's Planning Practice Guidance (PPG) expands on the NPPF (2024), and sets out that

developers may submit viability assessments at the planning application stage, as well as providing details for viability assessments. It states, “Any viability assessment should follow the government’s recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available... In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission”.

Policies CS10 (Physical and Social Infrastructure) and CS16 (Affordable Housing) of the Local Plan Core Strategy (LPCS) (2014), require development to be supported by relevant infrastructure and to deliver affordable housing, subject to viability considerations. As the applicant is seeking to meet and exceed the requirements of Policy CS16 (LPCS), and has in principle agreed to enter into a s.106 to commit to providing all of the relevant financial contributions, viability is not a matter that needs to be explored further.

The planning obligations requested are as follows:

Obligation	Sum
Financial contribution for Leisure Services (towards playing pitch provision and the Rosherville Recreation Ground, Fountain Walk and the Riverside Leisure Area)	£12,906
Total	£12,906

In addition to the Borough Council's financial requests, requests have also been received from Kent County Council (KCC), these are set out below:

Each KCC request is considered below.

Obligation	Sum	Definition/Site/Address
Financial contribution for Community Learning and Skills	£273.68	Additional equipment and resources for adult education centres serving the development, including outreach provision.
Financial contribution for Library, Registrations and Archives Service	£501.04	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including Gravesend.
Financial contribution for Adult Social Services	£1,447.04	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the Borough.

Obligation	Sum	Definition/Site/Address
Financial contribution towards Ebbsfleet WTS	£1,553.04	Towards Ebbsfleet Waste Transfer Station and HWRC.
Total	£3,774.80	

Therefore, the total sum sought for financial obligations is £16,608.80, which excludes the sum of £4,049.88 towards SAMMS. If the proposal were recommended for permission, the total sum sought within a S106 agreement would be £20,730.68.

Conclusion and Overall Planning Balance

The proposed development would deliver new housing within the Borough and contribute to the housing land supply, and the National Planning Policy Framework (2024) sets out that new housing development should be approved unless adverse impacts of doing so would significantly and demonstrably outweigh these benefits (paragraph 11(d)). In this case, the adverse impacts of the development are considered to outweigh the benefit through poor design and highway impacts.

As set out within the report, the new building would be completely at odds with the approved building with an awkward roof arrangement, discordant elevations and a bulky flat roof section, which creates a jarring contrast and would have a detrimental impact on the character and appearance of the street scene contrary to Design for Gravesham: Design Code (2024), as well as Policy CS19 of the Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2024).

The proposal fails to provide any off-street parking provision for the new dwellings contrary to Gravesham's adopted parking standards (SPG4) (2006), adding to existing pressure for on-street parking within the immediate area in conflict with Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

Lastly, insufficient information has been submitted to ensure that the development does not impact protected species or establish ecological baselines, required mitigation and enhancement measures and is contrary to Paragraphs 193 and 194 of the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014), and the requirements of the Conservation of Habitats and Species Regulations 2017.

Therefore, it is recommended that planning permission is refused.

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	3 rd December 2025	Dated:	12 th December 2025