

Delegated Report

Householder Planning Application

Planning Application No: 20240549

Location: 73 - 75 West Street Gravesend Kent DA11 0BS

Description: Erection of a second-floor extension above existing offices to provide; 1 single occupancy, 1 bedroom flat and 1 double occupancy, 1 bedroom flat. Additional works to include erection of a cycle and bin store.

Applicant: Mr B Bhandal

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form

2023/37/01A – Existing Site Location Plan, and Block Plan

2023/37/02A – Existing Floor Plan

2023/37/03A – Existing Elevations

2023/37/04A – Proposed Site Location and Block Plan

2023/37/05A – Proposed Floor Plans

2023/37/06A – Proposed Elevations

2023/37/07 – Existing and Proposed Street Elevations
Design and Access Statement

Superseded:

2023/37/01 – Existing Site Location Plan, and Block Plan

2023/37/02 – Existing Floor Plan

2023/37/03 – Existing Elevations

2023/37/04 – Proposed Site Location and Block Plan

2023/37/05 – Proposed Floor Plans

2023/37/06 – Proposed Elevations

Relevant Planning History

No relevant planning history

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density

- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- P3 – Vehicle Parking Standards
- T1 – Impact on the Highway Network
- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 7 – Ensuring the vitality of town centres
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 16 – Conserving and Enhancing the Historical Environment

Supplementary Planning Guidance

- SPG2 – Residential Layout Guidelines (2020).
- SPG4 – KCC Parking Standards (2006).
- Technical Housing Standards – nationally described space standard (2015);
- Management Plan – Gravesend Town Centre Conservation Areas Supplementary Planning Document, 2017
- Design for Gravesham – Design Code (2024)

Other Relevant Guidance

- Kent County Council Vehicle Crossing: - Guidance and Self-Assessment (2018)
- Driveway Dropped Kerb Guidance
- Front Driveway Guidance

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Environmental Protection

There is no objection to the application, but the following is recommended.

Noise Control

The proposed flats are fronting a bust road and car park. As such, noise could be a problem, and it will be

important to ensure that internal noise levels are compliant with the criteria in BS8233:2014. In this respect, a noise impact assessment is advised, and the following condition is recommended.

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

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.

Code of Practice on Construction and Demolition

Please apply as appropriate to minimise noise to neighbouring premises during the construction.

GBC Service Manager (Housing)

No comments received.

GBC Waste and Refuse

No comments received.

GBC Conservation Officer

No comments received.

GBC Licensing

No comment.

KCC Flood and Water Management

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

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

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

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

KCC Biodiversity Officer

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

We have taken this view as the proposed extension will directly impact the roof of the building and insufficient information has been provided to enable us to consider the likelihood of roosting bats being

present.

As such, an Ecological Impact Assessment (EcIA) should be undertaken by a suitably qualified ecologist¹, in accordance with good practice guidelines.

The EcIA will include the following:

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

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EcIA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005² which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

We highlight that the request for a EcIA does not need to be onerous. It should be fairly simple for the applicant to commission a bat roost assessment. We highlight that if bat emergence surveys are required it is right at the end of the survey season and there may not be time this year to complete them.

KCC Highways

The proposed development is located in a highly sustainable location with nearby facilities and local transport links. As such, I consider the nil provision of vehicle parking for the proposed flats to be acceptable. I am pleased to note that secure, covered cycle storage is to be provided for 6 cycles, which is in accordance with the requirements of Kent Residential Parking Standards (IGN3).

Consequently, provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

It is important to note that Local Planning Authority (LPA) 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 LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, 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 and near the highway 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 the 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 pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

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. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, 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.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

Southern Water

We have no comments or objections regarding this application.

Marine Management

No comments received.

Port of London Authority

Having reviewed the application documents, the PLA has no comments to make.

Health and Safety Executive

No comments received.

Thurrock Borough Council

No comments received.

Neighbouring properties

162 surrounding properties were consulted, and 9 comments were received from members of the public. All were objecting to the proposals. The final date to submit comments ended on 14th August 2024. Summary of objections:

- There are existing fly-tipping and littering issues on this site resulting in pest control issues.

- The proposed elevations will block natural daylight into neighbouring properties.
- Privacy impacts on neighbouring properties.
- Views of the church, Gravesend and skyline enjoyed by neighbouring properties will be impacted.
- The existing rear elevations show no windows, but windows are present on the rear of the property.
- The rear rooms were originally washrooms but have had an unauthorized change of use to offices.
- The windows to the side of the rear offices are frosted glass and have no visibility.

Officer Notes:

- Matters such as loss of views are not material planning considerations, which can be used in the assessment of this application.
- Amended plans were received following discussions with the agent along with pictures of the rear of the site. The plans now show the correct position of existing windows.

Officer's Analysis

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

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

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

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

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

- Habitats sites (and those sites listed in NPPF paragraph 188)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats

- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 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.

The proposed development for a net increase of 2 residential units would offer a modest contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create a high standard of amenity for existing and future occupiers.

Principle of Development

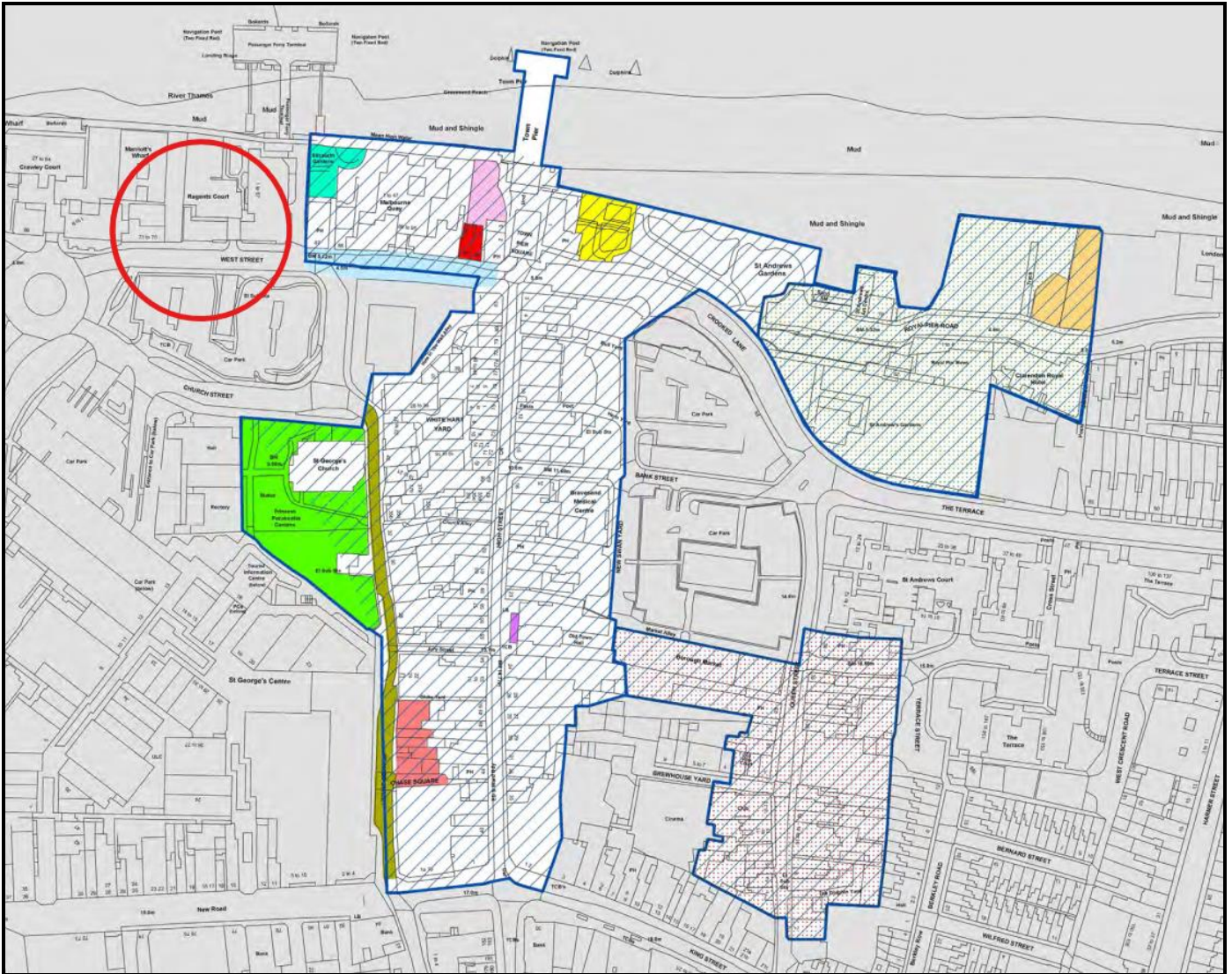
In regard to the principle of development, Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. It seeks to achieve this by promoting regeneration by prioritising redevelopment and recycling of previously developed land. The application site consists of an existing building. The site meets the definition of Previously Developed Land as stated in Annex 2 of the NPPF (2023).

The site lies within Gravesend Town Centre Opportunity Area (sub-area 3.4 East of Town Centre and Riverside). Policy CS05 (LPCS) states that within the Opportunity Area, the Council will support the provision of new residential development where a satisfactory living environment can be achieved and support the redevelopment of under-used sites where this makes more efficient use of the sites and improves townscape character.

Redevelopment would be subject to addressing the requirements of the Development Plan and material considerations such as the NPPF (2023) and in particular whether the proposal would improve townscape character and protect the amenity of existing and future users which are key considerations which would be assessed in an application.

Design, Character and Appearance

The below map shows the High Street Conservation Area outlined in Blue. This site has been circled in Red. It is clear that the site falls outside of the Conservation Area. However, given its close proximity to the Conservation Area and its high visibility in the streetscene. The proposed development could impact the character and setting of the conservation area, and this should be considered in the design of the scheme.



The proposed development would add a second floor to the existing building. The overall height of the proposed building would be 10.5m. The below Google Maps Image taken in 2021 shows the site from the street.



As can be seen the building to the West has three floors and the building to the east has four floors. The proposed elevation below shows that the additional floor, would take this building to three floors in height,

and it would be a similar height to the neighbouring property. It is likely that it will be partially higher than the building to the west given the existing high window placement on the first floor of the subject building, but it will be lesser in height than the four-storey building to the east. The proposed build and height would therefore be sensitive to the existing streetscene.



Proposed Front Elevation

The design of the roof and fenestration would also be similar to the property to the east, as shown in the below 2021 Google Maps image. It would use a mix of gable fronts and pitched roof. The second floor windows would also incorporate Juliette balconies.



The application form states that a buff stock brick would be used to match the adjoining property with tile hanging. The roof would use artificial slate with red ridge tiles to match adjoining property. The windows and doors would use brown colours UPVC. To ensure an appropriate, high-quality of material within the vicinity of the Conservation Area, the proposed materials should be reserved by condition.

On balance, the proposed development would comply with the requirements of Policy CS19 and CS20 of the Core Strategy 2014, Saved Policy TC3 of the Gravesham Local Plan: First Review (1994) and Section 12 and 16 of the NPPF (2023), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of design, character and appearance and impact on the Conservation Area.

Amenity of Future Occupiers

The NPPF (2023) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and

constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land. The impact on neighbours will be assessed in the next section of the report.

Internal Space Standards

Flat one

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen/Diner	23.3 (Including Living Room)	12
Living Room	23.3(Including Kitchen/Diner)	13.2
Single Bedroom	13	6.5
WC and Bathroom	4.2	3.5

Flat two

Room Type	Proposed Internal Floor Area (m ²)	Minimum Space Standard (m ²)
Kitchen/Diner	25.2 (Including Living Room)	12
Living Room	25.2 (Including Kitchen/Diner)	13.2
Double Bedroom	11.6	11.2
WC and Bathroom	4	3.5

The minimum space required for a kitchen/Diner and Living room combined would be 25.2 m². At 23.3m², this room would not meet the required spacing for flat one.

External Space Standards

At paragraph 31 of the Residential Layout Guidelines, amenity space requirements for flats area addressed as follows:

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

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

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

In this case a 77m² amenity space is provided. The land to the rear of the site would be adequate in size for flatted development although the quality is poor and would need improving which could be achieved via condition. It should also be noted that this site is in a town centre location, close to local parks and recreation grounds.

Privacy Distances

Flat one is a single aspect flat with front facing windows only. Flat 2 has both front, side and rear windows. The entire rear elevation on this additional floor would serve flat 2 and would have a distance of between 7.7m and 10.3m from the south wall of these 146—6-47 Marriotts Wharf. This would fail to meet minimum distance requirements of 11m (according the residential layout guidelines) and would result in overbearing impact to the window serving the hallway of flat 2, and the flats served by the South elevation of Marriotts

Wharf, given the close proximity. The rear window of flat 2 would therefore be subject to direct overlooking. The garden area would also be directly overlooked by the same windows on 16-47 Marriotts Wharf resulting in a proposal which fails to satisfactorily safeguard neighbour amenity.

Noise

The Environmental Protection Team commented on the application and advised that further detail is required in the form of a Noise Assessment particularly given the location of the flats fronting a busy road and car park. This would ensure that any noise mitigation measures as required are able to be achieved.

They require that the assessment address the impact of the following on the residential amenity of any future residents of the proposed flats.

The Noise Impact Assessment provided should demonstrate that:

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.

Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Noise Impact. The documents provided with the application do not include a Noise Impact Assessment. As such, it is not possible to make a determination as to the impacts of the proposal on residential amenity. The proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the Nation Planning Policy Framework (2024).

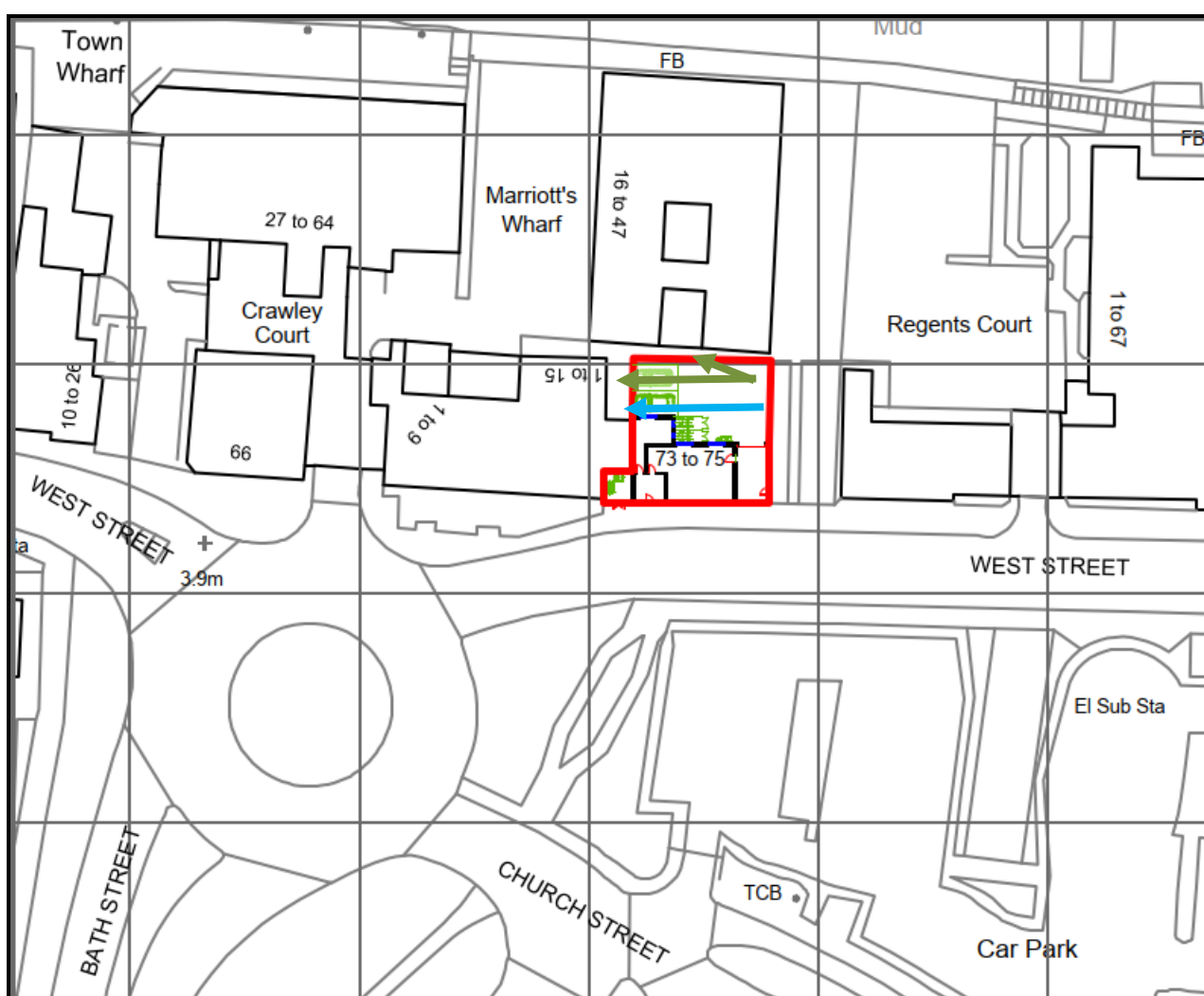
Amenity Summary

Overall, the proposed scheme would provide substandard internal space standards for future occupiers as a result of its undersized bedroom to flat one. The internal amenity space standards have not been met and given the insufficient information provided in terms of a Noise Impact Assessment, it is not possible to fully assess the impact of the development on future occupiers. The scheme also fails to provide the appropriate minimum privacy distance of 11m from the rear window which would result in overlooking.

Neighbouring Amenity

As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, no objection to the proposal was received.

The below images provided by the agent, show the position of the existing offices. To the right of both images, neighbouring residential windows can be seen. The neighbouring buildings are circled for clarity and the site plan below shows the extent of neighbouring buildings, with relevant buildings indicated.

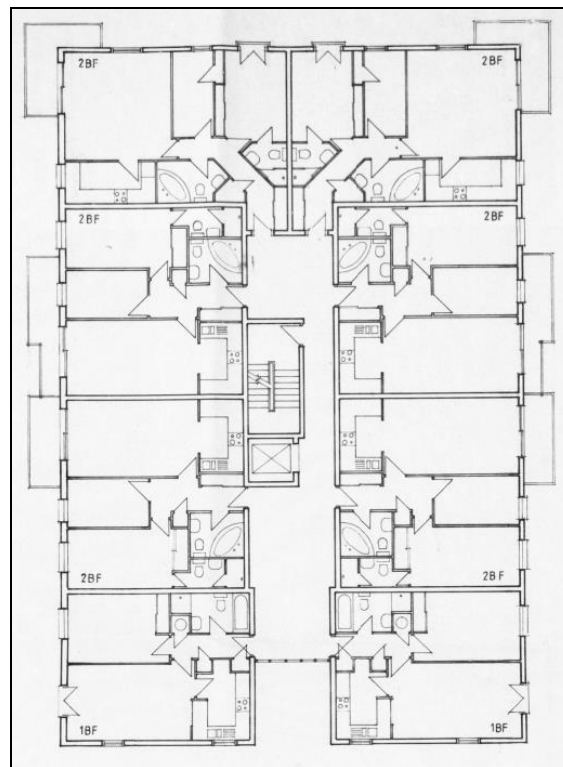


16 to 47 Marriott's Wharf

As the above site plan shows, there is a residential block located to the rear which contains numbers 16 to 47 Marriott's Wharf. This building is five storeys high (including roof accommodation). There is also a undercroft parking area, which is evident to the east side of the building. The subject office building has a 'stepped' rear elevation and as a result, the distance between these buildings is 7.7m to 10.3m.

The below 2nd floor plan is taken from planning approval ref 19871145 which included the erection of the

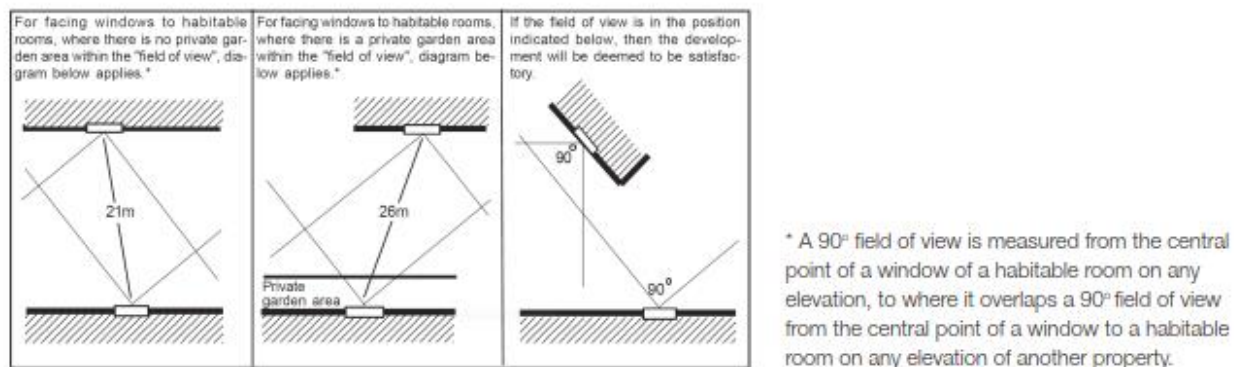
building housing flats 16 to 47 Marriotts Wharf;



This shows that there are windows serving kitchen and living spaces, to the south elevation of this building which would face the proposed development.

The Residential Layout Guidelines (2015) applies minimum privacy distances between facing windows are applied, as per the table below:

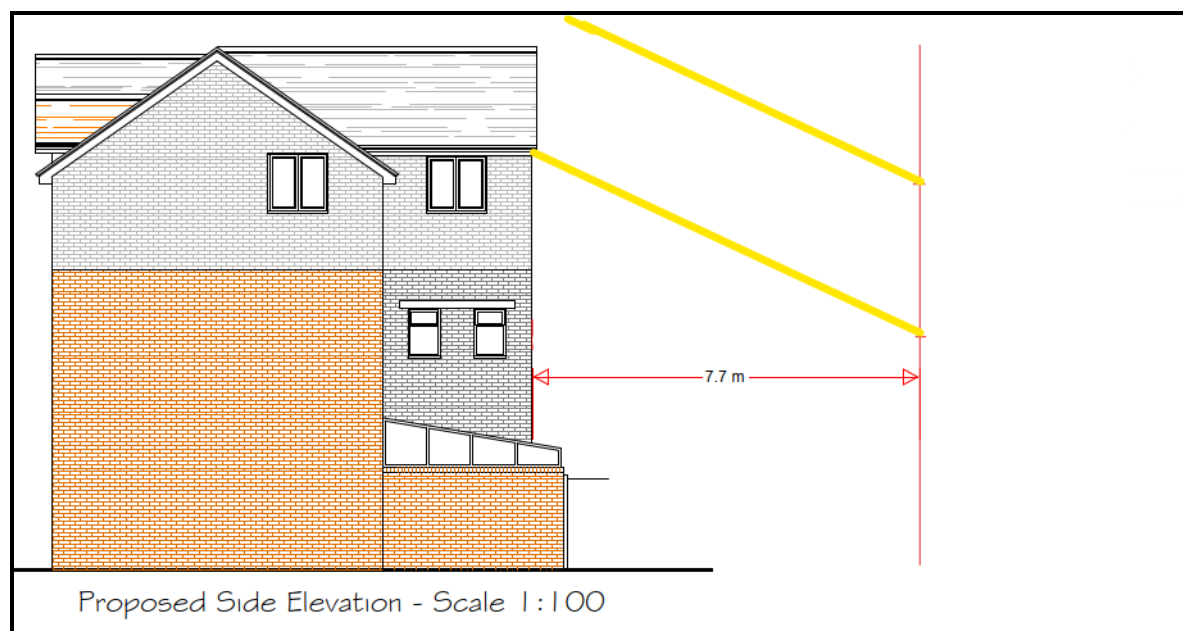
Figure 1



As has been established, the windows to the south elevation of this neighbouring property are habitable windows. The window proposed to the north elevation of the subject property would serve a hallway to flat 2 of the subject property. The most appropriate minimum privacy distance in this case would be 21m. However, the window would be 10.3m from the habitable windows and would likely result in significant direct overlooking of habitable windows serving these flats.

It is also noted that the proposal would result in increased height, at close proximity to these south facing habitable windows. The distance would be between of 7.7m-10.3m. Whilst this will have impacts in terms of overshadowing, it would also result in significant harm to the amenity of these residential properties as a result of the scale and proximity of the development, leading to overbearing bulk which would be an unneighbourly form of development.

The 25-degree test below shows that the first and second floor rear windows of 16 to 47 Marriott's Wharf (at the rear), would be overshadowed by the second-floor addition. It is also evident that the development would substantially impact the level of light to rooms for this building, particularly given that the elevation facing the proposed development, is south facing and that the proposal would increase the height of the existing building. The sun takes a southerly, east to west route, which means that the majority of sunlight from the rooms in this neighbouring building is achieved from the south elevation, which faces the application site. This is evident in the test applied below.

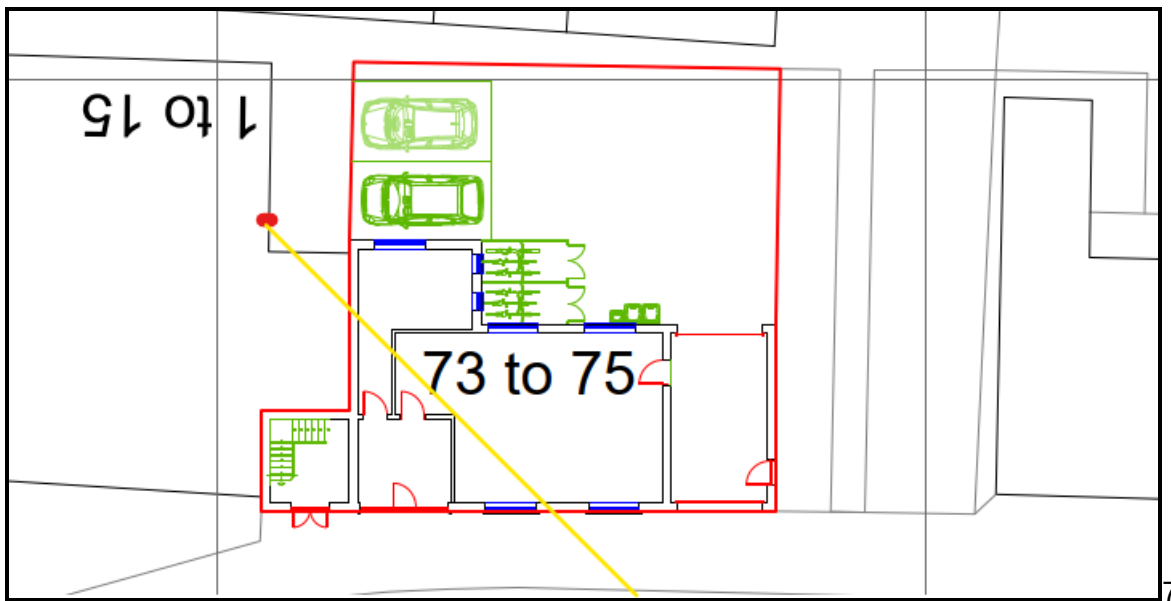


25 Degree test (rear building)

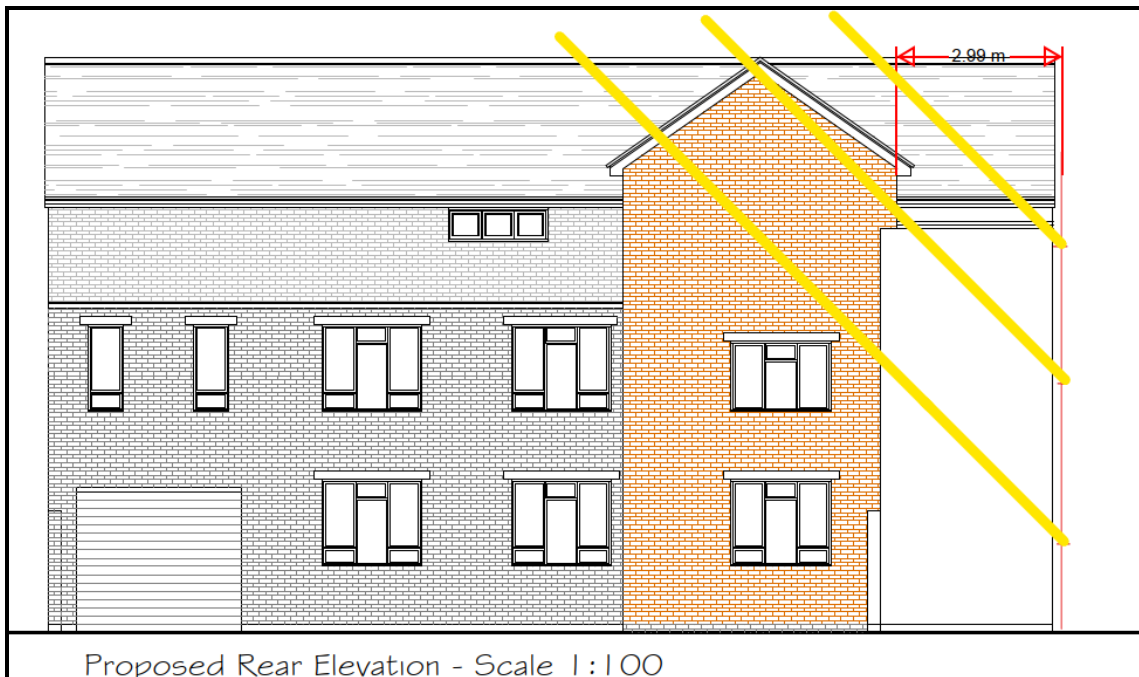
1-15 Marriott's Wharf

As the above site plan shows, there is a residential block located to the west side of the site which contains numbers 1 to 15 Marriott's Wharf. This building is three storeys high (including roof accommodation). The subject office building is attached to this dwellinghouse and a brick wall divides up its site boundary to the rear. The rear elevation of this neighbouring property is stepped and, rear elevation is 6.25m deeper than the subject office building.

The 45-degree test below shows that the first and second floor windows would likely be overshadowed as a result of the increased height. The ground floor window would likely be overshadowed by the existing building.



45 degree test (building to the west)



Proposed Rear Elevation - Scale 1:100

45 degree test (building to the west)

Summary

The development would result in overshadowing of windows serving habitable rooms to 1-15 and 16-47 Marriotts Wharf. There would be insufficient privacy distances between the flats to the south elevation of 16-47 Marriotts Wharf and flat 2 as proposed by this application. The increased height and close proximity to the south elevation of this neighbouring building, would result in significant overbearing bulk and loss of light which as a whole would be an unneighbourly form of development. The proposal is therefore considered to **NOT** safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Ecology and Biodiversity

Biodiversity Net Gain

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

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

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

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

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

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

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

Ecological Impact

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

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

Mitigation

Thames Estuary and Ramsar Buffer Site (Birds):

Paragraph 180 and 183 of the NPPF (2023) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural England Commission Rural Communities (NERC) Act (2006) and the Environmental Act (2021).

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

The existing garden will not alter as part of this proposal, therefore there would be no biodiversity net loss.

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

Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £328.27 per dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has not completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue.

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

Parking Provision

The proposed development does not provide any car parking facilities or cycle facilities. The site is in a highly sustainable location, in the Town Centre and so provision of vehicle parking spaces would not be necessary in this instance. This is further justified given close proximity to the train station, with high-speed services to London. It is also close to the newly refurbished transport hub. Although vehicle parking provision would not be necessary, cycle parking provision for 2 additional rooms, would be required. The position of this is shown on the plans. Further details could be provided by condition.

Subject to conditions, adequate vehicle and cycle parking provision would be available in accordance with paragraphs 114 to 117 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision.

Waste and Refuse

The position of the bins storage is shown on the plans. Therefore, if approved, details relating to the final position, number of bins, size and appearance of the bin storage would be reserved by condition.

Conclusion & Recommendation

The proposal would result in harm to the living environments of occupants of neighbouring properties. Specifically, it would result in significant overshadowing of habitable windows serving 1-15 and 16-47 Marriotts Wharf and direct overlooking of the south elevation of 16-47 Marriotts Wharf, with window to window distances below the required minimum privacy distance of habitable windows. The scale, proximity and design of the scheme would as whole, be an unneighbourly form of development which would result in overbearing bulk, severely limiting the allowance of light to south facing windows of 16-47 Marriotts Wharf. The proposal would therefore fail to provide a high standard of amenity for neighbouring's sites which

conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 131 and 135 of the National Planning Policy Framework 2023.

The development would result in undersized bedroom space, and undersized privacy distance from 16-47 Marriotts Wharf to the hallway of flat 2 of the proposed development which would result in direct and harmful overlooking from the neighbouring site. The proposal fails to provide high quality amenity space and will result in poor living standards for future occupants and as such would be contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 which states that new development shall be designed and constructed to safeguard the amenity of its occupants and paragraph 130 of the National Planning Policy Framework (2023) and SPG2 Residential Layout Guidelines (2020).

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

Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Noise Impact, given the location of the proposed flats on a busy road and fronting a car park in close proximity. The documents provided with the application do not include a Noise Impact Assessment. As such, it is not possible to make a determination as to the impacts of the proposal on residential amenity. The proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the Nation Planning Policy Framework (2024).

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

The recommendation is therefore to refuse this application.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	23 rd September 2024	Dated:	24 September 2024