



Delegated Report

Planning Application

Application No: 20240340

Location: Land Adjacent To 197 Vale Road, Northfleet, Gravesend, Kent, DA11 8BP

Description: Erection of a new dwelling.

Applicant: Mr Chris Hammond

Site Visit: 03 November 2023

Submitted Documents/Plans

Application Form - dated 12 August 2024;
Biodiversity Net Gain Metric;
Supplementary Information – Availability Certificate for Statutory Biodiversity Units;
Un-numbered Location Plan - Site Location Plan (scale - 1:1250);
Un-numbered Location Plan - Existing Block Plan (scale - 1:500);
Un-numbered Location Plan - Proposed Block Plan (scale - 1:500).
Drawing no. 060324/1 - Proposed Ground Floor Plan;
Drawing no. 060324/2 - Proposed First Floor Plan;
Drawing no. 060324/3 - Proposed Second Floor Plan;
Drawing no. 060324/4 - Proposed Roof Plan;
Drawing no. 060324/5 - Proposed Elevations;
Drawing no. 060324/6 - Proposed Sections.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220998	Erection of a new dwelling.	REFUSED	07.03.2023

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Style
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

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 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural 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)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

External Consultees

KCC Biodiversity – NO INFORMATION – NO FURTHER INFORMATION REQUIRED

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts. We have taken this view due to a small urban site shown in a photograph with ruderal/ephemeral vegetation. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time¹.

A small sites metric has been provided and the site will not achieve 10% net gain and will require the purchase of off site units.

Biodiversity Net Gain - Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications received in England (with a few exemptions) must deliver at least a 10% biodiversity net gain (BNG) from the 12th February 2024 and all minor applications from the 2nd April 2024.

A small sites metric has been provided with supporting photograph dated 17/9/24. The habitat stated is *ruderal/ephemeral* of 97.28m² and this appears correct, in relation to the photograph provided. A baseline habitat map has not been provided but as this is a simple small urban plot with only one habitat type we are satisfied that this is not required. The post development habitats will be of *sealed* and *unsealed surfaces* and *vegetated garden* and as such it will make a net loss of -74.39% habitat units. A purchase of offsite units will be required for this development.

Where off-site habitat creation is required, we direct the applicant towards the Kent Biodiversity Net Gain

Site Register² available on the Making Space for Nature in Kent and Medway website. Biodiversity Net Gain Guidance for Kent is also available on this website.³

Off-site gains/the purchase of biodiversity units will need to be subject to a deed of conservation covenants or Section 106 (as appropriate). Off-site gains must be registered⁴ after determination. Section 106 agreement templates are available on the Planning Advisory Service website.

If planning permission is granted, local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice which are available to download here: https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.pdf. The applicant should submit a biodiversity gain plan form along with supporting information (e.g., legal agreement and habitat management and monitoring plan) once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

Breeding Bird Informative - As the site has some habitat that could provide suitable breeding bird habitat we recommend the informative below.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

N.B.: It should be noted that some birds are capable of nesting outside of these times, especially where weather conditions are favourable. Birds such as feral pigeon, wood pigeon and barn owl have been recorded nesting in every month of the year. Care when removing bird nesting habitat may therefore be required at all times of year, with attention paid to the nesting habits of the species that could make use of the site and weather conditions at the time of clearance.

Enhancements - Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise that a condition is included requiring an ecological enhancement plan to be submitted. A condition wording is below.

Within three months of works commencement, a detailed plan(s) showing how the development will enhance biodiversity, will be submitted to, and approved in writing by, the local planning authority. This will include a landscaping plan, with native and wildlife-friendly planting, and integrated durable bat and bird boxes aimed at species of conservation concern. The approved measures will be implemented and retained thereafter.

Appendix 1 provides some generic (non-exhaustive) information regarding the most common enhancements we see proposed. To provide a view regarding the potential ecological benefits of any project, in line with relevant legislation and planning policy, we require sufficient detail to be submitted. Without sufficient detail we are unable to provide an opinion regarding the suitability of any proposed measures. Suitable detail may include the provision of information such as:

- The proposed target species;
- Make and model of any boxes;
- Location information such as height, aspect, surrounding habitat;

- Detailed planting schedules; and
- Relevant management necessary to ensure the habitat is suitable for the target species.

If you have any queries regarding our comments, please do not hesitate to get in touch.

KCC Heritage – The site lies within an area of multi-period archaeological potential with particular interest for Palaeolithic archaeology and this plot remained undeveloped when the terrace of houses either side were constructed in the later 19th and early 20th century. As such, below-ground archaeological remains may survive at the site and be impacted by the development groundworks such as footings and services. 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) *an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority and;*
- (ii) *a report on the findings of the watching brief which has been submitted to and approved in writing by the Local Planning Authority.*

Reason: To ensure that features of archaeological interest are properly examined and recorded.

National Grid – No comment received.

Internal Consultees

GBC Environmental Protection (Regulatory Services) – No objection but the following condition and informatives are recommended.

- Code of Practice on Construction and Demolition - Please apply to minimise the impact of the construction to the adjacent dwellings.
- Smoke Control Informative - The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk
- Drainage/sewerage informative - The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Local Ward Councillors – No comment received.

Neighbouring properties

A notice was displayed on site 17 October 2024.

In addition, four surrounding properties were consulted and no representations were received. The consultation period expired 07 November 2024.

Preliminary Matters

This application follows a similar application that was refused by the Local Planning Authority (ref. 20220998). The refused application proposed the “erection of a new dwelling”, and was refused for the following reasons:

- 1. The proposed dwelling is an unneighbourly oppressive and dominant development by virtue of its height and depth in relation to adjoining properties, creating an unacceptable sense of enclosure and tunnelling effect for occupiers of no.197 Vale Rd. Therefore, the proposal fails to safeguard the amenity of neighbouring properties contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).*
- 2. 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 180 and 181) of the National Planning Policy Framework (2021) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).*

In order to receive a favourable decision, this proposal must be considered to overcome the reasons for refusal attached to the previous application.

Officer's Analysis

197 Vale Road is an end of terrace property located on northern side of the highway, on the corner of Vale Road and Perry St. The property forms part of a terrace of six properties, with an adjoining terrace of five properties on Perry St, separated by the side garden of no.197.

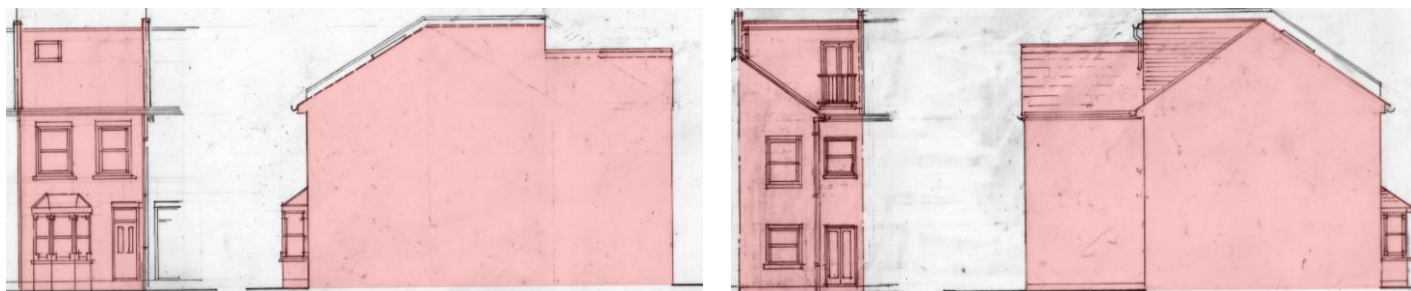


The application property (no.197) has a two storey outrigger adjoined to the neighbour, whilst the adjacent property has a two storey outrigger abutting the side garden with a parapet wall.

Proposed Development

This application proposes the erection of an attached two storey, three bedroom dwelling with rooms in the roof space. The proposed dwelling would be constructed in the side garden of no.197 Vale Road. It would have a footprint of 43m² and has no proposed off-street parking. The garden will be subdivided with the host property (no.197 Vale Road) retaining a garden area of approx. 58m².

The new dwelling has been designed to match the appearance of the adjoining terraces, with a standard pitched roof and ground floor bay window. There is a two storey part-width rear outrigger and a dormer window. The documents do not state the proposed materials of the dwelling.



It will have an internal floor area of 95m² and will have the following dimensions:

- Depth - 12.3m
- Width - 4.15m
- Height (max) - 8.55m
- Height (eave) - 6.5m

The proposed dwelling will have a living room, kitchen/diner and w.c. on ground floor, with two bedrooms and a shower room at first floor, with a bedroom, wetroom and storage in the loft space. The sizes of each room and the proposed garden area are as follows:

Room	Area
Living	16m ²
Kitchen/Diner	14m ²
WC	2.6m ²
Bedroom 1	14m ²
Bedroom 2	7.56m ²
Shower room	4.7m ²
Bedroom 3	8.75m ²
Wet room	4.5m ²
Garden	62m ²

Principle of the Development

The site is defined on the Policies Map of the Gravesham Local Plan Core Strategy (LPCS) (2014) as lying within the urban area. Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. As such, there is no objection to the broad principle of residential development within this location subject to it meeting the detailed requirements of government and development plan policy.

The principle considerations in the assessment of this application are:

- Housing Need
- Density of Development
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material 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 National Planning Policy Framework (NPPF) (2024) expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated:

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

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 years.

Given the Council’s current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham’s Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:

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

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

- Habitats sites (and those sites listed in NPPF paragraph 194)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 75)
- Areas at risk of flooding or coastal change

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 '1' residential units would offer a small 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 contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Density of the 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.

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The proposed dwelling has been designed with similar features to the existing property and wider terrace on Vale Rd. It would match the ridge heights of both adjoining properties, with a similar decorative bay window at ground floor level and window placement. Therefore, from a street scene perspective the new dwelling is considered to respond to the immediate context.

However, the proposed dwelling will close an established gap within the street scene, which is in a prominent position on the junction of Vale Rd, Perry St and St Margaret's Rd. The gap is narrow and offers little quality or open space, albeit creating a break in the built form of the terraces. As such, the proposed dwelling is not considered to impact on the character of the street scene by virtue of occupying and enclosing the gap.

The property has been designed with a large flat roof section (tabletop roof) in order to create additional internal floor area and three bedrooms. The Local Planning Authority do not support flat roof sections above single storey level due to their incongruous and bulky appearance, which is supported by the Householder Design Guidance SPD (2021). However, in this case the dwelling will be constructed between two properties and the flat roof would not be visible from any public vantage point, thus limiting its impact. As such, it is considered to be acceptable design and would not impact on the setting of the terrace.

The plans/documents do not detail the proposed materials for the new dwelling, which should match the surrounding properties. While this could be a concern, planning conditions could ensure that material details are submitted and approved in writing by the Local Planning Authority.

There concerns with the scale of the property in relation to neighbour amenity (assessed below), however the proposal is not considered to be overdevelopment of the site in design terms.

Overall, the new dwelling is considered to be well-designed with features that match other properties on the terrace and will therefore not impact the street scene. Therefore, the proposed is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024) in terms of design.

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The Nationally Described Space Standards (2015) sets out minimum gross floor areas for a three storey, three bedroom dwelling. These figures vary depending on the number of persons occupying the dwelling. In this case the plans demonstrate three bedrooms with four occupants. The table below compares the internal floor area of the proposal with the Nationally Described Space Standards.

Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
3 (4 person)	90m ²	95m ²

The table above demonstrates that the dwelling will comply with the minimum floor space for a three bedroom property, and would provide acceptable living standards. However, Gravesham's RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the property for comparison.

	RLG (minimum floor area)	Proposed Room Size
Living	13.2m ²	16m ²
Kitchen/Diner	12m ²	14m ²
WC	1.3m ²	2.6m ²
Double Bedroom	11.5m ²	14m ²
Single Bedroom	7.5m ²	7.56m ²
Bathroom (Shower room)	3.6m ²	8.75m ²
Bathroom (Wet room)	3.6m ²	4.7m ²
		4.5m ²

Table 2 has been colour coded (green complies) to show which rooms within the dwelling meet the guidance within the RLG. The table demonstrates that all rooms within the new dwelling meet the requirements set out in the RLG and that the development will provide a good quality living environment for future occupiers.

In terms of amenity space, the proposed dwelling will have a garden area of 62m² and a maximum depth of approx. 11.9m. The RLG states that the garden area for a three bedroom dwelling should have a minimum area of 60m² and a minimum depth of 7.6m. Therefore, the proposed garden would be acceptable and provide sufficient private amenity space for future occupiers. However, the given the size of the garden any further extension to the dwelling would impact on amenity and therefore, Class A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended will be removed by way of planning condition. This will ensure that the Local Planning Authority can safeguard future occupier amenity.

Overall, the development safeguards the amenity of occupiers by providing acceptable living conditions that comply with local and national residential layout guidance. Therefore, the new dwelling is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 12 of the NPPF (2024) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to “secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

The new dwelling will be constructed in an established gap between nos. 197 Vale Rd and 74 Perry St. As aforementioned in this report, these two properties have different design characteristics, with back-front outriggers of differing depths and heights.



The proposed dwelling would have an outrigger that matches the depth and is connected to the outrigger of 74 Perry Street. This creates separation distance from the outrigger of 197 Vale Rd and safeguards amenity by following the general pattern of development on terraced properties. The properties have north facing gardens and therefore the development would not result in any overshadowing impacts, nor any overlooking, sense of enclosure or loss of outlook.

As such, the proposal is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Parking and Highways

Gravesham’s adopted parking standards (SPG 4) (2006) require a new dwelling to provide off-street parking and seeks to ensure that a maximum of two parking space is provided for a three bedroom property. This proposal does not provide any off-street parking for future occupiers of the dwelling.

The site is within close proximity of the local centre on Perry St and there are good public transport links to reduce the need for vehicles. Moreover, as Gravesham’s adopted parking standards (SPG4) (2006) being a maximum requirement means that there is insufficient grounds to refused the application on vehicular parking.

The plans do not demonstrate any secure cycle storage, as required by SPG4. There is space in the garden for a secure cycle storage provision for three bicycles in accordance with SPG4 and therefore this is

not sufficient grounds to refuse the application, and could be addressed by planning condition.

Overall, even though the new dwelling will not benefit from any off-street parking provision, given the location of the site close to a local centre with public transport links the proposal is considered acceptable in terms of highway policy.

Any Other Material Planning Considerations

Refuse

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

The plans do not indicate the location of the bin store, nor the quantity of bins to be provided. However, the proposed dwelling will have space in the frontage for refuse storage similar to the other properties on the terrace. The bins would then be moved onto the footway on collection days, which is the same strategy used by other properties in the surrounding area. Therefore, subject to conditions relating to refuse and bin provision, the proposal would accord with Policy CS19 (LPCS).

Archaeology

Policy CS20 (LPCS) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

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

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

The application site lies within an area of multi-period archaeological potential though there have been relatively few recent archaeological investigations close to the site. KCC Heritage consider that any below-ground archaeological remains may have survived relatively undisturbed and on this basis have recommended that archaeological conditions are attached if permission is forthcoming.

Subject to the inclusion of the relevant archaeological condition, it is considered the proposal complies with Policy CS20 (LPCS), Saved Policy TC7 (LPFR) and Paragraph 214 of the NPPF (2024).

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

Council have decided to impose a tariff on new housing development. Developers will need to pay £328.27 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £337.49 per new dwelling unit.

The applicant has paid the SAMMS Mitigation Contribution Agreement tariff and therefore complies with the requirements of the Habitat Regulations, as well as Section 15 (specifically paragraphs 192 and 193) of the NPPF (2024) and Policy CS12 (LPCS).

Biodiversity Net Gain (BNG)

Under the Environment Act 2021, all planning applications for major development (unless exempt) submitted on or after 12th February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications, unless exempt, submitted on or after the 2nd April 2024.

This application falls under mandatory biodiversity net gain so that mandatory biodiversity net gain of 10% will apply. The submitted metric shows a net loss of -74.39% habitat units and a purchase of off-site units will be required for this development as confirmed by KCC Biodiversity.

If planning permission is granted, the applicant should submit a biodiversity gain plan form along with supporting information once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

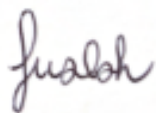
Conclusion

The proposed developed, as amended, will be in keeping with the surrounding character of the area and will have no significant detrimental impact on the amenities of future or neighbouring dwellings, highway safety or ecology and therefore accords with local and national planning policy, and is recommended for permission, subject to conditions. The application has overcome the previous grounds of refusal.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	24 th April 2025	Dated:	29 April 2025