
SUMMARY REPORT

Application Ref:	20240013
Site Address:	Former St Josephs Convent Preparatory School, 46 Old Road East, Gravesend, Kent, DA12 1NR
Application Description:	Conversion of existing Victorian building into 6 flats. Demolition of existing outbuildings. Erection of a 3 storey medical centre. Erection of a building containing 7no flats. Erection of 41no houses. Associated works to include; access, public open space and landscaping.
Applicant:	Galliard (Gravesend) Ltd
Agent:	Mr Mark Bewsey, DHA Planning Ltd
Ward:	Whitehill And Windmill Hill
Parish:	Non-Parish Area
Decision due date:	6 May 2024
Publicity expiry date:	7 March 2024
Decision Level:	Planning Committee
Reason for referral:	Member call in
Recommendation:	To follow in supplementary report.

Summary of Reasons for Recommendations

To follow in supplementary report.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is a former independent Catholic private school, formerly known as St Joseph's Preparatory School. It is located on the southern side of Old Road East.



- 1.2. The access to the site is currently via a joint vehicular and pedestrian access off the southern side of Old Road East and the site is approx. 1.63ha in size. Within the site there are various structures with a 3 storey Victorian building (shown the image above as 'building to be retained') at the northern end with other 20th century buildings (shown the image above as 'building to be demolished') further south on the site. The 20th century buildings are one and two storeys with a number of portacabins behind these buildings.
- 1.3. To the west of these buildings is a tarmac school yard and associated parking. To the rear of the site are the former school's playing fields.
- 1.4. The site is currently vacant following the closure of the school at the end of the 2020 / 2021 school year. The site has a frontage of around 40m onto Old Road East. Coombe Road on the south-western boundary of the site runs up to the site but there is no access onto Coombe Road.
- 1.5. The site is within an established residential area with dwellings from Laurel Avenue, Hillside Avenue, Hillside Drive, Old Road East, Coombe Road and St Mary's Close all backing onto the site. Many of the dwellings on these roads have been extended (either under permitted development or through planning approvals). As demonstrated in the satellite image below, it is clear that parts of the site are overlooked in numerous locations by dormer extensions (especially from some properties on St Mary's Close and Coombe Road).



- 1.6. The site is identified as an area of archaeological potential but is not adjacent to any conservation areas or within the setting of any listed buildings.
- 1.7. The site has a gradient with the northern portion of the site being at a higher level.
- 1.8. Old Road East is a classified Road and public transport is available from Echo Square, in the form of the 482 bus service which is within walking distance of the site. The site is around 1 mile from Gravesend Town centre / Gravesend Railway Station, approximately a 25 minutes' walk via Parrock Road/Street.

2. Planning History

Reference	Description	Decision	Decision Date
20170837	Erection of 2no. changing rooms and shower room, storage area and a linked canopy.	PERMITTED	30.10.2017
20021017	Erection of a double classroom unit at the rear of the school.	PERMITTED	05.02.2003
19950580	Retention of the playground extension and the 15m long x 3.6m high fence extension on the western boundary of new playground.	PERMITTED	15.12.1995

19820396	Erection of single storey building to form 4 replacement classrooms store stockroom and linking corridor	PERMITTED	28.07.1982
19800488	Stationing of temporary classroom block	PERMITTED	28.07.1980
19791127	Retention of a classroom dining room	PERMITTED	15.01.1980
19791005	Renewal of planning permission TH 2 72 25 for retention of cover over existing swimming pool	PERMITTED	06.12.1979
19791003	Retention of 4 temporary classrooms and a cloakroom at the rear	PERMITTED	21.11.1979
19791002	Retention of a mobile classroom	PERMITTED	21.11.1979
19780896	Erection of chain link fencing 8 feet high on the eastern and western sided and 12 feet high on the northern and southern sides surrounding proposed double tennis courts at the rear	PERMITTED	25.01.1978
19781049	Renewal of planning permission TH 2 72 25 C for provision of a mobile classroom	PERMITTED	11.01.1979
19750292	Siting of relocatable classroom	PERMITTED	13.05.1975
19740384	Continued use of 4 temporary classrooms and a cloakroom.	PERMITTED	03.10.1974
19480214	Extension to school premises	PERMITTED	15.11.1948

3. **Proposal**

- 3.1. This application proposes the redevelopment of the former school site, to create 54 residential units and a medical centre. This would involve conversion of the existing Victorian school building into 6 flats, the demolition of existing outbuildings and the construction of a new block of 7 apartments and the erection of 41 dwellinghouses. The medical practice building would be 3-storeys and 1350m².



- 3.2. As part of the development, a revised vehicular access will be created onto Old Road East, a pedestrian connection will be created on the south-western boundary of the site onto Coombe Road. There will be a new park area created within the site.



4. Planning Policy, Development Plan and other Material Considerations

4.1. Development Plan

Gravesham Local Plan Core Strategy (September 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)

- LT6 – Additional Open Space in New Housing Development

- P3 – Vehicle Parking Standards
 - T1 – Impact of Development on Highway Network
 - T5 – New Accesses onto Highway Network
 - TC7 – Other Archaeological Sites
- 4.2. Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.
- 4.3. 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 and beautiful places
- Section 15 – Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Guidance

- SPG2 – Residential Layout Guidelines (2020)
- SPG4 – KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Technical Housing Standards – Nationally Described Space Standard (2015)
- Design For Gravesham (2024)

Other Supplementary Planning Guidance

- Kent Design Guide (2000)
- Manual for Streets (2007)

5. Consultations and Publicity Responses

5.1. External Consultees

5.1.1. KCC Highways

First Comment (06 March 2024) – The application is supported by a Transport Statement dated November 2023 which is considered mainly acceptable and is based on pre-application discussions undertaken with KCC on 18th September 2023.

However, there are a number of errors in the TS that require attention, for example, there are two Appendix Cs. Also, the section on Parking - Section 4.5 is confusing.

Section 4.5.2 states that KCC Parking Standards (IGN3) require a maximum of 1 space per 1 bed dwelling, 2 spaces per 2 or 3 bed dwelling, and 3 spaces per 4 bed dwelling. This is incorrect for an "edge of centre" location which recommends a maximum of 1 space per 1, 2 or 3 bed dwellings. Section 4.5.3 then states that all properties will be provided with 1 parking space which

conflicts with the previous statement in 4.5.2. The calculation in Section 4.5.4 stating that a maximum of 96 spaces should be provided is also conflicting stating that 60 spaces are being provided (54 + 4 garages + 2 visitor spaces) which, although this is somewhat correct, is most confusing. KCC Parking Standards recommends a total of 20% visitor parking (not within curtilages) which would amount to 11 spaces. Whilst the 20% figure is a maximum, it is recommended that in such a location where on-street parking is limited by layout, particularly on shared surfaces, that the full 11 visitor spaces should be provided and that these should be evenly spread across the development. The site layout should be amended accordingly.

Similarly, for the Medical Centre, the maximum parking provision in accordance with Kent Parking Standards (SPG4) is 1 space per 2 staff and 1 space per 4 consulting / treatment rooms - a total of $20 \times 4 + \text{no of staff} / 2 = 80 + \text{staff parking (number of staff not provided but needed)}$. The proposal is for 40 spaces in Section 4.5.7 which is considerably less than the maximum standard. The TS (4.5.7) states that "This level of parking will be justified through an accumulation assessment to demonstrate that it can serve the expected demand." but no justification is provided and needs to be, possibly based on other similar facilities in the locality. Given the low level of residential parking on the development there are concerns that should the parking quantum for the Medical Centre be found to be inadequate, there is no space on the development site to expand at a later date. There are risks that the residential parking may overspill into the medical centre car park or vice versa resulting in further parking on existing local roads which would not be acceptable.

The other elements of the Transport Statement are found to be acceptable and generally comply with the pre-application discussions and advice.

It is therefore requested that a holding objection is placed on this application whilst a revised Transport Statement is submitted which addresses the issues raised above, particularly the parking section, and a revised layout plan is produced incorporating additional visitor parking spaces and justifiable parking spaces for the medical centre. Without these revisions, a refusal is recommended on the grounds of lack of justification for the parking provision.

- Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of their ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Second Comment (20 June 2024) – The number of visitor spaces for the residential units has been increased from two to 11, which is 20% of the total (54) and is acceptable.

The parking demand assessment for the medical centre shows an anticipated peak demand of 33 spaces, which is based on an average of eight medical centre sites. Whilst this gives some comfort that all parking can be accommodated on site, the 40 spaces proposed are well below the maximum that could be provided (80 plus one space per two staff) and this may result in on street parking. It is therefore requested that:

- The spaces allocated for the medical centre use (other than a small proportion for staff parking) should have a maximum time restriction to prevent them from being used by the residents.
- A Car Park Management Plan is conditioned and parking demand be monitored on an annual basis for a five year period, in line with the Travel Plan. If, through annual parking beat surveys, on street parking is considered to be associated with the medical centre, consideration should be given to the implementation of / change to on street parking controls. Any restrictions implemented would be at the Applicant's expense. At this point, Travel Plan measures should also be increased.

A pedestrian access will be created onto Coombe Road. Whilst the documents state this is also for cyclists, it is narrow and cyclists would therefore have to dismount (which is against LTN 1/20 guidance). Ideally, this access should be a minimum of 3m in width to cater for both users. A 3m access would also allow for an emergency access, restricting general traffic through the use of bollards.

Further to my previous comments dated 05.03.24, on balance, I confirm that I now raise no objection on behalf of the local highway authority. Should the LPA be minded to grant planning permission, the following conditions are requested.

Conditions

- One cycle parking space per bedroom for each house and one cycle parking space per flat to be provided prior to first occupation of the relevant residential unit. A total of 11 cycle parking spaces to be provided prior to first occupation of the medical centre.
- 54 vehicle parking spaces and four garages to be provided for the residential units, prior to first occupation of the associated unit. 11 unallocated visitor spaces are to be provided prior to first occupation of the residential element. 40 vehicle parking spaces (including four disabled spaces) and two motorcycle parking spaces are to be provided prior to first occupation of the medical centre.
- Electric vehicle charging to be provided in line with building regulations, with a minimum of 7KW output. Ducting and cabling to be provided for passive charging.

- A Full Travel Plan (based on the Framework) to be submitted to and approved by the LPA prior to first occupation of the medical centre.
- Provision and maintenance of the 2.4m x 43m visibility splays shown on the submitted plans with no obstructions over 1.05m above carriageway level within the splays, prior to the use of the site commencing.
- A Car Park Management Plan to be submitted to and approved by the LPA prior to first occupation of the medical centre, to include (as a minimum) the following:
 - (a) Opening hours of the medical centre and number of staff employed
 - (b) Number of parking spaces for staff, and for visitors
 - (c) Number of regular, disabled, motorcycle and cycle parking spaces
 - (d) Details of any parking restrictions on site
 - (e) Details of any parking related complaints or issues identified
 - (f) Details of annual monitoring methodology including parking beats along all internal roads, Coombe Avenue and Old Road East (between Whitehall Rd and Milton Av)
 - (g) Details of measures to be implemented should any on street parking be deemed to be associated with the medical centre including consideration of on street parking restrictions in consultation with KCC and GBC (implemented at the Applicant's expense), and increasing Travel Plan measures
 - (h) Annual reporting of the results and measures implemented.
- A maximum time restriction on the visitor parking associated with the medical centre to prevent use by residents.
- A Construction Management Plan to be submitted to and approved by the LPA prior to the commencement of any development on site, to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Details of any temporary traffic management / signage
- Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

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altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 5.1.2. **KCC Heritage** – The application site lies within an area of multi-period archaeological potential though there have been relatively few recent archaeological investigations close to the site and whilst the applicant's Cultural Heritage Assessment (RPS 2023) concludes that the archaeological potential for all periods of human history is low, I think it important to note that our present understanding is limited and uncertain. In addition it would appear that much of the site may not have been heavily impacted by modern development and thus any below-ground archaeological remains may have survived relatively undisturbed, although it should be noted that even where there have been modern building, it is possible that below-ground archaeological remains may survive.

On the basis of the existing evidence for the site and area and the fact that development would include a significant amount of groundworks which could adversely impact any below-ground archaeological remains, I recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

To evaluate and mitigate the impacts of development on heritage assets with archaeological interest:

- A) Prior to any development ground works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a Specification and written timetable which has been submitted to and approved in writing by the local planning authority.
- B) Following completion of archaeological field evaluation works, no development groundworks shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or archaeological mitigation excavation and recording in accordance with a Specification and timetable which has been submitted to and approved by the local planning authority.
- C) The archaeological safeguarding measures, mitigation excavation and recording shall be completed in accordance with the agreed Specification and timetable.
- D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
 - (a) a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - (b) an Updated Project Design outlining measures to analyse, report and disseminate

- the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- (c) a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason To ensure that features of archaeological and palaeo-environmental interest are properly examined and recorded in accordance with relevant Local and the National Planning Policy.

5.1.3. **KCC Biodiversity / Ecology** – We have reviewed the ecological information submitted by the applicant and advise that sufficient information has been provided. If planning permission is granted, we advise that the conditions below are included.

- PRECAUTIONARY WORKING METHODS - The PEA report includes recommendations for precautionary working methods regarding breeding birds, reptiles and hedgehog. We advise that implementation is secured by condition. Suggested wording:

From commencement of works (including site clearance), to avoid impacts to protected and priority species, the following precautionary mitigation should be implemented:

- 1) A pre-commencement Toolbox Talk will be provided by an ecologist to all site staff (aligned with any phasing of works);*
- 2) Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season¹ (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If removal is required during the breeding season, examination by a suitably qualified and experienced ecologist will be undertaken immediately prior to works. If any nesting birds are found, works within the relevant area will be delayed until all chicks have fledged and the nest is no longer in use;*
- 3) Any required clearance of tall/dense vegetation with potential to support reptiles should be undertaken in two stages in dry, warm conditions. This will include a first cut to 150mm, followed by a second cut at least 24 hours later to ground level. The vegetation will be maintained at this height until completion of all works;*
- 4) Brash, rubble and log piles to be removed will be dismantled by hand. Where these are suitable for hibernating reptiles/hedgehog (to be identified by the site ecologist during the Toolbox Talk), removal will be conducted outside of the core hibernation period (November – February inclusive);*
- 5) Backfilling of trenches and other excavations will be undertaken before nightfall, or a ramp will be left to allow any animals to easily exit;*
- 6) All excavations and trenches will be checked each morning throughout the construction period and prior to infilling;*
- 7) All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding/bare ground areas and raised off the ground, e.g. on pallets.*
- 8) If at anytime a protected species is suspected within the works area all works must stop while the site ecologist is consulted. Works will not resume until any required surveys and/or mitigation have been completed;*
- 9) A written summary of the Toolbox Talk and above measures will be retained and displayed on site throughout pre-works and construction.*

- INVASIVE PLANT MANAGEMENT - The invasive non-native species Buddleia is present within the site. Control and avoidance of the spread of species identified as invasive non-native species is advised by the GB Non-native Species Secretariat (NNSS)². As such we advise that a method statement for the control of invasive species present within the site is attached to any planning permission. Suggested wording:

Prior to the commencement of works (including site clearance), a non-native species eradication strategy will be submitted to, and approved in writing by, the local planning authority. The strategy will detail the containment, control and removal of Buddleia. The measures will be carried out in accordance with the approved details.

- PROTECTION OF RETAINED HABITATS DURING CONSTRUCTION - All hedgerows and trees to be retained within the proposed development shall be protected during construction in line with standard arboriculture best practice (BS5837:2012). We advise incorporating such measures into the Construction Management Plan and to secure this as a condition of any planning permission approved.
- LIGHTING AND BIODIVERSITY - Artificial lighting has been proven to significantly impact on the behaviour of insects, birds, bats, and other nocturnal mammals. NPPF 2023 paragraph 185 states that planning decisions and policies should: “...*limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*”. This is relevant to the retained vegetation bordering the site and proposed enhancements such as native species landscaping and bat/bird boxes.

We advise that the avoidance of increased artificial lighting impacts is secured through provision of a sensitive lighting plan. The Plan should be designed in accordance with National Planning Policy Framework 2023 and the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23'. Suggested wording:

Prior to occupation, a lighting plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. Lighting will be designed in accordance with the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23'. The Plan will show the type and locations of proposed external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity including existing dark corridors and proposed areas of landscaping. This will include details of any measures to reduce impacts from emitted internal lighting. All lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

- LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN - Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system.

The Planning Statement includes reference to Policy CS12: Green Infrastructure of the Gravesham Local Plan Core Strategy (2014), which states:

There will be no net loss of biodiversity within the Borough and opportunities to enhance, restore, re-create and maintain habitats will be sought; Where a negative impact on a protected or priority habitat/species cannot be avoided on development sites and where the importance of the development outweighs the biodiversity impacts, compensatory provision is required either elsewhere on the site or off-site;...

There will be a net loss of greenspace through the proposed development and the majority of that retained will lie within residential curtilage. To avoid biodiversity net loss, effective long-term management of the central area of proposed open space and roadside areas will be required. While the site currently supports grassland of limited diversity, there remains potential for biodiversity net loss given that the central open space will provide the only area for public recreation. As such, we advise that the potential for avoiding net loss and achieving biodiversity enhancement is maximised through implementation of a native-species only landscaping scheme. In addition, we advise that justification for the lack of a green roof on the proposed medical centre is sought.

Management of all public open space areas should be carried out in accordance with a Landscape and Ecological Management Plan for the site, to be secured by condition.

Ideally there should only be one management plan that includes all the management requirements for the site (including SuDS and amenity areas) to avoid any risk of over management by separate teams/plans. Suggested wording:

No development shall commence (including site clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The Plan will include the following:

- *Details of a diverse native-species only planting scheme (including initial planting of residential plots) to maintain and enhance biodiversity;*
- *Details of additional biodiversity enhancements to be provided including type, number and location of measures in accordance with Section 4.2, Table 8 of the Preliminary Ecological Appraisal, Arbtech, May 2023. Boxes for breeding birds will be targeted at those S41 priority species / red/amber listed species likely to occur within the development. Felled tree cordwood will be used to create standing deadwood features and log piles. All boxes included for wildlife will be Woodstone/woodcrete to ensure durability;*
- *Aims and objectives of management;*
- *Appropriate management prescriptions for achieving aims and objectives;*
- *Description and evaluation of all features to be managed;*
- *Details of information to be provided to residents regarding potential impacts of domestic pets on wildlife and proposed measures to limit such impacts (such as minimum heights for bat and bird boxes; dense thicket planting around nesting areas and log refugia);*
- *Constraints on site that might influence management;*
- *Proposals regarding remedial measures;*
- *Preparation of a work schedule including an annual work plan capable of being rolled forward over a five-year period, for the lifetime of the development;*
- *Details of the body or organisation responsible for implementation of the plan.*

The LEMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer, with details of the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

5.1.4. KCC Flood and Water –

First Comment (21 February 2024) – We have reviewed submitted information and understand it is proposed to discharge via infiltration through permeable paving, infiltration blankets and a basin.

As of the 10th of May 2022, the Environment Agency's climate change allowances have been

updated. As part of this update, revisions have been made to the 'Peak Rainfall Intensity Allowances' that are used in applying climate change percentages to new drainage schemes.

The LLFA would now seek the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios. The latest information on the allowances and map can be found at the following link:

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.

We would expect to see hydraulic calculations for the 2 year, 30 year +35% and 100 year +45% events modelled as a worst case scenario.

Given the site is located within Zone 1 Groundwater Source Protection Zone. We would recommend consultation is undertaken with the Environment Agency's groundwater protection team regarding the use of infiltration on this site, and their comments included within the submission.

We also recommend using the worst case infiltration rate (0.11×10^{-5} m/s) found for all drainage features, unless justification can be provided for using the faster rate, for all drainage features on site until further testing provides location specific rates per drainage feature for detailed design.

The Environment Agency mapping shows there is an area of high risk of surface water flooding to the west of the site. Please confirm that this risk has been mitigated and depths have been assessed.

Until the above comments have been addressed, we recommend that a holding objection is in place.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Second Comment (10 June 2024) – Kent County Council as Lead Local Flood Authority have reviewed the Drainage Addendum prepared by DHA Environment (May 2024) and have the following comments:

- It has been noted that infiltration into the SPZ will only be acceptable with written consent from the Local Planning Authority following correspondence with the Environment Agency. The development will also be subject to conditions 1-5 outlined in reference 20240013 (Feb 2024) outlined by the Environment Agency.
- Amended hydraulic calculations can be noted with the requested infiltration rates and upper end climate allowances for the 1% and 3.3% return periods.

This settles those concerns raised by ourselves previously, if your authority is minded to approve this application, we would recommend the inclusion of the following conditions with any approval:

1. *Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Drainage Addendum prepared by DHA Environment (May 2024) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated*

and disposed of [within the curtilage of the site] without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- *that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.*
- *appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.*

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

2. *No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.*

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

3. *Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.*

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

5.1.5. **KCC Economic Development** – The Economic Development comments are attached as Appendix 1.

5.1.6. **NHS Kent and Medway** – NHS Kent and Medway Integrated Care Board (The ICB) has responsibility for planning healthcare services in Kent and Medway and reviews planning applications to assess the direct impact on healthcare.

I refer to the above full planning application which concerns the proposal to provide a mixed-use

development comprising of a new 3-storey GP surgery and 54 new residential dwellings.

The planning application includes a new primary care medical facility for Pelham Medical Practice. Support was initially provided by the former Kent and Medway Clinical Commissioning Group in October 2021 to develop detailed plans for a business case for relocation to a new facility.

The proposal will provide capacity for growth in new patient registrations resulting from the developments in the Gravesham area. Pelham Medical Practice is currently undertaking a patient and stakeholder engagement regarding their proposal which will inform the practice business case.

As part of the standard ICB process for general practice premises developments detailed plans and development appraisal, once finalised, will be fully assessed. The final business case submission to the ICB will require confirmation that planning permission has been granted for the proposed facility and that the proposed scheme is value for money.

NHS Kent and Medway has also assessed the implications of the residential aspect of this proposal and will request the payment of an appropriate financial contribution as detailed below.

In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

	Total Chargeable units	Total (See Appendix 1)	Project
Healthcare services provided in the community	54	£46,656	Towards the build cost of the new primary care medical facility proposed as part of this application.

The obligation should also include the provision for the re-imbursement of any legal costs incurred completing the agreement (where relevant).

Justification for infrastructure development contributions request.

This proposal will generate approximately 130 new patient registrations in general practice based on the dwelling mix provided in Appendix 1. The proposed development falls within the current practice boundary of Pelham Medical Practice who are seeking support for the relocation to the new healthcare facility being proposed. The ICB's preferred option would be that this financial contribution is made available in full prior to commencement of the healthcare facility build on site and used specifically as a contribution towards this project.

The development does however also fall within the boundaries of Old Road West Surgery, Rochester Road Surgery, The Shrubbery Surgery, Springhead Health and Swanscombe Health Centre. In the event that the S106 funding cannot be agreed as above, we request the right to use

the contributions on projects to increase capacity.

- 5.1.7. **Kent Fire and Rescue (from pre-application)** – I can confirm that on this occasion it is my opinion that the emergency access requirements for the Fire and Rescue Service under the above Act appear to have been met.

Fire Service access and facility provisions are also 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.

- 5.1.8. **Southern Water** – Following the review of the submitted documents, we have the below comments for the Planning consultation.

Groundwater Protection Zones - This planning application is located in the SPZ1 for our Gravesend groundwater abstraction and is located 370m from the abstraction borehole. Any contamination of groundwater will therefore be received by our groundwater abstraction within 50 days.

The Drainage Strategy proposes site surface water be discharged to ground via deep borehole soakaway into the Principal Chalk Aquifer. Our public groundwater supply abstraction is founded in the Principal Chalk Aquifer and there will be a direct pathway to our abstraction. The Drainage Strategy does not include reference to our groundwater abstraction or the Source Protection Zone 1. Therefore, the drainage treatment will lack the enhanced mitigation measures required to ensure there is no adverse impact to the groundwater quality.

Southern Water do not object to this planning condition on the condition that the drainage strategy will exclude deep bore soakaway and that any water discharged to ground will result in betterment to the Principal Chalk Aquifer groundwater quality.

Foul and Surface Water Drainage - Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

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

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

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

- <https://www.water.org.uk/sewerage-sector-guidance-approved-documents>
- <https://www.ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of

the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

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.

Adoption of Sewerage System - This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Water Connection - Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

5.1.9. Natural England – DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

5.1.10. Environment Agency – We have no objection if the following planning conditions are included in any planning permission granted as set out below. 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:

1. 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.
2. 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.
3. 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.
4. 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 Water Drainage:

It is understood that surface water is to be discharged to ground via Sustainable Drainage System (SuDS) features. This is acceptable in principle, however it is noted that no pollution prevention measures are included within the supplied drainage strategy. Given the proposed development outlines 86 car spaces, this poses a potential pollution risk from parked vehicles, especially given that the site is situated within a Source Protection Zone 1.

The design of infiltration SuDS 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.

- Piling

5. *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

- a) *Piling* - 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 EA 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".
- b) *Surface Water* - 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.
- c) *Foul Drainage* - It is understood that the proposed development is to discharge foul water to mains sewer.

Any foul drainage implemented on site should comply with Position Statement G8 of the 'The Environment Agency's approach to groundwater protection'.

- d) *Waste on-site* - 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 re-used 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

- e) *Waste* - 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.

- 5.1.11. **Sports England** – We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 103, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document': www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or • land allocated for use as a playing field unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. A

summary of the exceptions is provided in the annex to this response.

- The Proposal and its Impact on the playing field - The proposal is for flats and a medical centre which will remove the playing field completely.
- Pre-application - The applicants refer to the pre-application advice they sought from Sport England in September 2023. In our response we point out there would be a loss of approximately 1.04 hectares of playing field.

We did question the methodology they used to carry out the playing pitch assessment and advised them to follow our methodology for this work, which is referenced by the Department of Levelling up Housing and Communities in their Planning Practice Guidance.

We agreed that the existing Gravesham Playing Pitch Strategy was out of date and unless there was a robust assessment, we would not be able to agree that the loss of the playing field meets our E1 planning policy exception. However, they could seek to replace the 1.04 hectares of playing field which may meet our E4 planning policy exception and the National Planning Policy Framework.

- Assessment against Sport England's Playing Fields Policy and NPPF - The applicants have submitted a document entitled *Playing Fields Review October 2023*, in support of the application for the proposed development.

The review did not engage with Sport England or with any of the key National governing bodies of sport: The England and Wales Cricket Board, the Rugby Football Union, the Football Association/Football Foundation and England Hockey. This is set out in paragraph 4 in the *Playing Pitch Strategy Guidance*, which is the methodology mentioned above.

The applicants have not taken into account changes in rugby, football and cricket where there has been an increase in participation in the girls and women's games. This is taken into account in through playing pitch calculator which was introduced in 2019 and creates more robust team generation rates, which are essential for understanding the demand and supply for sport.

It is not clear if the applicants have carried out a quality audit of the sites identified in the 2016 playing pitch strategy, or checked the same teams are playing the same sites or if the teams which were identified in the original assessment have had any growth in the last 8 years or have folded. And if there have been any new clubs or teams which have formed since the assessment was completed. These are critical in producing a robust assessment.

Finally, Sport England's policy to protect playing fields covers the entire playing field site and not just the areas currently marked out with a pitch. This is because playing field is seen as a resource for pitches to be marked out on, pitches to be changed from one pitch sport type to another, or to allow areas of the playing field to rest from over play. It also allows the potential for non-pitch sports such as athletics to be marked out. If it had been Government's intention that planning policy should protect just pitches and not playing field, then The Town and Country Planning (Development Management Procedure) Order could have been readily drafted in that manner to make it specifically clear.

Showing surplus for one pitch sport type does not conclude that a playing field is surplus to all pitch sports, as it could be marked out for other pitch sports to meet

demand for those sports. The applicant has only considered a limited number of sports and not all pitch sports and athletes that could be accommodated on the playing field.

Sport England does not accept the conclusion of the applicants' Playing Fields Review as they have not used the correct methodology properly and have not proven the case that the playing fields which are to be lost are surplus to requirements.

- Sport England's Position - Given the above, Sport England raises a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.
- Potential to overcome the statutory objection - Our objection would be overcome if the applicants were to provide clear evidence by submitting a robust assessment that the land is no longer required for sport for both current and future sporting demand. Such an assessment would need to consider all pitch sports and athletes that could be accommodated on the playing field and not just the sports that have last been played or have historically been played on the site.

Alternatively, the applicant could seek to replace the land which is to be lost elsewhere in the locality both in terms of quantity and quality.

Should the local planning authority be minded to approve this application then given Sport England's objection the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agenda(s), report(s) and committee date(s). Please notify Sport England of the outcome of the planning application.

5.1.12. 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 strongly recommend that if this development is granted planning approval, the following security measures are included as part of any planning conditions:

Dwelling (House and Flats)

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 TS008 with a fire guard are strongly recommended for dwellings. For buildings with multiple occupants we recommend TS009 standards. Please note we strongly advise against trade buttons, if mail is to be delivered inside a lobby there must be an airlock/ access-controlled door to prevent access further into the building for anyone other than residents.
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.

Medical Centre

1. The entire medical centre must be enclosed in order to control access by pedestrians and vehicles. There should be no structures or physical features that compromise the security of the perimeter. Boundary treatments (e.g. heights and types of fencing and gating to protect parking areas) must be included and carefully considered. It should be a minimum of 2m in height, robust, grounded on a hard surface, pointed and difficult to scale and interfere with. Regarding pedestrian access, casual intrusion by the general public and the creation of desire lines should be discouraged, therefore footpaths should be designed to serve the development rather than provide unnecessary access.
2. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid 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. reception and sufficient lighting. For car parks, we recommend the Safer Parking Scheme, which follows CPTED guidance from both the police and the British Parking Association.
3. We recommend installing CCTV to cover key locations such as reception, entrance/ fire exits, stairwells and waiting rooms.
4. Consideration should be given to specific access areas beyond the reception area/lobby and they should be controlled using automatic locking doors or barriers controlled by the receptionist or by proximity reader technology with fobs/ID cards issued to staff. We note the Proposed Floor Plans show the reception area has surveillance of the waiting room and individuals entering the medical centre. It is advisable that the alternative access should have access control and should only be used by staff. A high, wide reception desk increases the distance between the receptionist and visitor, which offers a minimal level of protection. Additional protection such as a glazed screen is recommended. A personal attack alarm should be provided at the reception desk, which signals the security office and activates a loud alarm at the scene.
5. Computers and office equipment are vulnerable to theft. Careful siting of power trunking is required to ensure they are kept away from windows. Computers should be fitted in individual steel cases to LPS 1214. Mark the post code and hospital name on the outer casing of all office equipment. High risk and main frame computers should be secured in a purpose-built room in individual cabinets.
6. A lighting plan, designed by a professional lighting engineer (e.g. a Member of the ILP), is integral and we strongly recommend a lighting condition is imposed to help avoid conflict and light pollution. 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 British Parking Association (BPA) standards. Security lighting, such as metal halide units, should be installed in all areas where surveillance is considered important, such as entrances, main pedestrian access routes, car parks and other facilities. Other areas should use vandal resistant perimeter lighting, operated by photoelectric cells, which should illuminate all elevations and recesses of the building.

7. Grilles and roller shutters can provide additional protection to both internal and external doors and windows. The minimum standard for such products is certification to • LPS 1175: Issue 7 Security Rating 1 or • STS 202: Issue 3, Burglary Rating 1.
8. Alarms. A suitably designed, fit for purpose, monitored intruder alarm system should be installed and all fire doors should be fitted with alarms to help prevent unlawful access and trespassing if doors are left unsecured. Alarms should be monitored by an alarm receiving centre, where calls can be passed to a security company, the police or someone who has a key. The police will only respond to alarms fitted and monitored by companies accredited by the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB).
9. Landscaping shall not prevent natural surveillance from occurring between the perimeter and the building shell, nor shall it reduce the effectiveness of any CCTV system. Future landscape growth and maintenance must be considered at the design stage. All shrubs and hedges shall generally have a maximum growth height of 1m, whilst all trees should be pruned up to a minimum height of 2.2m, thereby maintaining a clear field of vision around the site. Mature trees shall not mask lighting columns nor become climbing aids. All hard landscaping and street furniture shall be robust and securely fixed to prevent removal, vandalism and use as potential ammunition. A landscape management regime shall be implemented as part of the hospital maintenance policy to maintain natural surveillance. This creates the impression of a well-cared for environment which helps to discourage crime and anti-social behaviour. Defensive planting in addition to secure fencing is encouraged, for key areas, such as vulnerable elevations where natural surveillance is reduced.

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.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

5.2. **Internal Consultees**

GBC Environmental Protection (Regulatory Services) – The submitted documents and plans have been reviewed. With regards to contaminated land, the Groundsure GeoRisk report submitted does not equate to a Phase I Preliminary Risk Assessment. The GeoRisk report flags some concerns with mining and also other ground workings on the site. In this respect, a contaminated land investigation will be required based on a phased, risk based approach.

The Noise Impact Assessment undertaken by Anderson Acoustics dated 8 December 2023 ref 6969_001R_3-0_GC has been reviewed. Appropriate noise monitoring has been undertaken. The NIA looks at the impact of surrounding noise on future occupants

of the dwellings and also the impact of the development on existing sensitive receptors and new receptors as a result of the proposal. Reference has been made to appropriate standards and guidance including BS8233:2014 and BS4142.

The main noise source in the area is traffic. However, the proposal includes a GP surgery which will have various plant/equipment and also has the potential to introduce traffic noise inside the perimeter of the site to some of the proposed dwellings. As the details of the plant as equipment have not yet been finalised, it is not possible to undertake a full BS4142 assessment. Instead, appropriate plant noise levels have been proposed.

In order to achieve internal noise levels that comply with the criteria in BS8233:2014, mitigation measures have been proposed which include external building fabrication specifications, glazing specifications and specifications for acoustic trickle ventilation. With certain windows open for ventilation (those dwellings in Façade Zone A in Fig 6.-1), noise levels will exceed the criteria and therefore to prevent overheating an alternative mechanical ventilation/cooling will be needed. A specification has not been given for this.

In addition, acoustic boundary treatment to the doctor's surgery car park and the residential car park area have also been proposed (Section 7.1.4).

With regards to noise levels in the external amenity areas, most of the site complies with the criteria given in BS8233:2014. However, some amenity areas on the northern site boundary adjacent to Old Road East exceed the upper guideline level (with levels of 66dBLAeq in the day and 61 dBLAeq at night). BS8233 states that "the external noise levels in amenity areas may not be achievable in all circumstances where development might be desirable and... a compromise between elevated noise levels and other factors, such as convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited".

The amenity spaces on the northern facades appear to be 'designed into' the scheme regardless of the noise levels without any mitigation measures being proposed or lowest practicable levels achieved as per the guidance above. The balconies are of limited size so therefore, prolonged use is unlikely making them more acceptable. However, there are ground floor garden areas to the apartments/flats on this façade which will tend to have more use due to their larger size. The advice from Environmental Protection is that as this is not a town centre location where noise levels are expected to be high, then the criteria in BS8233 should be being adhered to in respect of the upper guideline value of 55dBLAeq for these ground floor external amenity/garden areas and needs to be investigated further. It is noted that there is a communal external area within the proposal, however this is at the rear of the site so not immediately accessible to those living along the Old Road East part. Therefore, it is unlikely to be used by occupants of these dwellings.

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

- Land Contamination

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

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

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

Noise Control

1. New plant/equipment

Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that 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+A1:2019.

2. Noise Mitigation measures new Dwellings

The noise mitigation measures as detailed in report 'Noise Impact Assessment' by Anderson Acoustics dated 8 December 2023 ref 6969_001R_3-0_GC (The Report) shall be implemented by competent persons. Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures and the performance of any ventilation and cooling/heating system that has been installed to the satisfaction of the local authority and against the noise levels as set in The Report.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Authority and installed and tested prior to operation.

The mitigation measures and the approved alternative means of ventilation and cooling/heating shall be maintained thereafter.

3. Mechanical Ventilation and Heat Recovery systems

a) Details for an air handling system for dwellings those dwellings in Façade Zone A (Fig 6.-1 in the Noise Impact Assessment undertaken by Anderson Acoustics dated 8 December 2023 ref 6969_001R_3-0_GC), shall be submitted to and approved, in writing, by the Local Planning Authority. The air quality handling system shall then be installed in accordance with the approved details. For the avoidance of doubt the installation of the air handling system will ensure the indoor air quality of each apartment is good and will enable the windows to be kept closed to reduce disturbance from outside noise. The air handling system must bring in clean air to each residential apartment so as to create positive pressure to ensure that pollution from outside is prevented from entering the unit. The scheme must also include:

- i. An inlet flow greater than the outlet flow to ensure a positive pressure;
- ii. heat recovery;
- iii. the air supply must come from a suitable clean source e.g. a rear roof of building etc. Care must be taken to locate the inlet such that it ensures that only clean air is brought into the residential units and that excessively hot or cold air is not brought in; and
- iv. sound attenuation such that there is no breakout noise or vibration from the system.

b) Prior to first occupation of the apartments, a suitable post-completion commissioning report by a competent ventilation engineer confirming that the approved system has been incorporated into the residential apartments and that the systems fulfil the purpose (i.e. that it prevents outside air entering the residential apartments) shall be submitted to and approved, in writing, by the Local Planning Authority. For the avoidance of doubt this shall include an inspection by an officer of the Local Authority to see the system is in place and in suitable working order.

The approved scheme shall be maintained in full working order for the lifetime of the development.

4. Noise levels external amenity areas

External amenity 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.

Informatives

- *Code of Practice on Construction and Demolition:* Please apply as appropriate. This is a large development which is surrounded by residential premises in close proximity so it will be essential to ensure that any impacts are minimised during the demolition, groundworks and construction phases.
- *Lighting:* Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).
- *Smoke Control Informative:* The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

5.2.1. GBC Housing –

- The development will provide 54 units of residential accommodation. This consists of the conversion of a Victorian building into 6 flats, seven new build flats and 41 houses.
- Planning Policy CS16 requires 30% of the properties to be for affordable housing. This equates to 16.2 dwellings rounded up to 17 affordable housing units.
- The applicant is applying for a reduction in the affordable housing requirement to take account of vacant building credit.
- The vacant building credit calculation is at point 6.4.9 of the Planning Statement submitted as part of the planning application:

Revised number of affordable housing units to be provided = Expected number of affordable housing units to be provided prior to application of vacant building credit (ie 30% of total number of dwellings proposed) – (30% x existing floorspace to be demolished)/proposed floorspace to be created.

- The above calculation has been applied by the applicant to argue for a reduced affordable housing requirement to 10 units.
- My recommendation is that the above calculation is tested by an independent viability consultant at the applicant's expense.
- In addition to the above the viability assessment submitted as part of the application concludes that no affordable housing is viable on the site.

The site should be providing 17 affordable housing units on site to comply with CS16. These units should be provided as 12 affordable or social rented units and five intermediate homes, (normally shared ownership).

Given that there are currently 247 households in temporary accommodation and 865 households waiting for social housing on the GBC housing register then I believe that all evidence for a reduced percentage of affordable housing is thoroughly scrutinised by a qualified independent viability consultant at the applicant's expense.

- 5.2.2. **GBC Leisure** – With regards to the above application, please find some updated comments following the earlier Pre-application from the Leisure Team - Communities & Inclusive Growth Directorate;

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. It is noted positively that the development will maintain an element of informal play provision/kick about area/community green etc. The council would be happy to offer further advice via the Parks & Open Spaces Team with the developer prior to formalising the equipment layout on the scale and size of the play equipment.

With regards to the impact of the development itself, it would not be expected for the developer to provide on-site formal leisure provision, but it is reasonable to expect the applicant to offset the impact of the increased population that the development will generate onto the existing leisure facility infrastructure within the area. The approach promoted by officers for this element is to secure a financial contribution towards the upgrading and development of existing local sporting and recreational facilities. Based on all the assessment data currently available including, the Open Space, Sport & Recreation Assessment, Sport England's Facilities Planning modelling and Active Places database; there is a particular shortage for example, with swimming pool hall space linked to the overall ageing leisure centre facility stock at Cygnet Leisure Centre in particular, and Cascades Leisure Centre, of which a new leisure centre is currently being designed and developed. Using Sport England's Sports Facility Calculator (SFC), and if we assume 2.5 residents per dwelling (x 54), this gives a contribution from the proposed development of £72,604.

The main overriding issue from a leisure perspective regarding the proposal relates to the actual development on formal disused playing field land, which was also used for some weekend community use by a local junior football club up to 2018, but due to the size of the site, then moved on to other local sites with larger facilities and amenities. However, there is a strategic shortfall of pitches within the borough, especially junior pitches, to satisfy current but also future demand. This is supported by the increasing number of junior teams and associated leagues that contact the council during the year, looking for local sites to access. The Leisure Team will therefore consider mitigation for the loss of the disused playing field land, based on industry standard costs for grassed junior pitch replacement (x2) to support existing and new projects that provide enhancements to current playing pitch facility stock. Projects that this contribution could be put towards include ancillary provision improvements at Kings Farm Playing Fields, which is a major junior/youth hub site, or towards future 4G pitch provision within the borough, in

consultation with the Kent FA. With regards to a contribution amount towards off site provision, the loss of the pitches would be £60,000. This is an estimated cost of provision for grass pitches as outlined within the Sports England Facilities cost document (2023 Q2) for 2 x mini U7/U8 pitches. Payment should be made at an early phase of the development and should be received in full.

- 5.2.3. **GBC Highways** – First I will address the issue of an emergency access as there appears to be some misunderstanding on the requirements for one and I accept it depends on the interpretation of the guidance. For this I will refer to the Kent Design Guide. This development is on the boundary of a minor access road and a minor access way. The first can serve up to 100 dwellings or a cul-de-sac if it serves no more than 50 dwellings unless an emergency access route, to serve also as a pedestrian and cycle route can be provided. A minor access way serves a maximum of about 50 dwellings (or 25 if a cul-de-sac) As this proposal serves some 54 dwellings and a proposed Doctors Surgery, it is my understanding that an emergency access route is required. This should be possible with an appropriate link to Coombe Road, unless there is a ransom strip, in which case the developer may need to reconsider the number of dwellings being provided. (Pages 126 and 128 of the Kent Design Guide)

With the development being a cul-de-sac adequate on site turning readily able to accommodate a 12 metre refuse vehicle is required and none seems to be shown. The Kent Design Guide permits a maximum reversing distance of 20 metres for a refuse vehicle.

Vehicle Turning Considerations

- large service vehicles should not be expected to reverse more than 40m refuse vehicles should not be expected to reverse more than 20m
- pantechicons should not be expected to reverse more than 60m
- cars and smaller service vehicles should not be expected to reverse more than 25m.
- designers should note that poor provision for parking of large vehicles will affect accesses.

Kent Design Guide Page 144 Creating the Design.

The use of maximum car parking standards is no longer considered appropriate under the National Planning Policy Framework, except in special circumstances which do not apply here see paragraph 112 of the NPPF repeated below

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

The applicant needs to demonstrate the appropriate level of parking provision, via the use of available data or site surveys/questionnaires. Using old TEMPro data, the average vehicle ownership in the area is 1.32 vehicles per household, giving a residential requirement of 71 spaces plus at least 10 visitor spaces (20% of household numbers, Kent County Council Interim Guidance Note 3 of the Kent Design Guide Residential Parking, which whilst not adopted by Gravesham Borough Council, better reflects the NPPF and is the Highway Authority's requirements and the parent document is adopted by Gravesham Borough Council) which can be on street, plus the requirement for the doctor's surgery which should be based on TRIC's analysis and is. It is also noted that the garage is not

necessarily wide enough to accommodate some modern vehicles, although there is storage space due to its length. SPG4 suggests garages should be 3.6metres wide. The minimum width I would consider appropriate is 2.9 metres which provides room to open the doors to gain access to the vehicle, 2.7 metres absolute minimum to provide pedestrian access on one side. I measure the internal width at some 2.8 metres, so they are just appropriate for parking a car.

Given the proposal only provides 60 residential spaces, inclusive of garages and 2 visitor spaces, this is less than 80% of the anticipated need. The applicant needs to do more work to justify the provision and adjust accordingly.

With regards to the Travel Plan, the emphasis should be on the reduction of single occupancy car trips, how this achieved is of less relevance, and the chasing of unnecessary targets can lead to a waste of resources, so the shift to bus target is not important as people may depending on where they live use other acceptable options Table 5.1 of the Framework Travel Plan.

The detailed layout will be checked by Kent County Council if the road is to be adopted to ensure that it conforms to their requirements and the developer needs to note that any alterations or extensions to Traffic Regulation Orders and the provision or removal of signs and lines will be charged to him. Such as removal of school keep clear markings and signs and the provision of no waiting road markings at the approach to the Old Road East junction to protect the corner from indiscriminate parking, not necessarily by estate residents. Consideration should be given to the installation of road humps to ensure the target speed or less can be maintained but this is a detailed matter that can be resolved during the adoption process. If the road is not to be adopted, then a condition would be appropriate to ensure the road layout conforms to the requirements of the Kent Design Guide.

In its current format, I would recommend refusal for the following reasons.

1. The development layout does not provide an emergency access, which is required for roads serving more than 50 dwellings. (It is noted that some dwellings front Old Road East but all vehicular parking is accessed from the new estate road and so the road serves more than 50 dwellings)
2. There does not appear to be adequate on site turning for large vehicles to comply with the requirements of the Kent Design Guide.
3. The level of residential car parking has not been justified using analysis of data, instead relying on out-of-date policies that no longer comply with the requirements of the National Planning Policy Framework

Other than the issues raised above I have no objections.

5.2.4. **GBC Waste** – I have reviewed the attached planning application and have the following comments.

- Service Provision - Houses

- .1. All collections are made from the front boundary of the property. Sufficient space should be allocated to allow space for storage and presentation for:
 - Refuse - 1 x 180ltr bin grey body and lid
 - Recycling - 1 x 240ltr bin grey body and green lid
 - Food Waste - 1 x 23ltr bin black body and orange lid with an individual 5ltr caddy per property

- Garden Waste - opt-in' garden waste service collected via a 240ltr, 140ltr bin or paper sack
- .2. The boundary (point of presentation) should be as close as possible to where the vehicle passes. Collections are from the point of the property nearest to the adopted highway. Collection crews and vehicles do not go on to private driveways, this includes shared driveways.
- Service Provision - Flats
 - .1. Flats are generally serviced by communal bin stores. Bin stores should be large enough to accommodate and manoeuvre sufficient 1,100 litre refuse and recycling Eurobins for the number of dwellings in each block.
 - .2. The following provision is required:
 - Refuse - 1 x 1100ltr bin per 6 flats
 - Recycling - 1 x 1100ltr bin per 6 flats with specialised recycling lid
 - Food Waste - 1 x 140ltr bin per 10 flats with an individual 5ltr caddy per flat
 - .3. The immediate area outside the bin store should be level with the road, should not include an incline and the installation of a drop kerb where necessary is mandatory. Car parking spaces should not be allocated immediately in front of the access to the bin store.
 - .4. Collection crew members are not expected to move wheeled bins a distance greater than 15m nor over surfaces which hinder their smooth passage, for example, steps, slopes greater than 1 in 12 and uneven surfaces. The collection point should be accessible to the size of collection vehicle that is used by Gravesham Borough Council.
 - .5. It is recommended that bin stores are fitted with a lock which is accessed via a key or a key code pad.
- It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints in regard to non-collection due to the fault of the developer will be passed onto to the developer for response.
- Developers are required to pay for the provision of all bins required for a development
- I am happy with the refuse collection vehicle sweep analysis which proves a turning point at the Coombe Road end of the development.
- If the highway is not adopted the Council does not take responsibility for any damage caused to the road surface whilst undertaking its collections. The gross weight of refuse collection vehicles is 26t.

5.3. Neighbouring Properties

An advert was published in the Gravesend Messenger and notices were displayed around the site.

In addition, 91 surrounding properties were consulted, and 120 representations were received, with 112 registering objection and 4 in support.

The objections have been separated into material and non-material planning considerations (only the material planning considerations are relevant to this decision):

Material Planning Considerations

Design, Character and Appearance

- Overdevelopment
- Out of Character with the Area
- Poor/Incongruous Design
- Scale and Bulk of Medical Centre out of proportion

Impact on Neighbour Amenities

- Loss of Privacy
- Loss of Light
- Loss of Outlook
- Noise resulting from use – Medical centre
- Light pollution impacts

Highway Issues

- Traffic Generation
- Inadequate access for number of journeys – increased risk of collision
- Increased Parking Issues (under provision)
- Lack of Parking for Medical Centre

Open Space

- Loss of Playing Field – Sport England objection

Loss of Biodiversity

- Impact on Wildlife Habitats for Bird, Bats and Mammals
- Loss of Existing Trees

Social Concerns

- No Affordable Housing
- Crime and Anti-social behaviour – access onto Coombe Rd, open car park and park space
- Increased stress of Social Infrastructure – Buses, Schools, Doctors, Dentists, etc.
- Loss of an educational facility for housing development
- Increased litter
- No Maintenance Information – who will manage the development (landscaping, etc.)

Other Matters

- Unsustainable Development – lack of consideration for renewable energy
- Increased Air Quality Issues
- Contamination
- Ground Issues - Subsidence and stability issues from former mining use
- Impact on Utilities – Sewerage and water

Factual Inaccuracies in Submission

- Medical Centre marketed as new – merger of two existing surgeries
- Crash data is incorrect

- No bus service on Old Road East – only London commuter collection point
- Incorrect evidence of public consultation responses

Non-material Planning Considerations

- Loss of View
- Loss of Property Value
- Private Legal Matters – damage to property / boundaries
- Disruption resulting from the construction period
 - Dust
 - Noise
 - Traffic Disruption

Recommendations

A number of the consultation responses from neighbours provided recommendations for the proposed development, which included:

- Reduction in density – fewer but larger dwellings
- Reduction in height of Medical Centre with increased parking

It should be noted that these recommendations are not material planning considerations, and the Local Planning Authority must determine the application based on the information provided.

Support

- Delivering much needed housing
- Non car-centric development promotes active travel
- Parking permit scheme should help to control parking
- Bringing the refurbished buildings up to latest sustainability standards
- Should include solar power and heat-pumps where possible

The consultation period expired 17 June 2024, subsequently the applicant has been in discussions with the Local Planning Authority in relation to viability, with some non-material amendments made to a number of properties in order to address insufficient privacy distances.

6. Planning Analysis and Head of Planning Comments

Principle of Development

6.1. The principle considerations in the assessment of this application are:

- Housing Need
- Density of Development
- Housing Type and Mix and Affordable Housing
- Character, Appearance, Scale and Massing
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Open Space and Playing Fields
- Refuse Arrangements
- Sustainable Urban Drainage
- Sustainable Development

- Archaeology
- Contaminated Land
- Air Quality
- Ecology and Biodiversity; and
- Affordable Housing, Planning Obligations and Development Viability.

Housing Need

- 6.2. 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."

- 6.3. It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5-year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years. More recent data collated on the Borough's housing completions and supply, also indicates that the Borough's housing land supply position continues to be challenging, and that the Council cannot demonstrate a 5-year land supply.
- 6.4. Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:
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.
- 6.5. 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 areas at risk of flooding or coastal change.
- 6.6. In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.
- 6.7. The proposed development for a net increase of '54' residential units would offer an important 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.
- 6.8. 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.

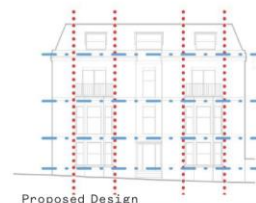
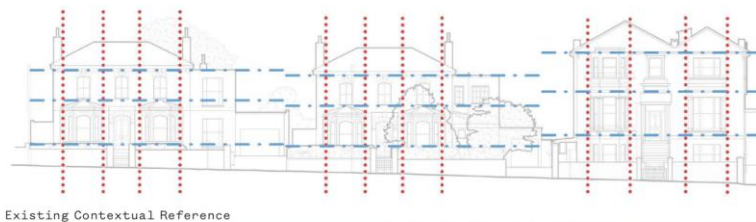
Design, Character and Appearance

- 6.9. 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).
- 6.10. 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.
- 6.11. The neighbour consultation raised concerns with overdevelopment of the site, the scale and massing of the medical centre and the proposal being out of character with the surrounding area.

Density of Development

- 6.12. 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.

- 6.13. 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.
- 6.14. 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 in the urban area.
- 6.15. Based on the area of the site excluding the medical practice and it's parking, the density of the development would be circa 40 dwellings per hectare thus meeting the minimum density requirements of both the LPCS and Design for Gravesham. Although the density calculation might suggest the density of the site is conservative, the proposal reflects the character of the area and includes open space to serve both the development and the wider community.
- 6.16. As set out in Design for Gravesham, the prevailing character of the area in residential terms is characterised as being low density suburban development. However, as per the analysis undertaken by the applicant and set out in the Design and Access Statement accompanying the application (see extract below), the properties fronting Old Road East vary in scale, with the topography of the road falling when looking at the frontage from a west to east direction. The introduction of a predominantly single family scheme and flatted accommodation on Old Road East, whilst resulting in the introduction of medium density development within the character of the area, responds to the urban form of the area. The traditional expectation of suburban areas such as Whitehill & Windmill Hill Ward is for predominantly low-density family housing set in greener surroundings, which is achieved in this proposal.



- 6.17. The application of paragraph 129 (a) and (b) of NPPF (2024) sets out that significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. The residential layout relates to the established character of the area and is considered to respond well to the scale and proportions of existing built form. The medical building is larger, but located centrally, and therefore is viewed in isolation from the residential uses. Therefore, when considered in context, the proposed development would not be wholly out of character with the existing area.
- 6.18. On balance the density is considered to be acceptable by virtue of the benefits to community through the open space improvements, as well as the provision of land for the delivery of a medical building (as discussed later in this report) and is in accordance with Policy CS15 (LPCS), Design for Gravesham and Sections 11 and 12 of the NPPF (2024).

Housing Type, Mix and Size

- 6.19. Policy CS14 (LPCS) seeks to ensure that new housing development provides a range of dwelling types and sizes. The proposed scheme will deliver a mix of unit types, in the form of 13 apartments/flats and 41 houses. As set out in the table below the apartments will be comprised of 12 x1 bedroom apartments and 1 x 2 bedroom apartment. With the houses being comprised of 35 x2 bedroom houses and 6 x3 bedroom houses.

Unit		Amount
Apartments	1 bedroom	12
	2 bedroom	1
Houses	2 bedroom	35
	3 bedroom	6
Total		54

Table 1 – Dwelling Mix

- 6.20. The proposed development achieves a mix of housing types and sizes, providing for single person to family occupation, in accordance with Policy CS14 (LPCS).

Character, Appearance, Scale and Massing

- 6.21. The development comprises of a number of different buildings, of varied scale, design and materiality. The scheme predominantly comprises a two storey scale of development across the site, with some three storey development, principally located in key locations fronting Old Road East and centrally on the site. For ease of assessment, the section below separates each typology and considers them separately, before considering the development as a whole.

Retention of the Victorian Building (former school block)

- 6.22. The existing Victorian school building will be retained as part of the development and converted into flatted accommodation. The retention of this building is positive, by virtue of it being an established part of, and positive contributor, to the character and appearance of the Old Road East street scene.



- 6.23. Moreover, the retention and conversion of the Victorian School building accords with the broad principles of saved policy H5 of Gravesham's Local Plan First Review (LPFR), which states that the conversion of buildings are supported in suitable locations, subject to being unsuitable for single family occupation and compliance with residential layout guidelines and parking standards. In this case, the school building meets the requirements of H5 and its retention is in accordance with saved policy H5 (LPFR) as well as Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

New Apartment Block



- 6.24. The new apartment block would be constructed on the western boundary of the site, fronting Old Road East. It would be 3-storeys in height, with rooms in the roof space. The general design is informed by characteristics of other buildings in the immediate context, through the general architectural style adopting bays and sash windows, London stock

bricks and grey slate roof tiles, and is at a similar scale to other buildings on Old Road East.



- 6.25. The new building will serve to frame the access into the development, along with the retained Victorian school building, and together will be marker buildings that formalise the entrance and define the arrival point.

Houses

- 6.26. The houses in the development would be two storey in height and are predominantly terraced, with the exception of a few detached properties (5no.) spread around the site. The design of the terraced properties consists of three distinct characters, which is partly influenced by the gradient of the site and emphasised through different materiality. For instance, the terraces to the north-west form a staggered height profiling down into the site and are London stock brick, which responds to the new apartment block and medical centre. The properties more south-west and central on the site are a lighter grey brick, which also tie in with the medical practices' brick detailing. The remaining dwellings to the east of the site form a darker brick materiality.
- 6.27. The excerpts below demonstrate the location of each different style of dwelling, where the choice of brick matches key landmark buildings, such as the medical centre and new apartment block.

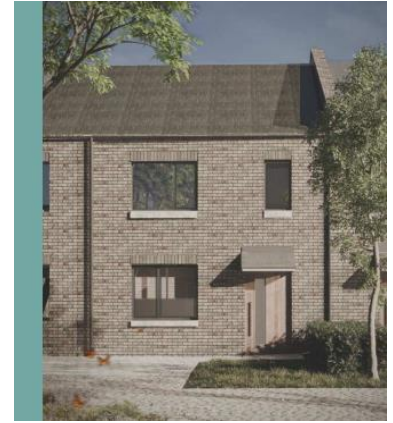




1. London Stock Brick



2. Light Grey Brick



3. Selected Dark Brick



- 6.28. Notwithstanding the variety in bricks, the dwellings have been designed with matching window designs and matching roof tiles which serve to provide continuity throughout the development. The Local Planning Authority will require details of window details, reveal, front doors and canopies to be submitted, to ensure a satisfactory visual appearance of the development.
- 6.29. Subject to the securing additional details via a planning condition, there are no issues relating to the scale and design of the dwellings within the development, as such the proposed development accords with the design principles set out Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Medical Practice

- 6.30. The medical practice will be positioned centrally on the site and would be three storeys in height, in order to provide a variety of health services to the local area. The building would be located behind the established three storey Victorian building fronting Old Road East which, along with the sloping topography of the site, serves to screen it from public vantage points on the highway.



- 6.31. The building has a flat roof and is at a scale greater than existing built form within the surrounding area, with the exception of the nearby Christ Church and St John's School. However, as the function of the building is materially different to the existing uses in the surrounding area, a greater scale and bulk is accepted. The building is designed with different materials and set-down to break up the visual bulk, with the choice of materials tying in with the proposed terraces near to the building. Moreover, its position central on the site limits visibility from wider public vantage points, but creates a focal point within the development.



6.32. Therefore, although the medical centre is a larger building in terms of scale and massing, it makes efficient use of land and has been carefully designed to reduce its visual bulk. As such, it is considered to accord with the design principles set out Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Layout and Landscaping

Layout

6.33. The development has been designed with residential dwellings positioned on the periphery of the site and the medical centre positioned more centrally as shown in the excerpt below.



6.34. The location of the residential dwellings on the periphery of the site relates and responds to the existing residential properties on the boundaries of the site, with the general heights of the proposed dwellings also responding to the neighbouring buildings. To the front of the site, framing the entrance is the existing 3-storey school building and the proposed 3-storey apartment building. The position of the large 3-storey medical practice in the centre of the site creates the largest separation from the lower level residential buildings and separates the different uses successfully.

6.35. Overall, the proposal achieves a suitable layout of the development, with residential uses positioned close to established neighbouring properties at acceptable heights and the larger buildings to the front and centre of the site. The layout is such that the site is not cramped or overdeveloped, with landscaping proposed to soften the development and create a better living environment for future occupiers.

Landscaping

6.36. In terms of landscaping, the existing site is predominantly the former playing field which contains some existing trees. There are 24 existing trees on the site, and 15 are to be removed to accommodate the development, however the loss of these trees will be offset via the proposed landscaping strategy, the details of which are set out below.

6.37. The landscaping strategy sets out that the scheme will introduce three landscape character

areas to the site, which would serve to provide variation and define spatial boundaries through different landscaping treatments. These are as follows:

- Green Streets - A network of well-vegetated streets which create connections to existing green infrastructure and provide for pedestrian and vehicular connections across the scheme.
- Community Green - A large green open space and play area which provides connections to existing streets and opportunities for play, leisure, events and recreation.
- Car Park - A car parking area (partly for the medical practice and partly for residents) which utilises permeable surfacing and soft landscape to provide screening and introduce greening where appropriate.

6.38. The strategy is demonstrated in the excerpt below and involves the planting of approximately 150 new trees:



6.39. The proposed planting strategy includes native hedge and tree planting, with a palette of amenity and SUDS planting would make up the majority of the road and parkside spaces. This is considered to be an appropriate strategy and will create a visually attractive development, providing both private and communal amenity spaces for future occupiers and surrounding residents. The implementation of the proposed landscaping strategy will be secured by condition.

Conclusion on Overall Design, Character and Appearance

6.40. On balance, the proposed development is considered well-designed with an appropriate layout and scale taking reference from and responding to existing uses and scale of built form in the surrounding area, and utilising native landscaping to soften the development, provide variation and define spatial elements of the site. Therefore, the proposal is considered to accord with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Amenity of Future Occupiers

- 6.41. 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.
- 6.42. The dwellings proposed within the development vary between single family dwellinghouses and apartments. The proposed apartments within the converted Victorian school building demonstrate mixed compliance with the NDSS, this is primarily related to the age and internal layout of this building. There are a number of the one bedroom units that fall below the minimum standard, however these are marginal and with the majority being within 0.4m² of the 50m² minimum, the exceptions to this are apartment 5 which is 2.5m² below the NDSS and apartment 6 which is 8.5m² above the NDSS.
- 6.43. The Planning Inspectorate have determined a number of appeals where minimum standards set out in the NDSS are not met, and in such instances have concluded that internal space standards should be applied with a degree of flexibility and in a manner that recognises their overall aims and objectives. In this case, the apartments provide a good level of accommodation for future occupiers whilst taking into consideration the constraints of the existing property, the modest shortfalls identified are not sufficient in themselves to withhold planning permission if the scheme is otherwise acceptable. These units are therefore, on balance considered to provide acceptable amenity for future occupiers.

Apartment	Proposed Floor Space	Amenity Space	National Space Standard (m ²)	Difference between NDSS and Proposed Floor Space (m ²)
<i>Apartment 1 – (1b / 2p)</i>	49.6m ²	-	50m ²	- 0.4m ²
<i>Apartment 2 – (1b / 2p)</i>	50m ²	-	50m ²	0m ²
<i>Apartment 3 – (1b / 2p)</i>	49.9m ²	-	50m ²	- 0.1m ²
<i>Apartment 4 – (1b / 2p)</i>	49.7m ²	-	50m ²	- 0.3m ²
<i>Apartment 5 – (1b / 2p)</i>	47.5m ²	-	50m ²	- 2.5m ²
<i>Apartment 6 – (1b / 2p)</i>	58.5m ²	-	50m ²	+ 8.5m ²

Table 2 – Converted School Building

- 6.44. As set out in the table below, the proposed apartments within the new proposed block fronting Old Road East meet the requirements of the NDSS and the proposal would provide good quality living environments for future occupiers. Moreover, the rooms within the units exceed the minimum standards set out in Gravesham’s RLG.

Apartment	Proposed Floor Space	Amenity Space	National Space Standard (m ²)	Difference between NDSS and Proposed Floor Space (m ²)
Apartment 1 – (1b / 2p)	55.2m ²	-	50m ²	+5.2m ²
Apartment 2 – (1b / 2p)	55.2m ²	-	50m ²	+5.2m ²
Apartment 3 – (1b / 2p)	55.3m ²	1.4m ²	50m ²	+5.3m ²
Apartment 4 – (1b / 2p)	55.4m ²	1.4m ²	50m ²	+5.4m ²
Apartment 5 – (1b / 2p)	55.3m ²	-	50m ²	+5.3m ²
Apartment 6 – (1b / 2p)	55.4m ²	-	50m ²	+5.4m ²
Apartment 7 – (2b / 3p)	81.9m ²	7.5m ²	61m ²	+20.9m ²

Table 3 – New Block

- 6.45. The proposed houses also meet and exceed the requirements of the NDSS and would provide good quality living environments for future occupiers. Moreover, the rooms within the units and private amenity space exceed the minimum standards set out in Gravesham's RLG.

House Type		Proposed Floor Space	Amenity Space	National Space Standard (m ²)
A – (2b / 4p)		96m ²	55.5m ² (minimum)	79m ²
B – (3b / 5p)		140m ²	77.55m ² (minimum)	93m ²
C – (2b / 4p)		111m ²	65.5m ² (minimum)	79m ²
D	(1) – (2b / 3p)	97.2m ²	78.8m ² (minimum)	70m ²
	(2) – (2b / 3p)	86m ²	78m ² (minimum)	70m ²
E – (3b / 5p)		136.4m ²	133.7m ² (minimum)	93m ²

Table 4 – Dwellinghouses

- 6.46. The proposed layout of the residential dwellings on the site means that there would be no overlooking, with minimum window-window distances of 20m between new dwellings facing back-to-back on the western side of the site. Similarly, there will be no direct overlooking from neighbouring properties into the site with minimum separation distances of 19m from the bungalows on St Marys Close. These distances mean that there would be no detrimental impact on amenity through overshadowing, outlook or sense of enclosure.
- 6.47. Therefore, the proposed development is considered to safeguard amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Neighbouring Amenity

- 6.48. 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).

- 6.49. The neighbour consultation registered 122 objections to the development. These were summarised above in section 5.3 of this report, with a number of residents expressing concern with amenity impacts through loss of privacy, overshadowing and loss of outlook, as well as noise and light impacts.
- 6.50. As aforementioned in this report, the layout and scale of the development are such that the two storey buildings are located on southern, eastern and western edges of the site, with the larger buildings (being the medical centre and new apartment block) being positioned centrally and fronting Cross Road East respectively. This places the residential uses and similar scale of development near to existing surrounding built form around the site.
- 6.51. The consideration of neighbouring amenity has been separated into different sections of the site, being the north-eastern, southern and western boundaries.

North / Eastern Boundary (Old Rd East / Hillside Dr)

- 6.52. The existing school building (highlighted yellow) will not be extended as part of the development, but converted into 6no. apartments, and therefore no adverse impacts in relation to loss of light or outlook would result. The building is detached from the neighbour to the east and there are no flank windows to create any loss of privacy concerns.
- 6.53. The proposed apartment block and carpark (highlighted purple) will be constructed approx. 5m from the shared boundary with the neighbour to the west. The building will have a height of 12.6m and a depth of 10m. Although the height of the building is at variance when compared to the neighbouring property, the similar building depths and path of the sun to the south mean that there will be no overshadowing impact, and privacy will be safeguarded due to no flank windows being proposed adjacent to the existing dwelling.



- 6.54. The proposed dwellinghouses on the north and eastern parts of the site are a minimum of 28m from residential dwellings on Old Road East. The separation distances between the new dwellings and neighbours exceed the minimum window to window privacy distance of 26m within Gravesham's RLG and would safeguard privacy. Moreover, the distance between the new development and neighbours to the north is sufficient to overcome any amenity issues of overshadowing, loss of outlook or sense of enclosure.



- 6.55. The properties to the east of the development on Hillside Drive are approx. 29m from the new dwellings, which falls within the minimum RLG distance. However, these properties are at oblique angles and oriented to mitigate any privacy impact. The separation distance is considered adequate to mitigate any loss of light, sense of enclosure or outlook impacts.
- 6.56. The medical centre (highlighted orange) is positioned centrally on the site and is approx. 49m to the south of properties on Old Road East. The location of the building to the south of the neighbours and due to the elevated position means that there would be no overshadowing impact. Moreover, the use of the building means that there will be no habitable window-window overlooking impacts and privacy will be safeguarded in accordance with Gravesham's RLG. It is noted that objections were raised in relation to the medical centre impacting on privacy, however the use of planning conditions will ensure that the upper floor windows are obscure glazed to ensure that there are no privacy issues.

Southern Boundary (Laurel Av / Coombe Rd)

- 6.57. The Local Planning Authority has worked with the applicant to ensure that satisfactory privacy distances are achieved on the southern boundary of the site, which were originally below the minimum requirements set out in Gravesham's RLG and considered to impact on the privacy of some occupiers at Laurel Avenue. Following a period of negotiation, the proposed properties on the southern boundary of the site have been amended to ensure that they are a minimum of 25m from the residential dwellings on Laurel Avenue, with the exception of the eastern end-of-terrace and detached property (approx. 18m). These properties have been redesigned to ensure that windows facing south toward nos. 51 and 53 Laurel Avenue are obscure glazed and the number of windows facing these properties has been reduced through amendments to the design of the detached property, which is considered to overcome overlooking impacts, whilst ensuring adequate amenity for the occupiers of the proposed dwelling. Therefore, the separation distance and window design address concerns with overlooking and meet Gravesham's privacy requirements, and is not considered to cause any adverse loss of privacy to the occupiers of properties at Laurel Avenue.
- 6.58. The position of the proposed dwellings to the north of the adjoining neighbours means there would be no overshadowing impact and the separation distances mitigation any loss of outlook or sense of enclosure.



- 6.59. The eastern detached dwelling is approx. 8.8m to the east of the end dwelling on Coombe Road (no. 48). The proposed dwelling has no flank windows facing west toward the neighbour to overlook the garden or any habitable rooms. Moreover, the attached garage is 1.5 storeys in height and will not impact the outlook from rear windows or cause any loss of light.

Southern / Western Boundary (Coombe Rd / St Marys Cl)

- 6.60. The proposed properties on the southern boundary of the site are a minimum of 9.2m (approx.) from residential dwellings on Coombe Road. Although these distances are within the 26m privacy distance set out within the RLG, the properties have been oriented to mitigate overlooking. For instance, as demonstrated in the except below the properties are orientated perpendicular to the neighbouring dwellings, with no direct overlooking into habitable rooms or private amenity space.



- 6.61. The properties on the western edge of the site are a minimum of 8.1m (approx.) from residential dwellings on St Marys Close, which are bungalows. Although the proposed

dwellings are in close proximity, two of the terraces are perpendicular to the neighbours, with no flank windows. Moreover, the terraces are not considered to cause overshadowing by virtue of the orientation and position of the new dwellings to the east of the neighbouring properties.

- 6.62. The northern terrace, oriented east-west, is within approx. 19m of the neighbour on St Marys Close and would have windows facing habitable windows of the neighbour, which would be within the minimum privacy distance of the RLG. However, following negotiations between the applicant and Local Planning Authority, the internal layout has been amended to mitigate overlooking by introducing an obscure glazed, top-hung window (fanlight opening windows) and velux windows onto the rear elevation. Therefore, this is considered to mitigate direct overlooking and loss of privacy.

Noise

- 6.63. A number of neighbour objections expressed concern with noise impact on amenity. The proposed development, as aforementioned above, situates residential uses on the site boundaries adjacent to existing residential receptors, with the medical centre located centrally on the site. This design strategy is considered to minimise any noise impacts arising from the medical centre and is considered to safeguard amenity.
- 6.64. Nevertheless, conditions will be attached to the decision notice should Members resolve to grant the proposal planning permission, relating to noise impact assessment and plant equipment for the medical centre, which will ensure that background noise levels are adhered to in order to protect amenity.

Lighting

- 6.65. The potential for light disturbance was raised by neighbouring residents as a concern. Similar to the noise assessment, the layout of the development with dwellings positioned on the boundaries is considered to minimise lighting disturbances. However, conditions will be attached to the decision notice should Members resolve to grant the proposal planning permission, to ensure that lighting details are submitted and approved in writing by the Local Planning Authority to safeguard amenity.

Anti-social Behaviour

- 6.66. Other objectors referenced the proposed pedestrian access from Coombe Road and open carpark for the medical centre as likely to increase anti-social behaviour (ASB) within and around the site, which would have an impact on amenity.
- 6.67. The recommendations by Kent Police set out strategies for designing out crime. These will be included as an informative for the applicant and matters such as lighting, fencing and boundary treatments will be secured by planning conditions.
- 6.68. The Local Planning Authority will condition the submission of a lighting plan, should Members resolve to grant the proposal planning permission, which will be a deterrent for ASB, and will be required to be approved in writing by the Local Planning Authority in conjunction with Kent Police.

Summary

- 6.69. Overall, and taking all of the above factors into consideration, the proposed development has been designed to address issues of overlooking and overshadowing to safeguard amenity of adjoining residents. Subject to conditions should Members resolve to grant the

proposal planning permission, to secure obscure glazed windows, noise impact assessments and lighting, the development would accord with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Parking and Highways

- 6.70. 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.
- 6.71. 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.
- 6.72. The neighbour consultation raised concerns with the traffic generation, inadequate access and under provision of parking within the development causing impacts on the surrounding area.

Proposed Highway Layout and Arrangements

- 6.73. The proposed development would introduce a new bell mouth vehicular access point onto Old Road East, replacing the existing dropped kerb. The access point would have a carriageway width of 5.5m, with footways on either side and provide 2.4m x 43m visibility splays, which accords with the requirements set out within highway guidance within KCC's Kent Design Guide (2000) and Manual for Streets (2007), as such KCC Highways have not raised any objections to the proposed access.



- 6.74. The road within the site (as highlighted in the mottled grey colouration) meets KCC Highways requirements of a major access road, and retains the carriageway width of 5.5m with a 1.8m footway. This road hierarchy, being the heavier trafficked route carrying a higher rate of vehicles serving both the residential uses and the medical centre, will be formed of a different material to demarcate priority for vehicles.
- 6.75. The road network beyond the medical centre is reduced in hierarchy, with a shared surface approach provided at an overall width of 6.6m. The materiality will be clearly defined in terms of surface materials with the shared surface being formed of a different material to show pedestrian priority.
- 6.76. A pedestrian and cycle access will be introduced onto Coombe Road, with a width of approx. 2m. KCC Highways have requested that this is increased to 3m to allow for cycle access without dismounting, however the increase in width would promote/ease use by motorcycles and has potential to increase antisocial activity. As such the Local Planning Authority consider this acceptable.
- 6.77. It is noted however that KCC Highways have recommended that an emergency service access of 3m is created onto Coombe Road, with bollards installed. The recommendation was considered, however the access as proposed would mean that bicycle users and others would need to dismount, this therefore limits the potential for antisocial behaviour e.g. motorcycle users utilising the pedestrian access. Therefore, the Local Planning Authority consider the proposed pedestrian access to be acceptable, in order to reduce the potential of antisocial behaviour. Therefore, and based on the Kent Fire and Rescue's review of the pre-application scheme (which has no significant layout amendments to this proposal), the layout meets emergency access requirements and an increased access onto Coombe Road is not required.

Traffic Generation and Impact on Surrounding Properties

- 6.78. With a net increase of 54 residential properties and a 1350m² medical practice, there would be an increase in movements to and from the site. However, given the location of the site on the local road network (a distributor road), it is not considered that the development would create any significant issues on the local highway network.
- 6.79. The application has been supported by a Transport Statement, which forecasts a total of 158 vehicle trips generated daily from the site, split 77 in the AM and 81 in the PM. This is a significant uplift to existing levels in comparison to the closed school.
- 6.80. The proposed number of trips from this development do not result in an unacceptable impact on highway safety, neither do the proposed number of trips result in residual cumulative impacts on the road network (local or strategic), which when taken into account with other permitted growth, would be severe enough to warrant a refusal on highways grounds. It should also be noted that there are no accident records near the access to the site.
- 6.81. Overall, the proposed development as a whole has the potential to generate or attract a maximum of 158 vehicle movements daily, which is split to 77 in the AM and 81 in the PM, alternatively these trips equate to approximately 13 movements per hour as an average across a 12hr period. The methodology and estimate for vehicle movements have been accepted by KCC Highways, who have not raised objections in this regard. Therefore, in light of the evidence presented, the proposed vehicle movements are not considered to sufficient enough to cause unacceptable impacts on the highway network, and therefore are not sufficiently severe enough to warrant a refusal on highways grounds.

Parking Provision

- 6.82. The proposed development will include:
- 1 space per 2 bedroom dwelling
 - 2 spaces per 3 bedroom dwelling
 - 13 spaces for apartments
 - 11 visitor parking spaces for residential units (20%)
 - 40 parking spaces for the medical centre (including 4 accessible spaces)
 - EV charging spaces for all dwellings (as required in Part S Building Regulations)
- 6.83. Further to the vehicular parking, cycle parking is provided with 1 space per bedroom in the dwellings, 1 space per apartment and 1 space per 2 consulting/treatment rooms within the medical centre.
- 6.84. The parking provision is below the maximum requirements set out in Gravesham's adopted parking standards (SPG 4) (2006), however the site is within a sustainable location within 1.6km of the Town Centre, with bus routes within short walking distances, and Gravesham Railway Station 1.4km providing regular connections to London and Kent.
- 6.85. There is no objection raised by KCC Highways, subject to the following conditions being imposed, should Members resolve to grant the proposal planning permission:
- Construction Management Plan
 - Car Park Management Plan
 - Travel Plan prior to occupation of medical centre
 - Parking provided prior to occupation
 - Cycle storage prior to occupation
 - Electric vehicle charging
 - Visibility splays prior to use of site
 - Time restriction on visitor parking to medical centre

Conclusion of Parking and Highways

- 6.86. Overall, subject to the imposition of the above listed conditions should Members resolve to grant the proposal planning permission, the proposed road layout, trip generation and parking provision are considered to be acceptable to serve the development and not cause any severe impact on the highway network. As such, the proposal is in accordance with Gravesham's adopted parking standards (SPG 4) (2006), Policy CS11 (LPCS), saved policies T1 and P3 (LPFR) and Section 9 of the NPPF (2024).

Open Space and Playing Fields

- 6.87. The site is a former private school and includes playing fields, which have been described as privately owned and used solely by the school within the Playing Fields Review (October 2023). The playing field is defined in Sport England analysis as an area of approx. 1.04 hectare, all of which would be lost to accommodate the development and is presented by numerous neighbouring residents to have been used by community football clubs and other uses such as swimming classes. Policy CS13 (LPCS) seeks to provide, protect and enhance the quantity, quality and accessibility of green spaces within the borough, which also includes playing pitches and other sports.
- 6.88. Sport England have registered a statutory objection to the development due to the loss or

removal of the playing field completely contrary to paragraph 104 of the NPPF (2024). The objection states that the evidence provided in the 'Playing Fields Review (October 2023)' does not involve engagement with Sport England or any other National governing body, has not taken into account changes in sport participation, does not include a quality audit of sites identified within Gravesham's 2016 playing pitch strategy and only considers a limited number of sports.

- 6.89. The Sport England representation set out that there is potential to overcome the objection, based on the submission of a robust assessment to demonstrate that the land is no longer required for sport in current and future demand, or to replace the land lost elsewhere in the locality in terms of both quantity and quality. However, the school closed in August 2021 and since the closure of the school, none of the facilities at the school including the playing pitch have been accessible to any user. Prior to the school's closure, as set out within the applicant's evidence, *"the open space area was privately owned and used solely by the School for the benefit of pupils and staff. To the best of the Applicants' and our knowledge, the playing fields were not formally used by local sports clubs and therefore they have not supported a wider public or community function (i.e. it did not offer facilities for non-school users)... It is important to note that the application Site was not referenced or included in the schedule of playing pitches or facilities in the Borough in the 2016 Assessment ."*
- 6.90. The 2016 assessment did, however, conclude that an overall shortfall of match equivalent sessions to satisfy demand for grass football existed across Gravesham. Despite this and notwithstanding the statutory objection from Sport England, the Local Planning Authority are unable to demonstrate a 5-year housing land supply and the proposal will deliver a significant contribution to the housing land supply. It is noted that the proposal would fall short of the general objective of Policy CS13 by removing sports facilities, however there is evidence that the site has not been used for sports in some time by virtue of the overgrown, unkept grass and the planning obligations sought by Gravesham Leisure will improve sport facilities in the surrounding area to offset the loss of the playing pitch.
- 6.91. Therefore, the Local Planning Authority are minded to approve the development which delivers housing and off-site leisure facility improvements, which on balance and with the mitigation offered through planning obligations meets the requirements of Policy CS13 and paragraph 104 of the NPPF (2024) when read as a whole.
- 6.92. Nevertheless, due to Sport England's statutory objection, the Town and Country Planning (Consultation) (England) Direction 2021 requires the application to be referred to the Secretary of State to determine via the National Planning Casework Unit.

Refuse Arrangements

- 6.93. Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.
- 6.94. The proposal sets out that each of the dwellinghouses would have individual bin stores. The apartments will have communal bin stores. There appears to be sufficient space to accommodate the quantity of bins requested by Gravesham's Waste Manager, which are as follows:

Houses

- Refuse – 1x180ltr bin
- Recycling – 1x240ltr bin
- Food Waste – 1x23ltr bin
- Garden Waste – opt-in

Apartments

- Refuse – 1x1100ltr bin (per 6 apartments)
- Recycling – 1x1100ltr bin (per 6 apartments)
- Food Waste – 1x140ltr bin (per 10 apartments)

- 6.95. Should Members resolve to grant the proposal planning permission, there will be conditions attached to the permission requiring details of the bin store to be submitted and approved in writing by the Local Planning Authority. In addition, an informative regarding additional information relating to waste will be attached to the decision notice.
- 6.96. Subject to conditions as set out above, the proposal is in accordance with Policy CS19 (LPCS) and incorporates appropriate facilities for storage and recycling of waste. There is sufficient space on the roads throughout the site to accommodate refuse collection vehicles, with turning spaces provided.

Sustainable Urban Drainage

- 6.97. Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. The application proposes the drainage of surface water via infiltration comprising of porous paving infiltration blankets and basins. It has been supported by a drainage addendum, which has been reviewed by the KCC Flood and Southern Water, who have removed objections following its submission.
- 6.98. Based on the addendum and proposed sustainable drainage/surface water run-off, KCC Flood have recommended conditions to ensure the development does not exacerbate risk of on/off site flooding, does not risk controlled waters, property or ecological systems and protects vulnerable groundwater resources. Should Members resolve to grant the proposal planning permission, subject to these conditions, the proposal is in accordance with Policy CS18 (LPCS) and Section 15 (paragraph 187) of the NPPF (2024).

Sustainable Development

- 6.99. Gravesham Borough Council's net zero targets are a key consideration in new developments and a core principle within Policy CS18 (LPCS). The sustainability of the development has been questioned by a number of neighbour objections, highlighting that no renewable or low carbon energy generation is proposed, with the exception of solar panels on the medical centre. The Local Planning Authority acknowledge that the application does not include any details of sustainable energy sources or materials, however, conditions will be attached to the decision notice to ensure that details of renewable and sustainable energy generation is submitted and approved by the Local Planning Authority.

Archaeology

- 6.100. 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.

- 6.101. Saved Policy TC7 (LPFR) 1994 indicates that planning permission may be refused without adequate assessment of the archaeological implications in areas of archaeological potential.
- 6.102. 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.
- 6.103. The application site lies within an area of multi-period archaeological potential though there have been relatively few recent archaeological investigations close to the site. Although the Cultural Heritage Assessment (RPS 2023) concludes that the archaeological potential for all periods of human history is low, KCC Heritage consider it important to note that the present understanding is limited and uncertain, with it appearing that much of the site may not have been heavily impacted by modern development. Therefore, any below-ground archaeological remains may have survived relatively undisturbed.
- 6.104. On the basis of the existing evidence for the site and area and that development would involve significant groundworks, which could adversely impact any below-ground archaeological remains, KCC Heritage have recommended that archaeological conditions are attached if permission is forthcoming.
- 6.105. Subject to the inclusion of the relevant archaeological condition, it is considered the proposal complies with Policy CS20 (LPCS), Saved Policy TC7 (LPFR) and Paragraph 214 of the NPPF (2024).

Contaminated Land

- 6.106. 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.
- 6.107. 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 been supported by a Groundsure GeoRisk report, which flags some concerns with mining and other ground workings on the site, but does not equate to a Phase I Preliminary Risk Assessment. In order to safeguard against contamination, Gravesham's Environmental Protection Team (Regulatory Services) and the Environment Agency have recommended conditions be attached to the decision notice to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with paragraph 187 of the NPPF (2024).

Air Quality

- 6.108. The site is within close proximity of the former Echo Junction Air Quality Management Area

(AQMA). The status of the AQMA was revoked in 2018, however the increased vehicular movements and potential air quality issues have been raised as concerns by neighbouring residents.

- 6.109. The Council's Environmental Protection section however, have not raised any concerns relating to air quality and it was confirmed in pre-application discussions that an air quality assessment would not be required. Therefore, the proposal is not considered to have any detrimental impacts on air quality within the surrounding area.

Ecology and Biodiversity

- 6.110. 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).
- 6.111. 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

- 6.112. 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).
- 6.113. 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

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

- 6.115. 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 £328.27 per additional dwelling). This approach is approved by Natural England for all new residential developments. For every planning application for a new dwelling (including new 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 an Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.
- 6.116. The tariff has previously been accepted effectively in lieu of an Appropriate Assessment (AA). However, in a recent Court of Justice European Union (CJEU) ruling this approach was not considered to be valid, as the CJEU considered the first stage to be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. In this respect, the CJEU judgement made a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an Appropriate Assessment and that mitigation measures cannot be taken into account at the screening stage.
- 6.117. The applicants’ Preliminary Ecological Appraisal states that the proposed development will not impact on designated sites due to distance, however this is disputed by established research and recommendation set out in Natural England’s response. Therefore, the Strategic Access Management and Monitoring Strategy (SAMMS) mitigation contribution via a s.106 agreement would be required to offset any potential recreational impacts, to ensure the scheme is policy compliant and will be incorporated into the planning obligations secured through a legal agreement.
- 6.118. The Local Planning Authority is therefore satisfied that the proposals would put in place adequate measures to mitigate potential significant adverse impacts on the Thames Estuary and Marshes SPA/Ramsar sites and to protect their integrity in accordance with their conservation objectives. On this basis, the proposal is considered to comply with Paragraphs 193 and 194 of the NPPF (2024) and policy CS12 (LPCS), and the requirements of the Conservation of Habitats and Species Regulations 2017. Potential impacts on the European Sites do not therefore impose an impediment on the grant of planning permission in this instance.

Biodiversity Net Gain

- 6.119. 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.
- 6.120. Biodiversity net gain was only introduced for planning permissions granted in respect to a major planning application made on or after 12 February 2024. As this planning application was submitted prior to 12 February 2024, it falls within the transitional arrangements set

out by the then Government, as such the minimum 10% BNG gain required does not apply to this application.

- 6.121. Whilst the proposal would not directly need to make provision for biodiversity net gain, there is a need for the applicant to comply with the requirements of Section 15 of the NPPF (2024) and Policy CS12 (LPCS), which seek no net loss of biodiversity in the Borough and improvements to biodiversity. By virtue of developing on open space and forming a new hardstanding on an area of unmanaged vegetation, there is potential for biodiversity to be lost.
- 6.122. The application has submitted a Preliminary Ecological Appraisal, which has been reviewed by Kent County Council (KCC) Biodiversity who raised no objection, subject to conditions relating to:
- Precautionary working methods;
 - Invasive plant management;
 - Protection of retained habitats (during construction)
 - Lighting and Biodiversity; and
 - Landscape and ecological management plan.
- 6.123. The impact on biodiversity and wildlife were raised by objectors, however subject to the conditions recommended by KCC biodiversity and soft landscaping conditions for native species planting, the development will safeguard and promote biodiversity in accordance with Policy CS12 (LPCS) and Section 15 of the NPPF (2024).

Affordable Housing, Planning Obligations and Development Viability

To follow in a Supplementary Report.

7. Equalities Considerations

- 7.1. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.3. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.4. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council

must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

7.5. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

7.6. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

7.7. The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8. Human Rights Implications

8.1. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

8.2. Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

8.3. In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between

individual rights and the wider public interest.

Conclusion

The full recommendation and suggested conditions will follow in a supplementary report.