

Delegated Report

Planning Application

Planning Application No: 20241016

Location: Hand Car Wash And Dons Tyres 67 - 77 High Street Northfleet Gravesend

Description: Demolition of the existing car wash garage and erection of a three storey building consisting of 2x 1 bed flats (studio), 6x 2 bed flats and 6x 3 bed flats.

Applicant: Mr Doni Logv, Dons Tyres

Site Visit Date:

Submitted Documents/Plans

Application form
1586-01 – Existing and Proposed Block Plan
1586-02 – Location Plan
1586-03 – Existing Plans and Elevations
1586-04 Rev QA – Proposed Ground Floor and First Floor
1586-05 Rev A – Proposed Second Floor, Third Floor, Proposed Roof
1586-06 Rev A – Proposed Elevations and Section
1586-07 – Existing and Proposed Road Sections
20211205-PL06 R00 – Proposed Roof Plan
Heritage Statement
Air Quality Assessment
Phase 1 Environmental Assessment Report
Planning Design and Access Statement
Daylight Assessment
Environmental Noise and Vibration Assessment

Relevant Planning History

Reference	Description	Decision	Decision Date
20231136	Change of use from Class E (Office) to Class Sui Generis (Hot Food Takeaway).	Permitted	02.07.2024
20210609	REVISED DESCRIPTION _Amendment to the original approved planning application 20190506 to extend the dormer on the second floor.	Permitted	02.07.2021
20190506	Change of use from Class C4 (4 bedroom) HMO to sui generis (7 bedroom) HMO incorporating alterations to roof to form new second floor.	Permitted	04.11.2019
APP/ K2230/ W/ 17/316844 8	Erection of a two storey side extension incorporating a mansard roof with habitable rooms in the roof space.	Refused Appeal at Dismissed	23.08.2017
20160448	Erection of a two storey side extension incorporating a mansard roof with habitable rooms in the roof space.	Application Refused	28.11.2016

20140925	Application for the variation of condition 1 attached to planning permission reference number 20130933 relating to renewal of planning permission reference number 20100884 for continued use of premises as a hand car wash and tyre fitting bay; for an extension of the operating hours from 08.00-20.00 hours Monday to Saturday and 10.00-16.00 hours Sundays and Bank Holidays to allow the premises to open on Sunday and Bank Holidays from 09.00-18.00 hours.	Permitted	11.11.2014
20140588	Construction of a dropped kerb to create an additional vehicular access.	Permitted	26.09.2014
20130933	Application for renewal of planning permission reference number 20100884 for continued use of premises as a hand car wash and tyre fitting bay.	Permitted	04.12.2013
20100884	Continued use of premises as a hand car wash and tyre fitting bay for a temporary period of three years.	Granted Temporary Permission	12.11.2010
20090534	Conversion of rear part of ground floor and first floor into two, one bedroom self contained flats with a shop/office at ground floor level.	Permitted	24.08.2009
20090244	Erection of single storey building to provide tyre fitting workshop.	Permitted	28.05.2009
APP/ K2230/ A08/20820 92	Erection of three storey building with rooms in the roofspace to provide 14 one and two bedroom flats with 14 car parking spaces at ground floor level.	Appeal Dismissed	12.01.2009
20080474	Erection of three storey building with rooms in the roofspace to provide 14 one and two bedroom flats with 14 car parking spaces at ground floor level.	Application Refused	31.07.2008
20071010	Change of use from tyre sales to car sales for a temporary period.	Permitted	16.01.2008
20060597	Erection of a part three, part four storey building to provide a total of 17 self contained flats, comprising four bedsits, 7 two bedroom flats and 6 one bedroom flats and the laying out of 17 car parking spaces at ground floor level.	Application Refused	12.10.2006

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS16 – Affordable Housing
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards]
- Policy T1 - Impact of Development on the Highway Network
- Policy T5 - New Accesses onto Highway Network

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to

assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

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

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

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

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Conservation Officer

No comments received.

GBC Environmental Protection

The following comments are made:

Contaminated Land

The 'Phase One Environmental Assessment Report (Preliminary Risk Assessment' dated September 2025 by Subadra Consulting (Report Ref: IN25183 CL 001) has been reviewed. The report advises that due to historic use as part of a clay pit, lock up garage, fuel dispensing and current use as a tyre fitting/vehicle repair workshop and car wash, there is a potential contamination risk. An intrusive investigation to include ground gas monitoring is advised and this is agreed with. This can be addressed by way of a condition attached to any planning permission.

Noise

An 'Environmental Noise and Vibration Assessment' dated 8th August 2025 by dB Consultation Ltd (Report Ref: 11082) has been submitted and reviewed. Appropriate monitoring has been undertaken to establish background noise and vibration levels. Noise levels are such that the criteria in BS8233:2014 will be exceeded both internally and on any external balconies on the façade fronting the road. Appropriate mitigation measures are provided in section 2. These include glazing specifications for the front, rear and side facades (Table 1). Ventilation can be by way of acoustic vents or in wall ventilators for the rear facade but the front façade must rely on closed windows and no trickle/in wall ventilators in order to comply with BS8233:2014. An alternative ventilation scheme will therefore be needed.

The report advises that the proposed balconies on the front façade should be partially enclosed by a 3 sided 1.5m high solid glass screen (Fig 1).

The above can be addressed by way of conditions.

Vibration levels were below the low probability of adverse effect so no vibration mitigation measures are needed.

Air Quality

An 'Air Quality Assessment' dated 24th July 2025 by E2 Consultants (Report Ref: ADO25063-R1-V1) has been submitted. The report assesses construction phase and operational phase impacts and has been undertaken in accordance with IAQM guidance.

With appropriate mitigation measures any impact from fugitive dust emissions from the demolition and construction can be negated. Mitigation measures are provided in section 6.1.1 of the report and should be referred to in any Demolition and Construction Environmental Plan.

For the operational phase, pollutant levels from traffic emissions associated with the development are negligible. Pollutant concentrations at the site are below the Air Quality Objectives, so the operational air quality effects are not a concern. Nothing further is required.

To address the above and other matters the following conditions and informatives are recommended:

Contaminated Land

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

- a) A site investigation, based on the findings of the submitted 'Phase One Environmental Assessment Report (Preliminary Risk Assessment)' dated September 2025 by Subadra Consulting (Report Ref: IN25183 CL 001) shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- b) 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.
- c) 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.
- d) 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.
- e) 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.

Noise

The noise mitigation measures as detailed in report 'Environmental Noise and Vibration Assessment' dated 8th August 2025 by dB Consultation Ltd (Report Ref: 11082) shall be implemented by competent persons to ensure that:

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

Noise – post completion testing

No dwelling shall be occupied until a post completion noise survey has been 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 in accordance with the 'Environmental Noise and Vibration Assessment' dated 8th August 2025 by dB Consultation Ltd (Report Ref: 11082) and the required noise levels as given in Condition xx. If the noise levels set out in Condition xx are exceeded, additional noise mitigation measures to ensure the appropriate noise levels can be met shall be submitted to and approved in writing by the Local Authority and implemented in full prior to the first occupation.

The final approved sound insulation scheme shall be implemented and maintained in accordance with the approved plans thereafter.

The Post Completion report shall assess the performance of any ventilation and cooling/heating system that has been installed to the satisfaction of the local authority. The approved alternative means of ventilation and cooling/heating shall be maintained thereafter.

Alternative Ventilation and Cooling

A scheme for alternative means of ventilation and air cooling and heating must be submitted in writing for approval to demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions

and comply with Approved Document O "Overheating" of the Building Regulations.

The alternative means of ventilation and cooling shall be maintained thereafter.

Code of Practice on Construction and Demolition

Please apply as appropriate. Reference should be made to the dust control measures provided in the 'Air Quality Assessment' dated 24th July 2025 by E2 Consultants (Report Ref: ADO25063-R1-V1).

Drainage/sewerage informative

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

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).

Asbestos informative:

Owing to the likelihood of the existing building containing asbestos products, the applicant should be informed to contact the Health and Safety Executive (HSE) for advice on the submission of a suitable method statement for removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator. This is in the interests of safeguarding the amenities of the surrounding area and safety.

GBC Waste and Refuse

I have reviewed this planning application and have the following comments on refuse collection arrangements.

The design and access statement does include a section on refuse strategy, however to approve the strategy, I require answers to the below points

- The strategy details that there will be 6 x 1100 bins and 2 x 140 bins provided for the site for the collection refuse, recycling and food. However the plans only show 5 bins in the store room. Please confirm that the bin store is of sufficient size to fit the required bins.
- I require the distance between the self contained building and the new block of flats to ensure that the bins fit down the walkway. It is advisable to include some building protection as there is the risk of the walls being damaged when the bins are moved.
- Please can you provide the distance from the bin store to the public highway.

General Information

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

It is the responsibility of the developer to ensure that all the relevant bins and sufficient storage space is provided for each property.

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.

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 developer's responsibility to pay for the bins required for the properties on this development. Further details can be obtained from the Council Waste Management Team.

Collections from sites will not occur until containers are in place. It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste

requirements have been met. All complaints in regard to non-collection due to the fault of the developer will be passed onto to the developer for response.

The Council should be informed at least two weeks prior to collections taking place.

Generally where appropriate we will not enter private land to collect refuse bins, if we are required to then we will not be responsible for any damage the collection vehicle may cause to the road surface.

For information the Council's refuse collection vehicle information is below.

The Council uses three axle, rear steer 26 tonne collection vehicles.

Width – 2.5m

Overall length – 10.5m

Height – 3.8m

Kerb Turning Circle – 18m

Wall to Wall Turing Circle – 19m

GBC Housing Development and Strategy Manager

No comments received.

GBC Housing Service Manager

No comments received.

GBC Council Tax

No comments received.

KCC Heritage

The site lies within an area of multi-period archaeological potential and directly opposite the designated Factory Club. I will defer to your Conservation Officer with respect to built heritage matters.

The proposed development has the potential to impact on surviving below-ground archaeological remains at the site, which may include ice age deposits with Palaeolithic archaeological and palaeoenvironmental interest. The nature and significance of any such remains is presently unknown and it is likely that some impacts will have occurred during the 20th century and subsequent development of the site. I recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological and geoarchaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological and geoarchaeological interest are properly examined and recorded in accordance with National and Local planning policy.

KCC Biodiversity

SUMMARY: SUFFICIENT INFORMATION

We have reviewed the information submitted by the applicant and advise that sufficient ecological and biodiversity net gain information has been provided for determination. Recommended condition/informative wording is provided in Appendix 1.

Developer contributions will need to be provided to mitigate for recreational pressure within the zone of influence of designated sites of international importance.

Ecological Impact Assessment

No ecological information has been submitted with this application. As a result of reviewing the data available to us and the information submitted with the planning application, we advise that none will be needed. This is due to the location and scale of the proposals and limited potential for impacts to protected and priority species and habitats¹. However, we caveat that no site visit has been carried out and so we have taken a risk-based approach according to available information. There remains a small risk that roosting bats and nesting birds could make use of the site and we recommend including informatives on the decision notice should planning permission be granted.

Further we cannot advise on root protection areas and the local planning authority may wish to consult with a tree officer regarding the presence of trees adjacent to the site boundary.

Planning policy supports the integration of habitat features (e.g., bird and bat boxes) and wildlife-friendly soft landscaping even where mandatory 10% biodiversity net gain does not apply. Such measures can be secured by condition should planning permission be granted.

Biodiversity Net Gain

The applicant considers the proposals to be exempt from statutory biodiversity net gain under the self-build exemption. For this exemption to apply, the proposals must:

- consist of no more than 9 dwellings;
- on a site that has an area no larger than 0.5 hectares; and
- consist exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

It is not within our remit to verify that the proposed dwelling(s) meet the definition of self-build or custom housebuilding as defined in the 2015 Act. The LPA should therefore ensure that the proposals meet the definition and that a mandatory 10% biodiversity net gain does not apply.

Government guidance on self-build and custom housebuilding indicates that “[in] considering whether a home is self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout ... Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing”.

A recent appeal decision² indicates that a “suitably robust mechanism such as a planning obligation/legal agreement or other means” is necessary to properly secure a development as self-build and to prevent it reverting to an open market dwelling where a mandatory 10% biodiversity net gain would otherwise apply.

From a desktop study, it appears that there is no greenspace on-site. Provided this is the case, then, if a self-build and custom build exemption does not apply, it is likely that the de-minimis exemption would apply. This exemption applies where:

- The development will not impact any onsite priority habitat; AND
- The development will not impact more than 25 square metres of onsite habitat with a biodiversity value greater than zero; AND

- The development will not impact more than 5 metres of onsite linear habitat.

N.B: Habitats with a biodiversity value of zero include: buildings, hardstanding, unvegetated garden, and artificial unvegetated; unsealed surface.

Please note that bare ground will attract a biodiversity value greater than zero within the metric.

Recreational Disturbance and National Site Network Sites (SAMMS)

The application site falls within the 6km zone of influence of the Thames Estuary and Marshes Special Protection Area and its associated Wetland of International Importance under the Ramsar Convention (Ramsar Site).

This type of development may cause additional recreational disturbance, and likely significant effects on birds using the SPA and Ramsar sites. As such, the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) applies and the applicant will be required to make a tariff payment which is based on the net number of additional dwellings proposed. The payment is to mitigate for additional recreational effects on the designated sites. The local planning authority must ensure that adequate means are in place to secure this mitigation before first occupation.

Gravesham Borough Council must consider the impact the proposal will have on these designated sites in accordance with the Conservation of Habitats and Species Regulations (CHSR) 2017 (as amended) and the National Planning Policy Framework (NPPF) 2024.

A decision from the Court of Justice of the European Union (CJEU: C-323/17) has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'Appropriate Assessment' is needed under the Habitats Directive.

Therefore, we advise that there is a need for the local planning authority to carry out an Appropriate Assessment as part of a Habitats Regulations Assessment (HRA).

The local planning authority (the "Competent Authority") must consult with and take into consideration Natural England's advice in determining the application. Natural England has provided advice on this application to the effect that:

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

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance".

KCC Highways

This proposal is located in a highly sustainable location with essential facilities within walking distance, regular bus services every 15 minutes and a railway station within easy walking distance.

In view of the sustainable location, it is considered that not all residents will rely upon ownership of a private car and therefore the provision of 9 car parking spaces for the 14 flat units is considered acceptable. However, it is noted that the car parking spaces are 4.8m long x 2.4m wide which is less than the current standards and may be insufficient to accommodate modern cars. The size of the parking bays should therefore be amended accordingly.

Secure and weatherproof cycle parking for 14 cycles is considered adequate.

Provided the size of the car parking spaces are adjusted, no objection is raised on highway grounds to this application provided the following conditions are applied to any consent granted.

1 Provision and maintenance of 2.0 metres x 2.0 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6 metres above footway level, prior to the use of the site commencing.

2 Submission of a Construction Management Plan before 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, which may require supporting vehicle tracking/swept paths.
- (c) Timing of deliveries, avoiding network and school peaks where possible.
- (d) Provision of wheel washing facilities.
- (e) Measures to prevent the discharge of surface water onto the highway.
- (f) Temporary traffic management / signage.

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.

KCC Growth and Communities

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution. A summary of the projects serving the development and proportionate contributions requested is set out in Table 1.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Table 1 – Education Request Summary.

	Per Applicable Flat (12)	Total	Project
Primary Education	£1,353.18	£16,238.16	Towards construction of the new Rosherville Primary Academy
Primary Land	£774.57	£9,294.84	Towards the new primary school land cost
Secondary Education	£1,332.32	£15,987.84	Towards expansion of secondary schools in the Gravesham & Longfield non-selective and selective planning groups serving the development, including but not limited to, Northfleet Technology College
Special Education Needs & Disabilities (SEND)	£139.96	£1,679.52	Towards the provision of additional SEND places and / or additional SEND facilities that serve the needs of the development within the KCC North Kent Education Area

Table 2 – Communities Infrastructure Request Summary

	Per Dwelling (14)	Total	Project
Community Learning and Skills	£34.21	£478.94	Additional equipment and resources for adult education centres serving the development, including outreach provision.
Integrated Children's Services	£74.05	£888.60	Towards additional equipment and resources for the Integrated Children's Services in Gravesend including outreach provision
Libraries, Registration and Archives	£62.63	£876.82	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Hive House and Swanscombe Libraries.
Adult Social Care	£180.88	£2,532.32	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the Borough.

	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£194.13	£2,717.82	Towards new or expanded Waste Transfer Station(s) and HWRC(s) capacity within the Boroughs of Gravesham or Dartford to serve the needs of the Development, including the proposed Pepper Hill site expansion
<i>Highways, PRow, SUDS, Ecology, Heritage Conservation & Minerals.</i>	<i>Please note other KCC Service areas may respond separately</i>		

Please note that these figures:

- are to be index linked by the All-In Tender Price Index from Q1 2022 to the date of payment.
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

Justification for Infrastructure Provision/Development Contributions Requested

The Developer Contributions Guide has been approved as County Council policy. Information on the areas KCC will seek for, contribution rates, methodology for calculation and policy justification are contained within the Guide and can be viewed here.

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the attached appendices.

Education

Kent County Council is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of assessment. This assessment will start with the forecast capacity of existing schools, taking in to account existing cohorts, the pre-school aged population, historic migration patterns and new residential developments in the locality.

Contributions are sought based upon the additional need required, where the forecast pupil product from new developments in the locality results in the maximum capacity of local schools being exceeded.

Primary Education

The proposal gives rise to additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 1. Financial contributions towards construction and land acquisition will be required to mitigate the impact of the projects identified in Table 1.

The land acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land. As KCC is receiving the land for the school at nil consideration, primary school land contributions that may be secured from this proposed contributing site application

would be passed on to the developer that is supplying the land for the school.

Secondary School Provision

The proposal is projected to give rise to additional secondary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 1. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Special Education Needs and Disabilities Provision

The Children's and Families Act 2014 and Equality Act 2010 sets out the county council's responsibilities for children and young people with Special Educational Needs and Disabilities (SEND) aged 0-25 years. KCC's SEND Strategy (2025-2028) sets out its vision and priorities in respect of this area of its service.

Children with more complex needs are supported through an Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. School-age pupils with EHCPs are educated in mainstream school classes, 5 in Specialist Resourced Provisions (SRPs) on mainstream sites and in stand-alone special needs schools.

Mitigation of Need

This proposal gives rise to additional pupils with Education and Health Care Plans (EHCPs) requiring extra support through specialist provision. All SEND infrastructure in Kent is currently at capacity.

A proportionate contribution is therefore required to mitigate the impact from the development through the provision of additional SEND places as identified in Table 1.

Provision of Education Places

Please note that the process of education places will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision in Kent 2025-2029 (updated annually).

Community Learning and Skills

KCC provides Community Learning and Skills (CLS) facilities and services in line with Framing Kent's Future – Our Council Strategy 2022/2026 (Priority 1 – Levelling UP Kent and Priority 2 – Infrastructure For Communities). Appendix 2 provides detail of; the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

Integrated Children's Service – Youth Service/Early Years Service

KCC has a statutory duty to provide Youth Services under section 507B of the Education Act 1996 and the statutory guidance 'Working Together to Safeguard Children'.

Appendix 2 provides detail of; the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

Library, Registrations and Archives Service

Under the Public Libraries and Museums Act 1964, KCC has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

There is an assessed shortfall in provision for this service. Borrower numbers are in excess of capacity, and book stock in Gravesham at 915 items per 1,000 population is below the National standard of 1,532.

An evaluation of the impact of this development is shown in Appendix 2. The appendix demonstrates; the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

Adult Social Care

The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities and Mental Health Conditions.

Appendix 3 provides detail of the current shortfall in the provision of this service and also explains the statutory duty upon KCC to provide Adult Social Care services. The appendix demonstrates; the demand generated by the application, the projects serving the development and proportionate cost requested to mitigate the impact arising from this development. Table 1 also identifies the mitigating projects serving the development.

The Department for Levelling Up, Housing and Communities identified in June 2019 guidance Housing for older and disabled people, that the need to provide housing for older & disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely.

The inclusion of two accessible M4(3) dwellings is welcomed. Given the previous use of the building KCC requests that all other dwellings are built to Building Reg Part M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

Waste Disposal and Recycling

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. Appendix 4 provides detail of the current shortfall in the provision of this service; the demand generated by the application and explains the statutory duty upon KCC.

The appendix demonstrates the projects serving the development and proportionate cost requested to mitigate the impact arising from this development and accommodate the increased waste throughput within the Borough. Table 1 also identifies the mitigating projects serving the development.

Implementation

The above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal. The Local Planning Authority is requested to seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement. Additionally, a County Council monitoring fee of £300 for each trigger point identified for County contributions within the Agreement is also required, irrespective of

whether the County Council is party to the agreement.

Any Section 106 or UU containing contributions for KCC services should be shared with the authority via the Developer.Contributions@kent.gov.uk email address prior to its finalisation.

If you do not consider the contributions requested to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that you notify us immediately and allow at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision-making process in advance of the Committee report being prepared and the application being determined.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Natural England's statutory advice on these potential impacts is set out below.

Designated Sites

Further information required - recreational pressure impacts to European Sites (habitats sites)

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

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

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

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the strategic approach, should also be subject to the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) and our advice above applies.

Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK

(www.gov.uk) for more information.

Impact Risk Zones for Sites of Special Scientific Interest

We strongly recommend that local planning authorities (LPAs) use Natural England's Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) (available from the Natural England Open Data Geoportal (arcgis.com) and to use on MAGIC (defra.gov.uk) along with guidance) to decide when to consult Natural England on development proposals that might affect a SSSI.

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, reducing unnecessary delays in the planning process. In turn this allows Natural England to concentrate resources on development proposals with the highest risks and opportunities for nature recovery.

Planning and transport authorities: get environmental advice on planning - GOV.UK (www.gov.uk) provides further guidance on when LPAs must consult Natural England on development proposals.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Southern Water

Insufficient Information provided

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

Existing Southern Water Assets – General within boundary but no tree, buildings, assets within standoff distance (approximate)

Please see the attached extract from Southern Water records showing the approximate position of our existing sewer and water main assets crossing/in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. To get in contact to confirm the exact position of the asset please visit;

https://www.southernwater.co.uk/media/ph4fk3pe/ds-location-of-rising-mains_pb.pdf.

For information on required stand off distances from public sewers please refer to:

<https://www.southernwater.co.uk/media/st5orjvm/stand-off-distances.pdf>

Existing Gravity Sewer - tree, buildings, assets within stand-off distance

The 100 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. All existing infrastructure should be protected during the course of construction works. Please refer to:

<https://www.southernwater.co.uk/media/st5orjvm/stand-off-distances.pdf>

Condition

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

Existing Water Main - tree, buildings, assets within stand-off distance

The 178 mm diameter water main requires a clearance of 3 metres on either side of the water main to protect it from construction works and to allow for future maintenance access. No excavation, mounding or tree planting should be carried out within 3 metres of the external edge of the public water main without consent from Southern Water. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. Please refer to: <https://www.southernwater.co.uk/media/st5orjvm/stand-off-distances.pdf>

Condition

In order to protect water apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect/divert the public water supply main.

Build over – close

The attached plan shows that the proposed development is being built over a public sewer or within 3m of a public sewer. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for the proposed development to be built close to the sewer. If the sewer in question is found to be no greater than 225mm in diameter and no deeper than 3 meters, the development may be allowed, subject to the following conditions:

1. No construction works parallel to the sewer within 500mm (in plan).
2. Where within three metres, foundations depth to be taken down 150mm below the invert level of the sewer.

The works will be subject to approval under the 'Declaration of Works' self-certification process.

It appears that the developer is intending to build close to a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water.

However, under certain circumstances building over a minor sewer may be allowed. The conditions and application associated with the build-over/close-to a public sewer are available at Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk>.

Condition

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

Proposed works involve demolition

In order to protect and safeguard the existing water supply apparatus, Southern Water requests formal notification of any proposed demolition works prior to such works being undertaken.

UK Power Networks

We refer to the Planning Application 20241016. While we have no objections, please can the below points

be noted:

We may have electrical equipment within the boundaries including underground cables. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

Health and Safety Executive

Thank you for your email in relation to the above application.

HSE is the statutory consultee for planning applications that involve or may involve a relevant building.

Relevant building is defined as:

- contains two or more dwellings or educational accommodation and
- meets the height condition of 18m or more in height, or 7 or more storeys

“Dwellings” includes flats, and “educational accommodation” means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A (9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.

However, from the information you have provided for this planning application, it does not appear to fall under the remit of planning gateway one because the height condition of a relevant building is not met.

Kent Police Designing Out Crime Team

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

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 recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

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 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
3. 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. Where unavoidable, the

car parking area must be covered by natural surveillance from an “active” window e.g. lounge or kitchen and sufficient lighting. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.

4. Any pre-existing or 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.

5. 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 here a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Residential (Homes) Guide 2025 states: “19.3 SBD does not advocate the use of bollard lighting to achieve lighting uniformity. Bollard lighting is purely for wayfinding and can be easily obscured or damaged. It should be avoided, as it can increase the fear of crime, because it does not project sufficient light at the right height to recognise facial features.” 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.

6. 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 (certified to PAS 24:2022) or LPS 2081 Issue 1 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.

7. 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 (certified to PAS 24:2022) or LPS 2081 Issue 1 Security Rating A, STS 222 Issue 4 Burglar Resistance, LPS 1175 Issue 8 Security Rating A1, STS 202 Issue 12 Burglar Resistance BR1 or LPS 1673 Issue 1 Attack Rating AR.A60. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

8. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.

9. 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.

10. 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.

11. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats.

12. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

13. CCTV is advised for all communal entry points and to cover the mail delivery area.

14. Community areas/ gardens will also require more natural surveillance, appropriate boundary treatments as they generally attract Crime, ASB and nuisance.

15. Public Footpaths should be at least 3 metres wide to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people.

16. Planting. We would recommend dense / prickly planting to ensure individuals stay on pedestrian routes, and do not create desire lines. or spaces where potential offenders can hide from view.

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.

Neighbouring properties

12no. surrounding properties were consulted, a site notice displayed, and 0 comments were received from members of the public. The final date to submit comments ended on 17/10/25.

Officer's Analysis

Site Description

The site is currently used as a hand car wash and tyre fitting centre. The Design and Access Statement confirms that there are associated staff welfare facilities located on the ground floor of no.67 and a self contained flat above. The remainder of the site largely consists of an area of hardstanding.



Google earth image dated 2022

The site is located directly opposite Portlands (also known as the Factory Club), a Grade II Listed Building constructed between 1875 and 1878.



The image left shows the south (front) elevation of the Factory Club to the High Street and east elevation to Factory Road. It sits on the north side of the High Street.

The building took three years to build and was opened on 31 July 1878, funded (at a cost of £11000) by Thomas Bevan (the then owner of the cement factory) and to the designs of architects Parr and Strong. It was in honour of Bevan's eldest son, Robert, for his coming of age. It was formerly the Factory Club and later known as the Blue Circle Club, as part of the social facilities of the cement factory.

Excerpt taken from the Heritage Statement

Listed Building Status

It is noted that during the progress of this application there has been a substantial fire at the Portlands ste resulting in significant damage. Paragraph 209 of the NPPF (2024) states:

Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

As such regardless of the damage to the Listed building, the impact of the proposed scheme on the character and setting of the Listed Building should be taken into account. This will be assessed further within the report.

Principle of Development

The principle considerations in the assessment of this application are:

- Housing Need
- Location
- Density of Development
- Affordable Housing
- Design and Impact on Listed Buildings
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Biodiversity
- Any other Materials Planning Considerations

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) (2024). This requires that in regard to housing development, planning permission should be granted unless:

1. the application of policies in this Framework that protect areas or assets of particular importance

- provides a clear reason for refusing the development proposed; or
2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- Habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, 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.
-

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 '14' residential units would offer a notable 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 (2024) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

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.

Location

This application is located inside the Urban Boundary. Policy CS02 (Scale and Distribution of Development), identifies first tier settlements, as the most sustainable parts of the borough.

4.2.4 The Council has carried out an assessment of the facilities and services available in the Borough's settlements to identify which are more sustainable. The results are reflected in the settlement hierarchy below.

Table 2: Settlement Hierarchy

First Tier Settlements:	Gravesend/Northfleet/Ebbsfleet, i.e. the urban area
Second Tier Settlements:	Istead Rise, Hook Green Meopham, Higham
Third Tier Settlements:	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements:	Cobham, Shorne, Sole Street
Other Settlements:	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

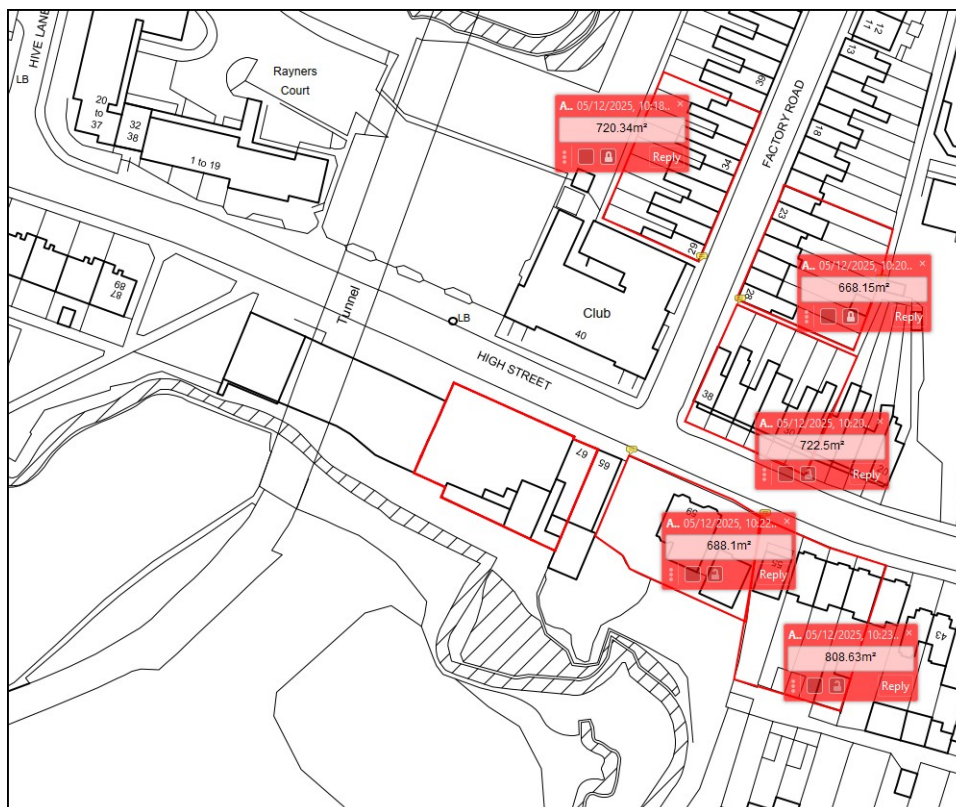
Source: Settlement Hierarchy Technical Paper December 2009

It is therefore evident that the location proposed for residential development is sustainable in principle. Locationally, the development would be acceptable in principle. However, all other relevant matters would also need to be considered.

Density of Development

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area. Policy CS15 (LPCS) requires that all new housing will be developed at a density, which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. These policies will be considered and assessed against the proposal later in this report.

In the Urban Area CS15 (LPCS), requires that housing provides a minimum density of 40 dwellinghouses per hectare. The planning statement provided with the application states that the site has an area of 721m². As such, the provision of 14 dwellings on this site, would result in 194 dwellinghouses per hectare, which is significantly above the minimum density required. However this is an area which is characterised with single dwellings, and it is visually evident that residences in this area have a lower dph than this site proposed. This is out of character with the area and contrary to this Policy. However, for policy CS15 this density standard is a minimum. In isolation the scheme would provide a density which numerically meets the minimum density of housing development as per policy CS15 of the Local Plan Core Strategy (2014). However, the proposal fails to sufficiently take account of the existing character of the area which is also a key part of density and therefore fails to comply with the requirements of Policies CS14 and CS15 of the Local Plan Core Strategy (2014). The design impact relating to the significant density of this proposed scheme is further considered in the next section of the report. The below map shows a sample of nearby areas of similar size containing residences. Those properties along Factory Road to the north of the site are smaller than those along the high street, so there are a larger number of residences in similar sized areas. However, along the high street which this site is located on, the density is much smaller.



On balance, the scheme would fail to provide an appropriate density of housing development as per policy CS14 and CS15 of the Local Plan Core Strategy (2014).

Affordable Housing

Core Policy CS16 requires the provision of affordable housing on developments of 15 dwellings or more or on sites of 0.5 hectares or more in the urban area. The provision of affordable housing is not a requirement on this proposal for 14 dwellinghouses on this site of 0.0721ha.

Design and Impact on Listed Buildings

The proposed development should comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF (2024) in terms of design, character and appearance.

It is noted that similar schemes were refused in 2006 (20060597) and 2008 (20080474), with the 2008 application being dismissed at appeal.

Reasons of refusal for 20060597

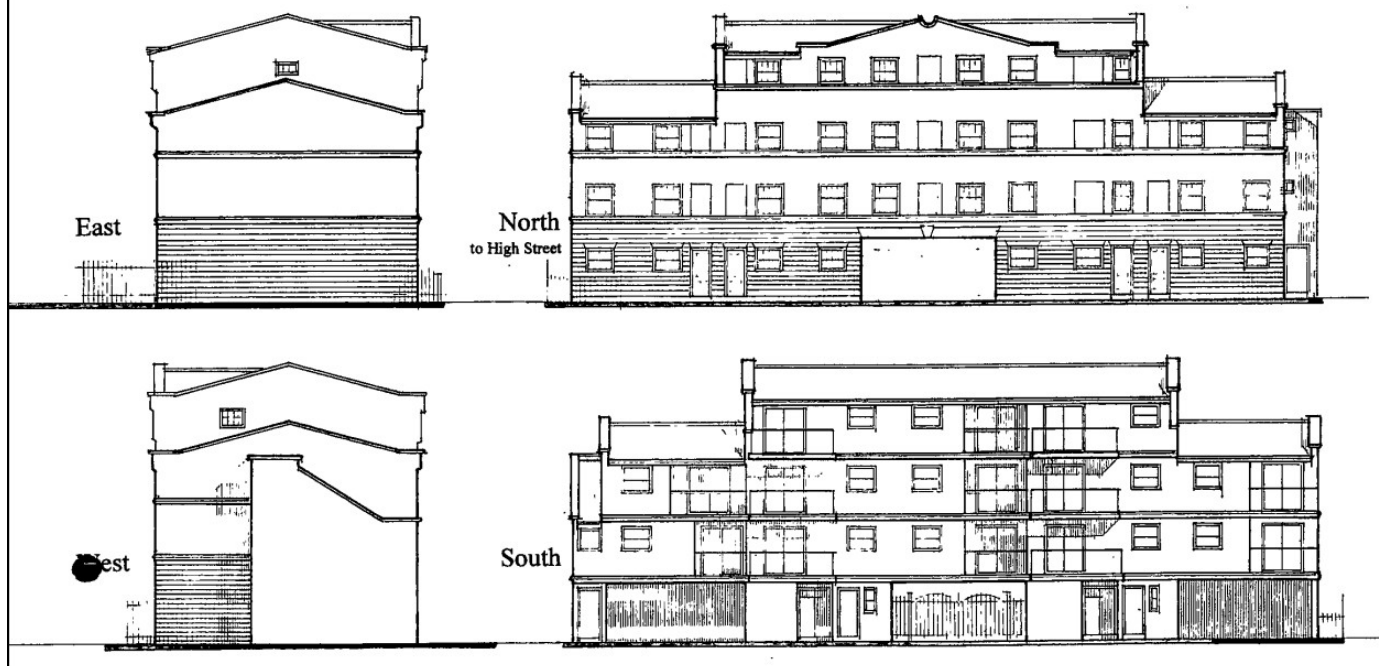
- 1 The proposal, by reason of its design, scale and massing will appear overly dominant within the street scene and will visually compete to an unacceptable degree with the Grade II Listed Building opposite This impact will be further compounded by an identical proposal for development on the adjoining site As such, this proposal is contrary to Policies TC1, TC2 and H3 of the Gravesham Local Plan First Review 1994
- 2 The proposal fails to provide any open amenity or play space and as such will result in poor living conditions for the future occupants of these properties Therefore, this proposal is contrary to Policies TC1, H2 and H3 of the Gravesham Local Plan First Review 1994

Proposed Elevations for 20060597 (Not to Scale)



Drawing no. :0599.24 ©
Job :Redevelopment to provide flats and bedsits
Site :Watling Tyres, 67-77 High Street, Northfleet, DA11 9HJ
Client :Watling Tyres Ltd.
Title :Elevations
Scale :1-200
Date :7 06
Dwn. :Les Herbert

Natural/artificial slate roof covering.
Smooth rendered blockwork façade
with string courses and false windows to upper storeys.
Ashlar-type render to lower storey (North, East and West)
White aluminium/plastic windows.
Glass balustrades to balconies.
Design of boundary enclosure/gates to be decided later.



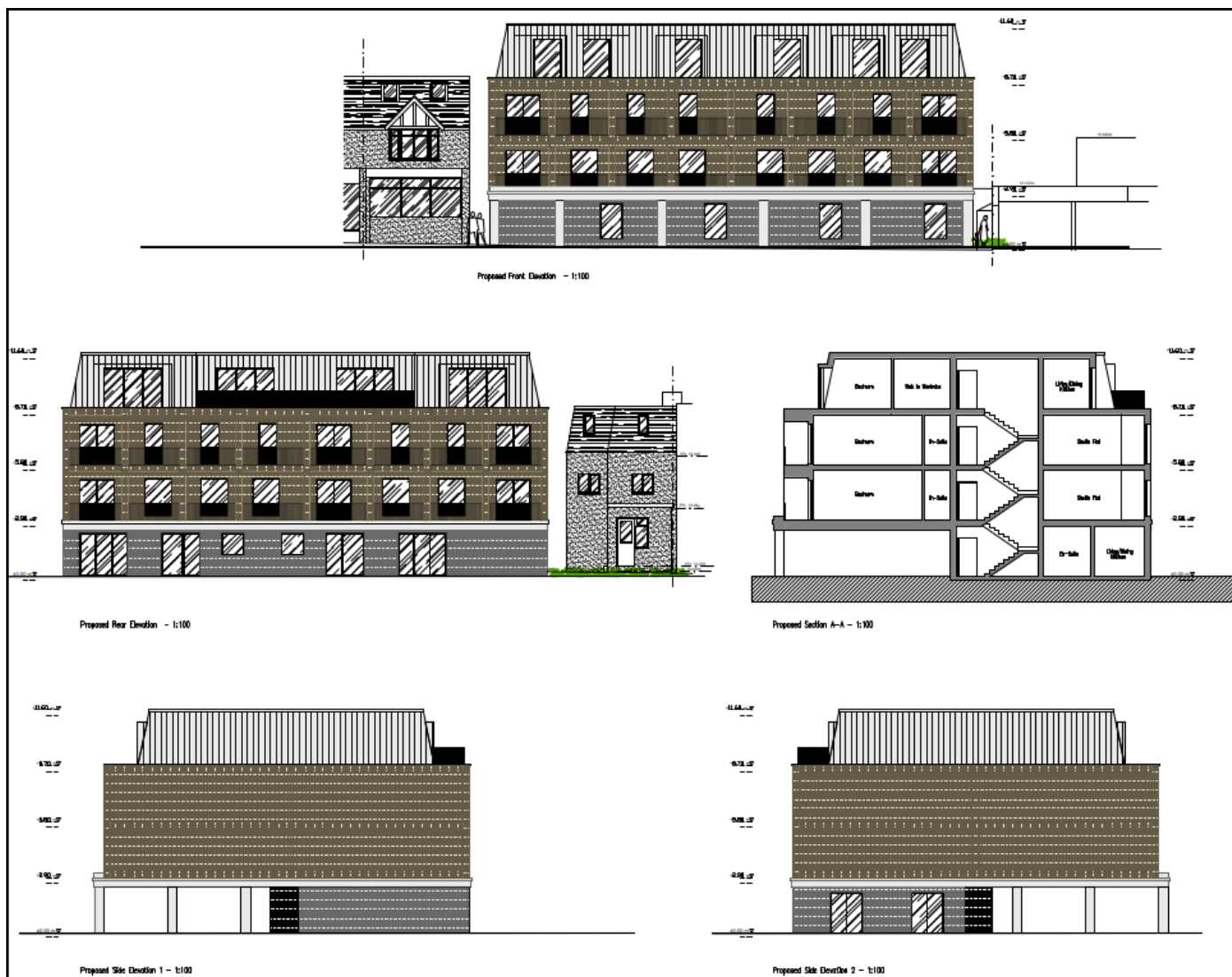
Reason of refusal for 20080474

1 This proposal stands to be evaluated in accordance with Policies TC1 and TC2 of the Gravesham Local Plan First Review 1994 which requires new developments to protect the setting of listed buildings and also be sympathetic to it in terms of massing, scale, appearance and materials, and also to generally be in keeping with their surroundings in terms of scale and massing. This application, which lies directly opposite the Grade II Listed Factory Club building, by reason of its scale, massing and design would fail to preserve or enhance the setting of the listed building that faces it and the general street scene in which it will be situated. As such this proposal is contrary to adopted development plan policy.

Proposed Elevations for 20080474 (Not to Scale)



Proposed Elevations (Not to Scale)



As the above shows, the design and impact on the setting of the Listed Building has been a longstanding issue. This scheme is not dissimilar to the 2008 application. In fact, the proposed scheme is taller, deeper, set closer to the footpath. The number of windows are significantly greater in number and of more modern design with Juliet balconies than the previously refused scheme. Overall its scale is greater, and its appearance more incongruent with the area.

Issues raised by the planning inspector for the 2008 appeal included:

- Lack of mansard roof set back
- Location of building close to back edge of the footpath
- Bulky size of the building/Close location to the Listed Building would result in serious harm to the setting of the Listed building
- Building would not relate well to immediate surroundings/sit comfortably in this location.
- Building is not contemporary nor historic, resulting in an unfortunate compromise
- Ground floor car parking with small amenity space to rear would have bleak appearance for pedestrians

The proposed scheme has provided an inset to the proposed mansard roof, which is considered an improvement. However, all other concerns raised by the planning inspector remain. The scheme is still large, in fact the below table shows the proposed building is significantly increased in scale from the previous proposal.

	20080474	Proposed Scheme
Depth	14.3m	19.5m
Width	24.2m	25.2m
Height	11m	11.6m
Eave Height	8.8m	8.8m

The Design for Gravesham – Design Code includes guidance on Pattern, Grain and Scale and also on Height as below:

Design principle 5.9
Pattern, grain and scale

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

Design principle 5.10
Height

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

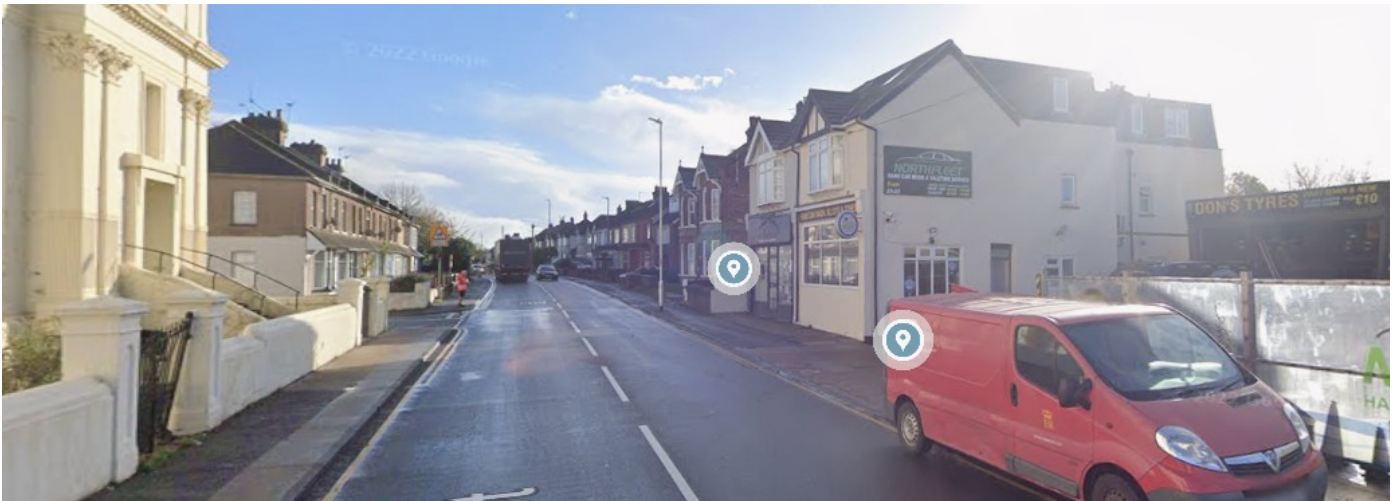
- c. New development **should** reflect the prevailing pattern of the built form in those areas where there is a cohesive scale and grain such as the town centre, local centres and rural villages.
- d. On large regeneration sites along the Gravesham Riverside there will be potential to introduce new development form and massing. Nevertheless, massing **should** create a rhythm of vertically proportioned bays or individual buildings.
- e. When a larger developments is proposed, the massing **should** be broken down into smaller proportionate elements that contextually respond to the character of the area and create a human-scaled street scene.

- d. Applicants **should** clearly explain the rationale behind their approach to height and how this responds to the existing context height.
- e. Building height **should** not negatively impact air flow and natural light at street level.

The images below show that in the immediate vicinity, buildings are predominantly two-storey.

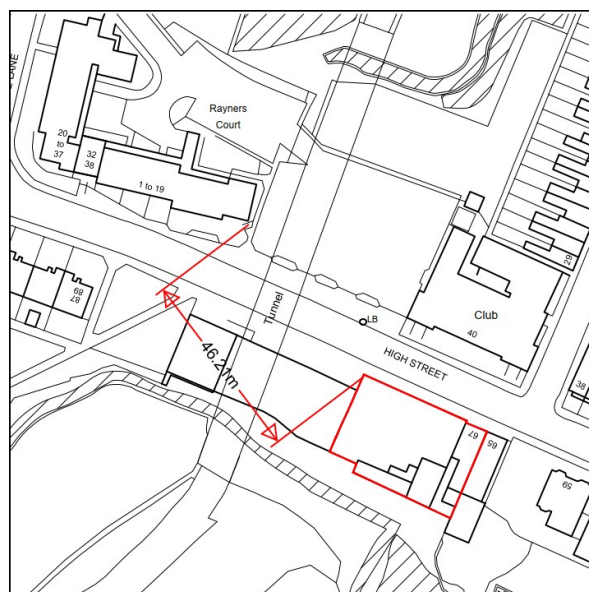


Google earth image facing west dated 2022



Google earth image facing east dated 2022

The only exception to this is Rayners Court which is 46 metres from the site and does not form part of the immediate vicinity and the Listed Building opposite which due to its historical context and nature, deviates from the standard street pattern and height.



Thus, the scheme on its own accord would be of significant density, and scale, and of poor design which would be incongruent with the surrounding area.

The proposed scheme would result in a large three/four storey building, encompassing almost the entirety of the plot, of a design which would wholly contradict the existing character and appearance of the area. The proposal would appear as an incongruous and cramped form of development which would constitute an overdevelopment of the plot, as well as being unduly prominent and overbearing addition to the area. As such, the proposal is contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy, September 2014 and paragraphs 135 of the of the NPPF (2024) in terms of design, character and appearance.

In addition to this the design would have an impact on the setting of the Listed Building. The Listing details for The Factory Club are as follows:

Details

TQ 67 SW NORTHFLEET HIGH STREET 1/116 The Factory Club II

Built in 1878 to designs by Parr and Strong for Bevan's cement (Pyramid Brand) as a recreational hall and rooms for the workers (still used as such by Blue Circle).

It comprises brick-built basement, double height ground floor and attic with added classical decoration and slate roofs.

Recessed centre section containing 5 tall round-headed windows and tower-like end sections containing doors which are reached from the pavement by bridges across the area. The end sections have corners decorated with Corinthian pilasters and rise to French-Chateau-type steep pitched roofs containing dormer windows, topped by decorative cast-iron railings. The whole roof lies behind a tall, elaborately decorated parapet with a central coat of arms. Building retains skilful, relatively early examples of Portland cement decoration.

Listing NGR: TQ6473774278

In the 2008 application, the Conservation Officer at the time made the following comments:

CONSERVATION COMMENTS

GR20080474

Erection of three storey building with rooms in the roofspace to provide 14 one bedroom flats with 14 car parking spaces at ground floor level

69-77 High Street, Northfleet

This is a disappointing scheme, which in my view fails to respect the setting of the listed building that faces it. The concept of a 'monolithic' structure of significant height is wrong in this context. The Factory Club is an architectural 'set piece' that has always been viewed against small scale development, which has served to enhance its grandeur. It was inserted into a row of simple two storey terraces of commercial/residential buildings and there has always been low rise development opposite.

There needs to be a more active frontage at pedestrian level. Residential accommodation at that level, with individual entrances would help and the concept that was adopted for the scheme on the adjacent site where the front elevation was broken up by different treatments so that it appeared to be a terrace of individual units, rather than one large building, would be more appropriate. As the east side elevation will be partly visible above the adjacent property I think that we are justified in requesting an elevation of that side of the proposed building. The retention of the semi-detached building to the east (referred to in the design and access statement) is, however, welcomed.

A strong objection is therefore raised to this proposal which, in my view, would adversely affect the setting of the grade II listed Factory Club.

Jenny Brooker
(Conservation Planner)

23.5.09

Whilst the Conservation Officer did make comments at the time around how the scheme could be improved, at the very core of their comments, the concept of a structure of this scale, in this position would be harmful to the setting of the Listed building. As they stated; *'The Factory Club is an architectural set piece that has always been viewed against small scale development, which has served to enhance its grandeur'*. This remains to be the case for the area surrounding the Listed Building and is relevant in the assessment of this application.

The NPPF states:

'212. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

213. *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional* 75.

214. *Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that*

harm or loss, or all of the following apply:'

No such justification for the harm to this grade II Listed building has been presented nor any public benefits which would outweigh the harm caused.

The proposed development would result in substantial harm to the setting of the Grade II Listed building known as The Factory Club, for which no sufficient justification or public benefit has been presented for this harm. As such the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC2 of the Gravesham Local Plan First Review (1994) and Section 16 of the National Planning Policy Framework (2024).

Amenity of Future Occupiers

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land. The impact on neighbours will be assessed in the next section of the report.

Room Type	Flat 1 (m ²)	Flat 2 (m ²)	Flat 3 (m ²)	Flat 4 (m ²)	Flat 5 (m ²)	Flat 6 (m ²)	Flat 7 (m ²)	Minimum Space Standard (m ²)
Double Bedroom	13.3 13.3	13.3 13.3	16.7 13.0	16.7 13.0	13.0	N/A	13.0	11.2
Single Bedroom	N/A	N/A	11.2	11.2	10.8	11.3	10.1	6.5
Living Room	36.9 (with kitchen /diner)	36.9 (with kitchen /diner)	29.5 (with kitchen /diner)	29.5 (with kitchen/diner)	24.8 (with kitchen/ diner)	16.9 (with kitchen)	24.8 (with kitchen/ diner)	13.2
Kitchen	N/A	N/A	N/A	N/A	N/A	16.9 (with living room)	N/A	7.2
Kitchen /Diner	36.9 (with living room)	36.9 (with living room)	29.5 (with living room)	29.5 (with living room)	24.8 (with living room)	N/A	24.8 (with living room)	12
Bathroom and WC	4.9	4.9	4.7	4.7	4.7	4.6	4.7	3.5
Hallway Width	1300	1300	1400	1400	1100	1100	1100	900mm

Room Type	Flat 8 (m ²)	Flat 9 (m ²)	Flat 10 (m ²)	Flat 11 (m ²)	Flat 12 (m ²)	Flat 13 (m ²)	Flat 14 (m ²)	Minimum Space Standard (m ²)
Double Bedroom	16.7 13.0	16.7 13.0	13.0	N/A	13.0	17.2 16.5 18.2	19.2 18.7 18.1	11.2
Single Bedroom	11.2	11.2	10.1	11.3	10.1	N/A	N/A	6.5
Living Room	29.5 (with kitchen /diner)	29.5 (with kitchen /diner)	24.8 (with kitchen /diner)	16.9 (with kitchen)	24.8 (with kitchen/ diner)	54.6 (with kitchen/ diner)	65.3 (with kitchen/ diner)	13.2
Kitchen	N/A	N/A	N/A	16.9	N/A	N/A	N/A	7.2

				(with living room)				
Kitchen /Diner	29.5 (with living room)	29.5 (with living room)	24.8 (with living room)	N/A	24.8 (with living room)	54.6 (with living room)	65.3 (with living room)	12
Bathroom and WC	4.7	4.7	4.7	4.6	4.7	4.0 4.5 5.2	4.0 4.5 4.5	3.5
Hallway Width	1100	1100	1100	1100	1100	1100	1100	900mm

Unit 6 and 11 each have a living/kitchen area, which is 16.9m². The minimum space standard for a kitchen is 7.2 and for a living room it is 13.2. together the spacing should therefore be 20.4m² as a minimum which is not achieved for these units.

There appears to be no provision for shared amenity spaces. The ground floor would have private garden spaces, and the upper floors would each have balconies. However, Unit 6 and Unit 11 would have a balcony of only 4m². Whilst cumulatively the garden and balcony spaces do exceed the 10m² requirement, the individuals living at unit 6 and 11 would have less than adequate external spacing, below the expected standard.

Amenity space

31 In any new building, space about buildings should be provided appropriate to the area and type of unit. This is in addition to any space required under vehicle parking standards, and for drying grounds, footpaths and access ways internal to the layout.

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.

The development would result in undersized living and kitchen spaces and undersized external amenity spaces for units 6 and 11. 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 135 of the National Planning Policy Framework (2024) and SPG2 Residential Layout Guidelines (2020).

Noise Impact

The GBC Environmental Protection Team have commented on the 'Environmental Noise and Vibration Assessment', submitted with this application. The results indicate that noise levels both internally and externally would be excessive. Appropriate mitigation measures are provided in the report. These include glazing specifications for all elevations. Ventilation can be by way of acoustic vents or in wall ventilators for the rear facade, but the front façade must rely on closed windows and no trickle/in wall ventilators in order to comply with BS8233:2014. An alternative ventilation scheme would therefore be needed. The report advises that the proposed balconies on the front façade should be partially enclosed by a 3 sided 1.5m high solid glass screen. The Environmental Protection Team have provided conditions which would address the potential noise impacts.

Overshadowing/Overlook

No side elevation openings are proposed in the buildings, except for access to the refuse store area. Therefore, given the position, lack of side openings and scale of the building, it would not result in overshadowing or overbearing bulk to potential occupiers of the proposed building.

Land Contamination

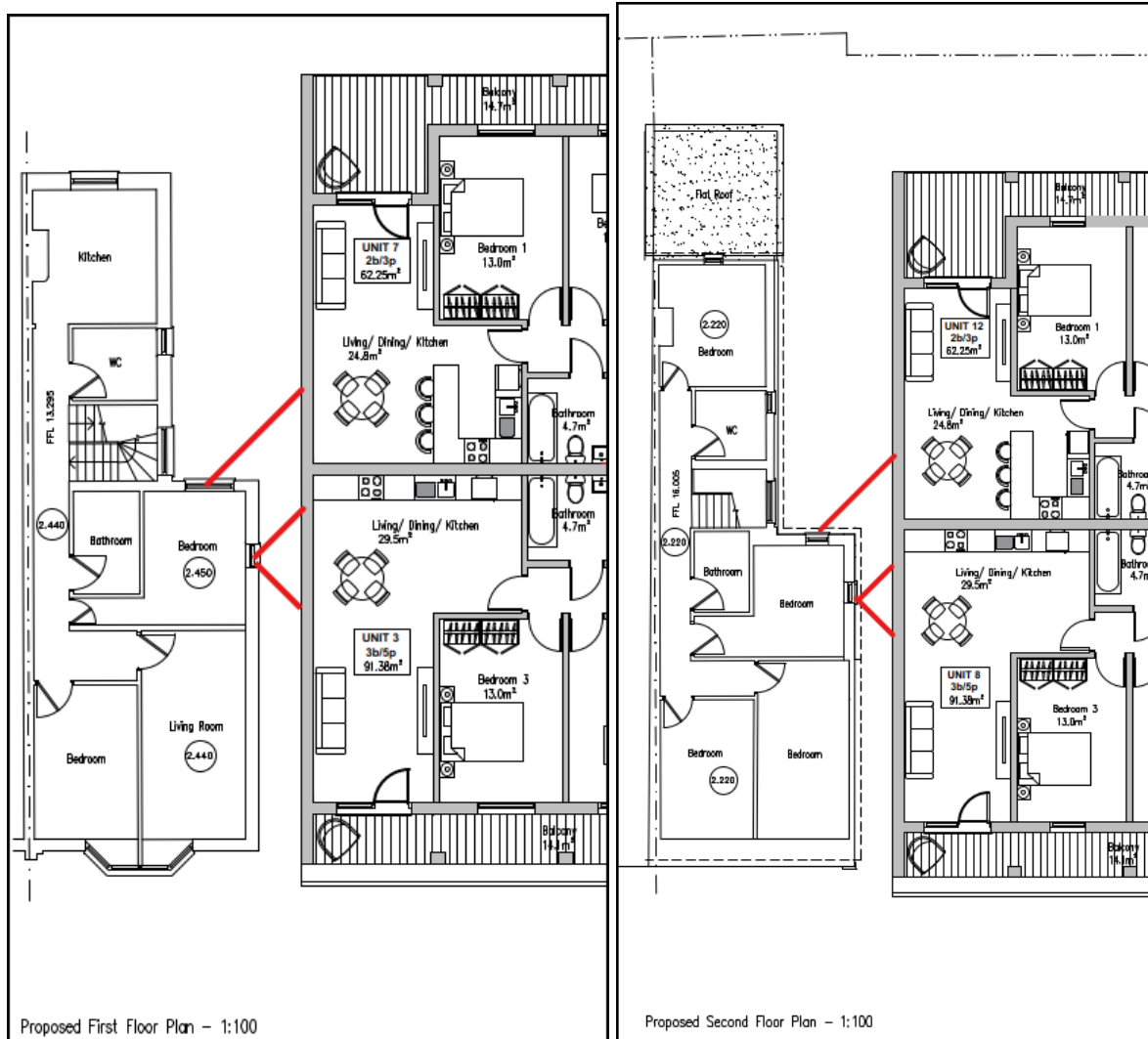
The Environmental Protection Team have requested a condition applied to the application, which would require provision of a contaminated land assessment (in accordance with the Environment Agency's Land Contamination Risk Management (LCRM)). Where approved, the decision shall include a condition to ensure this is provided and land contamination risks are appropriately mitigated.

Neighbouring Amenity

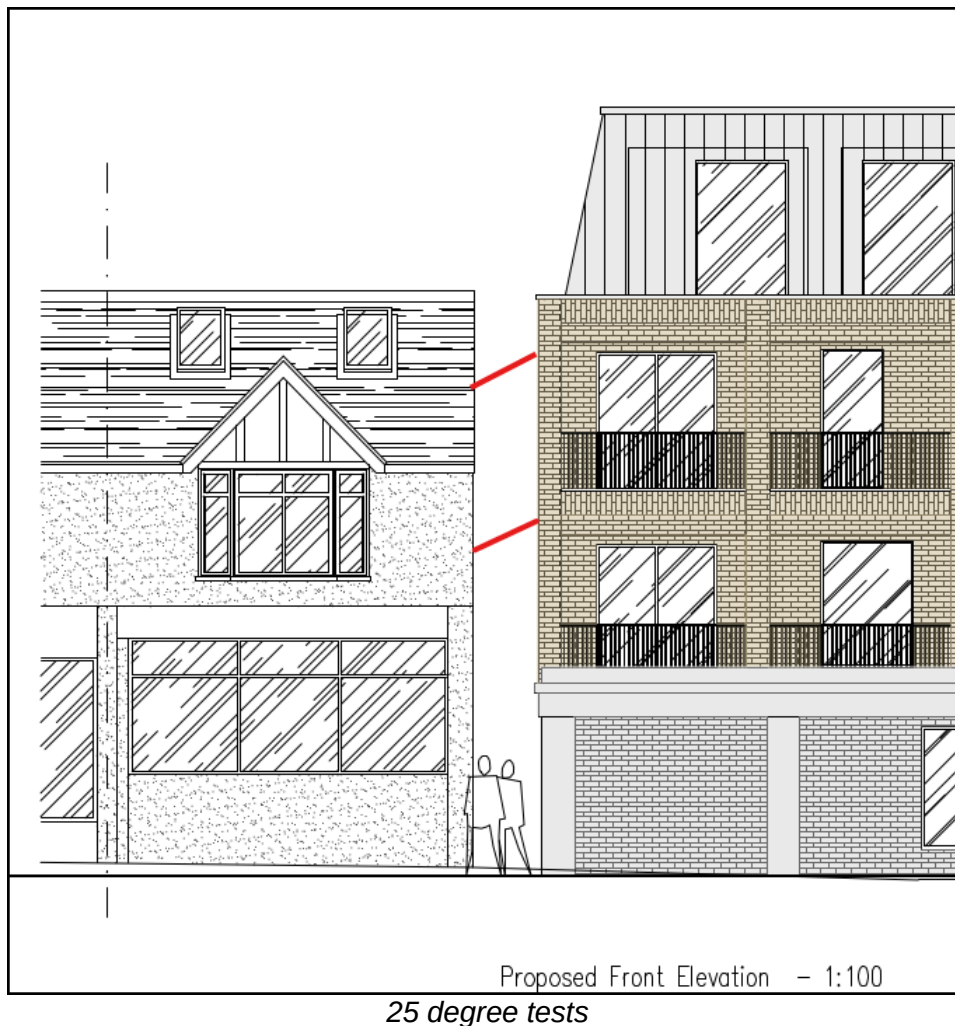
As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, no objection to the proposal was received.

The provided plans and Design and Access Statement details that there is a flat adjacent the proposed building (67a), above the staff welfare facilities located on site. This residence would be unchanged as part of the proposals. Side openings which may be overshadowed by the development include the Kitchen at ground floor, a bedroom, bathroom, WC and staircase at first floor, Bedroom, WC and staircase at second floor. The main concern when it comes to overshadowing are on habitable rooms. Therefore assessment needs to be made as to whether the proposed development would overshadowing the bedrooms at first and second floor, served by side openings.

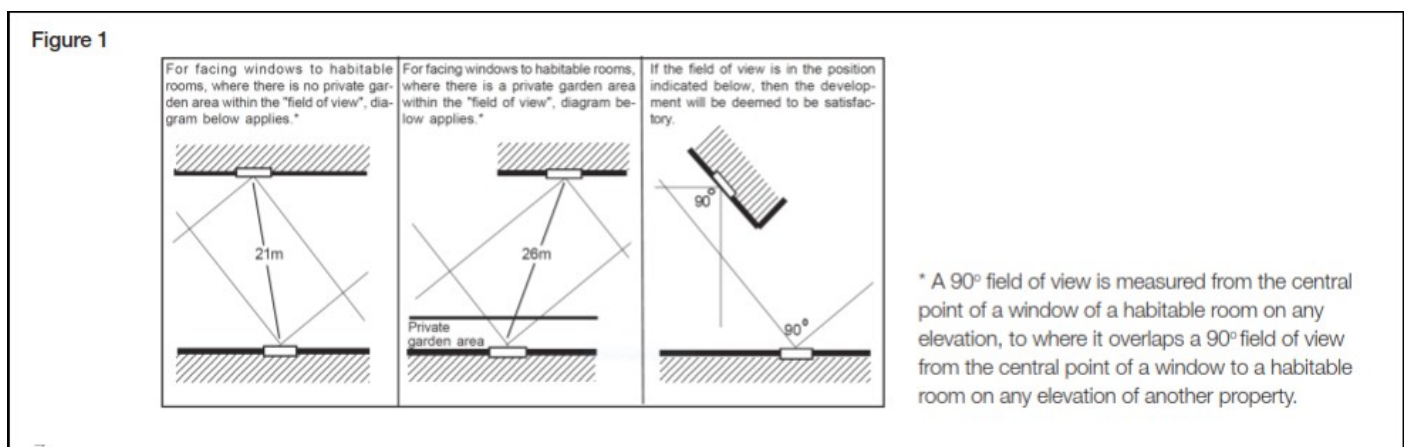
The below images show a 45 and 25 degree test from the estimated position of the first and second floor bedroom windows. As can be seen, there would be overshadowing of these bedroom windows.



45 degree tests



The below diagram taken from the Residential layout guidance, details privacy distance requirements.



The proposed building contains no side facing elevations and so would not overlook neighbouring properties from any openings. The rear balconies would be 'walled in' and so direct overlook of neighbouring gardens would not be possible from these balconies.

By virtue of the excessive scale and poor design, the scheme would result in harm to the living environment of future occupants of neighbouring property; 67a High Street. The first-floor and second floor side and rear windows on this neighbour's property would experience overshadowing and overbearing bulk. The proposal represents an unneighbourly form of development which fails to provide a high standard of amenity for neighbouring sites which conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core

Strategy 2014 and Section 12 of the National Planning Policy Framework (2024)

Parking and Highways

This scheme provides 9 parking spaces for 14 units. This site is located in a sustainable location, near to local transport routes. KCC Highways commented on the application and confirmed that 9 parking spaces would be adequate for such a site in this location. They did however note that the spaces shown were inadequate in size. It is noted that these could be amended. However, given the other issues with the application, this amendment would not be considered conducive to a favourable outcome alone and so the amendment was not requested in this instance. Thus, the scheme fails to provide adequate parking provision.

15 cycle spaces are shown as proposed and this would comply with KCC Parking Standards (2006). Visibility splays would also need to be ensured but this could be achieved by implementing planning conditions.

Adequate vehicle and cycle parking provision is therefore NOT available contrary to paragraphs 109 to 114 of the National Planning Policy Framework (2024), 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.

Biodiversity

Enhancement

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

KCC Biodiversity commented on this application, advising that it falls under the mandatory biodiversity net

gain so the require 10% net gain will not apply in this instance. Although the self build exemption was indicated, the scheme would fail to comply with the definition of self-build as it proposes more than 9 dwellings. However, given that the site is essentially an area of hardstanding; the de-minimis exemption would apply. This scheme would therefore be exempt for the 10% BNG requirement.

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

Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £337.49 per new dwelling, for HMO's by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has NOT completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue. Given the other issues with the application, this would not be considered conducive to a favourable outcome alone and so the fee has not been requested in this instance and will be included as a refusal reason.

Therefore, the development would NOT comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 192 and 193) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Any Other Material Planning Considerations

Refuse and Waste

Further details would be required on refuse and waste. As per the GBC Waste and Refuse Teams comments:

The design and access statement does include a section on refuse strategy. The strategy details that there will be 6 x 1100 bins and 2 x 140 bins provided for the site for the collection refuse, recycling and food. However, the plans only show 5 bins in the storeroom. The plans would need to be amended to show that all of the bins could be adequately stored and easily manoeuvred for collection. Distances between the self-contained building and the new block of flats would also need to ensure that the bins fit down the walkway. It is advisable to include some building protection as there is the risk of the walls being damaged when the bins are moved.

Conclusion

The proposed scheme would result in a large three/four storey building, encompassing almost the entirety of the plot, of a design which would wholly contradict the existing character and appearance of the area. The proposal would appear as an incongruous and cramped form of development which would constitute an overdevelopment of the plot, as well as being unduly prominent and overbearing addition to the area. As such, the proposal is contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy, September 2014 and paragraphs 135 of the of the NPPF (2024) in terms of design, character and appearance.

The proposed development would result in substantial harm to the setting of the Grade II Listed building known as The Factory Club, for which no sufficient justification or public benefit has been presented for this harm. As such the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC2 of the Gravesham Local Plan First Review (1994) and Section 16 of the National Planning Policy Framework (2024).

The development would result in undersized living and kitchen spaces and undersized external amenity spaces for units 6 and 11. 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 135 of the National Planning Policy Framework (2024) and SPG2 Residential Layout Guidelines (2020).

By virtue of the excessive scale and poor design, the scheme would result in harm to the living environment of future occupants of neighbouring property; 67a High Street. The first-floor and second floor side and rear windows on this neighbour's property would experience overshadowing and overbearing bulk. The proposal represents an unneighbourly form of development which fails to provide a high standard of amenity for neighbouring sites which conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and Section 12 of the National Planning Policy Framework (2024).

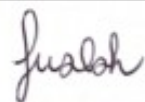
The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 192 and 195) of the National Planning Policy Framework (2024) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

Adequate vehicle parking provision would not be provided due to the inadequate scale of the parking bays proposed, contrary to paragraphs 109 to 114 of the National Planning Policy Framework (2024), 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.

Recommendation

The recommendation is to refuse this application.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	5 th December 2025	Dated:	12 December 2025