



SUMMARY REPORT

Application Ref:	20211466
Site Address:	TJ's 15 Milton Road Gravesend Kent
Application Description:	Demolition of the existing 2 storey outrigger and erection of a replacement two storey outrigger linked to a first floor extension to the existing function room including the change of use of the new first floor accommodation to 6no.en-suite letting rooms ancillary to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities.
Applicant:	Mrs Iris Smith, TJ's Public House
Agent:	Mr James Barron, Barron Edwards Ltd
Ward:	Riverside
Parish:	Non-Parish Area
Decision due date:	4 March 2022
Publicity expiry date:	31 December 2021
Decision Level:	Planning Committee
Reason for referral:	At the request of Cllr Meade, Cllr Croxton, Cllr Milner and Cllr Rolles
Recommendation:	Refuse

Summary of Reasons for Recommendations

This application seeks permission for the demolition of the existing 2 storey outrigger and erection of a replacement two storey outrigger linked to a first floor extension to the existing function room including the change of use of the new first floor accommodation to 6no.en-suite letting rooms ancillary to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities.

The application, albeit showing a slightly different internal layout, has been refused once before for the following reason:

The proposal would result in the loss of the existing historic two storey outrigger on this non-designated heritage asset without sufficient justification for its demolition over its retention and repair, which together with the out of proportion design of the proposed outrigger in relation to existing neighbouring extensions, would adversely affect the setting of the adjacent Grade II Listed Buildings, and fail to make a positive contribution to the character and appearance of the Harmer Street Conservation Area. The proposal would therefore fail to comply with the requirements of Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 130, 190, 197, 199, 200 and 203 of the National Planning Policy Framework 2021.

The submitted application still does not contain the level of justification required for the demolition of the rear outrigger that is considered an important non-designated heritage asset. The application is therefore recommended for refusal on the following ground:

The proposal would result in the loss of the existing historic two storey outrigger on this non-designated heritage asset without sufficient justification for its demolition over its retention and repair, which together with the out of proportion design of the proposed outrigger in relation to existing neighbouring extensions, would adversely affect the setting of the adjacent Grade II Listed Buildings, and fail to make a positive contribution to the character and appearance of the Harmer Street Conservation Area. The proposal would therefore fail to comply with the requirements of Saved Policy TC3 of the Gravesham Local Plan First Review 1994, Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 130, 190, 197, 199, 200 and 203 of the National Planning Policy Framework 2021.

MAIN REPORT

1. Site Description and Surroundings

- 1.1 The application site comprises a public house (TJ's) with accommodation in the Dutch barn style roof. The building is identified within the Conservation Area Character Appraisal as being a building of townscape merit, which makes a positive contribution to the special interest of the conservation area. There is an existing single storey side addition and a two storey rear outrigger attached to the main building. There is also a single storey building providing an additional bar/function space within the rear garden, constructed after planning permission was granted in 2011.
- 1.2 Along the western boundary of the site lies East Crescent Road, which is a narrow lane largely providing access to the back of properties on Harmer Street. The Grade II listed buildings of Berkley Crescent lie to the west of the site, with further listed buildings beyond to the north on Harmer Street, and opposite the site to the south-east (the Post Office). There are commercial units with residential above both opposite the site and to the east on Milton Road.

2. Relevant Planning History

20210949

Demolition of an existing rear two

Refused

22.09.2021

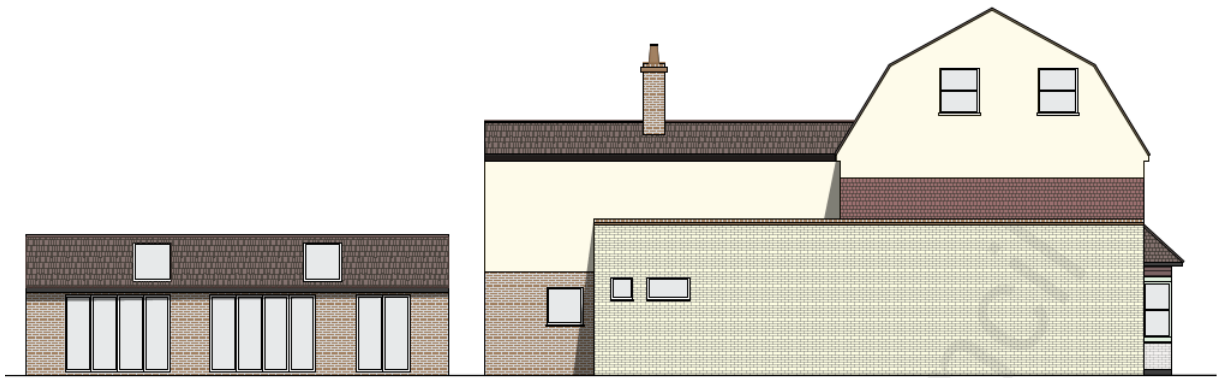
storey outrigger extension and single-storey side extension, erection of a rear two storey outrigger extension, erection of a first floor extension to the existing function room to be joined with new outrigger extension to create function room on ground floor level and first-floor accommodation comprising of 6 en-suite letting rooms ancillary to the existing public house.

20140344	Replacement of doors and windows at ground floor level on the front elevation.	Permitted	06.06.2014
20120076	Application for minor material amendment to planning permission reference number 20110580 for erection of single storey annexe in the rear garden to provide additional bar area/private function space; for the doors and windows to be UPVC instead of wood.	Permitted	21.03.2012
20111090	Application for approval of condition 3 attached to planning permission reference number 20110126 relating to the 1:10 scale drawings of the windows.	Approved	06.08.2012
20110580	Erection of single storey annexe in the rear garden to provide additional bar area/private function space.	Permitted	26.08.2011
20110126	Replacement of doors and windows at ground floor level on front elevation.	Permitted	20.04.2011

3. Proposal

- 3.1 The proposal is for the demolition of the existing 2 storey outrigger and erection of a replacement two storey outrigger linked to a first floor extension to the existing function room including the change of use of the new first floor accommodation to 6no.en-suite letting rooms ancillary to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities.

Existing



Proposed:



Refused proposal (ref 20210949)



3.2 The proposed extension will be approx. 21.26m deep and 4.81m wide. It will be approx. 7.14m high with a pitched roof. It will provide for six en-suite letting rooms. The plans are almost identical to those previously submitted apart from minor changes to the location and dimensions of two small windows and the introduction of two new doors in the western elevation providing access to the toilets and boot room lobby. Under the previous application this was to be a store room.

Background

3.3 Planning application 20210949 was submitted for the 'Demolition of an existing rear two storey outrigger extension and single-storey side extension, erection of a rear two storey

outrigger extension, erection of a first floor extension to the existing function room to be joined with new outrigger extension to create function room on ground floor level and first-floor accommodation comprising of 6 en-suite letting rooms ancillary to the existing public house.' This was refused for the following reason:

The proposal would result in the loss of the existing historic two storey outrigger on this non-designated heritage asset without sufficient justification for its demolition over its retention and repair, which together with the out of proportion design of the proposed outrigger in relation to existing neighbouring extensions, would adversely affect the setting of the adjacent Grade II Listed Buildings, and fail to make a positive contribution to the character and appearance of the Harmer Street Conservation Area. The proposal would therefore fail to comply with the requirements of Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 130, 190, 197, 199, 200 and 203 of the National Planning Policy Framework 2021.

4. Planning Policy, Development Plan and other Material Considerations

4.1 The relevant policies for this proposal are as follows

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS11 – Transport
- CS12 – Green Infrastructure
- CS19 – Design and Development Principles
- CS20 – Heritage and the Historic Environment

4.2 Paragraph 33 of the National Planning Policy Framework (2021) sets out those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

4.3 The Council undertook such a review in September 2019 and the review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- TC2 – Policy for Listed Buildings
- TC3 – Development Affecting Conservation Areas
- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land

- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG2 – Residential Layout Guidelines (2020)
- SPG4 – KCC Parking Standards (2006)
- Harmer Street Conservation Area Character Appraisal (2009)
- Management Plan – Gravesend Town Centre Conservation Areas (2009)
- Technical Housing Standards – Nationally Described Space Standards (2015)

5. Consultations and Publicity Responses

Internal

GBC - Conservation Officer

Having read the structural engineer's report it is clear that there is no structural justification for demolition of the outrigger. The conclusion states "Whilst the existing building is still able to carry the existing loads, any extensions to the property which may increase the loads are likely to result in strengthening being required". As previously stated outriggers of this period are integral to the historic appearance of the building, which due to its early date should be considered a non-designated heritage asset. Based on the structural report demolition and reconstruction is not justified and would be contrary to local and national policy. The previous comments are still relevant and it should be noted that there is insufficient information showing the relationship of the covered garden roof with the proposed external first floor access gantry.

Previous comments from application reference 20210949:

There are some reservations about the loss of the outrigger.

Having reviewed the application, referred to street view and the first series OS plans, the outrigger is clearly very early and possibly contemporary with the main building. There is a terrace of similar buildings with the mansard roof not far from the application site at 23 -29 Bentley Street. What makes TJ's (previously the British Tar) of particular interest is the timber frame construction and mathematical tile first floor front elevation. The heritage statement refers to structural problems with the outrigger which are not supported by a qualified structural engineers report, simply a statement in the heritage statement.

The outrigger does make a contribution to the setting of the adjacent listed buildings and the conservation area and although windows have been altered they still reference the original timber sash and casement windows in their proportion and fenestration. Sadly the feather edged weatherboarding on the gable end of the outrigger and the rear and side of the main building was replaced between 2008 and 2012 according to Street View. The tall central outrigger chimney stack remains, which originally serviced two fireplaces, and the outrigger as a whole makes a positive contribution to the conservation area and the adjacent listed building to the rear of Berkley Crescent and Harmer Street. It is a rare survivor.

The proposed two storey extension will be out of proportion with the extensions on adjacent buildings fronting Milton Road, namely those at 17 and 19 Milton Road, which are approximately the same length as the existing outrigger at number 15.

OS Map from 1871 1890 showing outrigger as two units with the single storey building beyond. Adjacent buildings in Milton Road have similar outriggers. The proposed two storey extension would be out of proportion resulting in harm to the historic setting of adjacent listed buildings and the conservation area.



Due to its age and historic interest, the building should be treated as a non-designated heritage asset. In line with local and national policy, retention and repair rather than demolition of the outrigger is therefore desirable and without a full justification its demolition cannot be supported.

GBC - Environmental Protection Team (Regulatory Services) (Comments from 20210949)

No objection subject to following conditions: watching brief and code of practice on construction/demolition; and informatives: drainage/sewerage, smoke control and noise control.

GBC – Highways Officer (Comments from 20210949)

This is a town centre/edge of centre property, so no car parking is required. However, to comply with SPG4 requirements for hotels, ideally a single secure and weather proof parking space for a bicycle should be provided (1 space per 10 bedrooms).

External

KCC Heritage

The site lies within an area of multi-period archaeological potential. I consider it unlikely, however, that the proposed works, adjacent to the existing dwelling, will have a significant archaeological impact and have no further comments to make in this case.

Neighbouring properties (as of 24 January 2022)

The application has been advertised by site notice, press notice and individual letters to 39 properties. 15 letters of support have been received (two from the same address). Main comments:

- Great addition to the community
- Quality accommodation and disabled access welcome
- Baby change is a welcome addition

6. Planning Analysis and Service Manager Planning Comments

Principle Issues

6.1 The main issues to consider in the determination of this application are as follows:

- The principle of the ancillary letting rooms,
- The design of the proposed outrigger extension and the impact on the character and appearance of the existing site and surrounding conservation area and listed buildings,
- The effect of the proposal on the amenities of existing neighbouring properties, as well as whether the proposed development itself will provide satisfactory living accommodation for future occupiers, and
- The impact on highway safety and parking provision.

Principle of Ancillary Letting Rooms

6.2 Policy CS02 of the Core Strategy 2014 prioritises development in the urban area as a sustainable location for development. No. 15 Milton Road lies close to the town centre boundary of Gravesend, and is within the Gravesend Town Centre Opportunity Area, and therefore the principle of tourist development as proposed is generally supported.

6.3 In relation to the Town Centre Opportunity Area, Policy CS05 states that the Council will:

- Support and enhance retail, leisure, entertainment, cultural and tourism provision in accordance with the sequential approach;
- Support the redevelopment of under-used sites where this makes more efficient use of the sites and improves townscape character; and
- Support existing retail, commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors subject to achieving a satisfactory living environment.

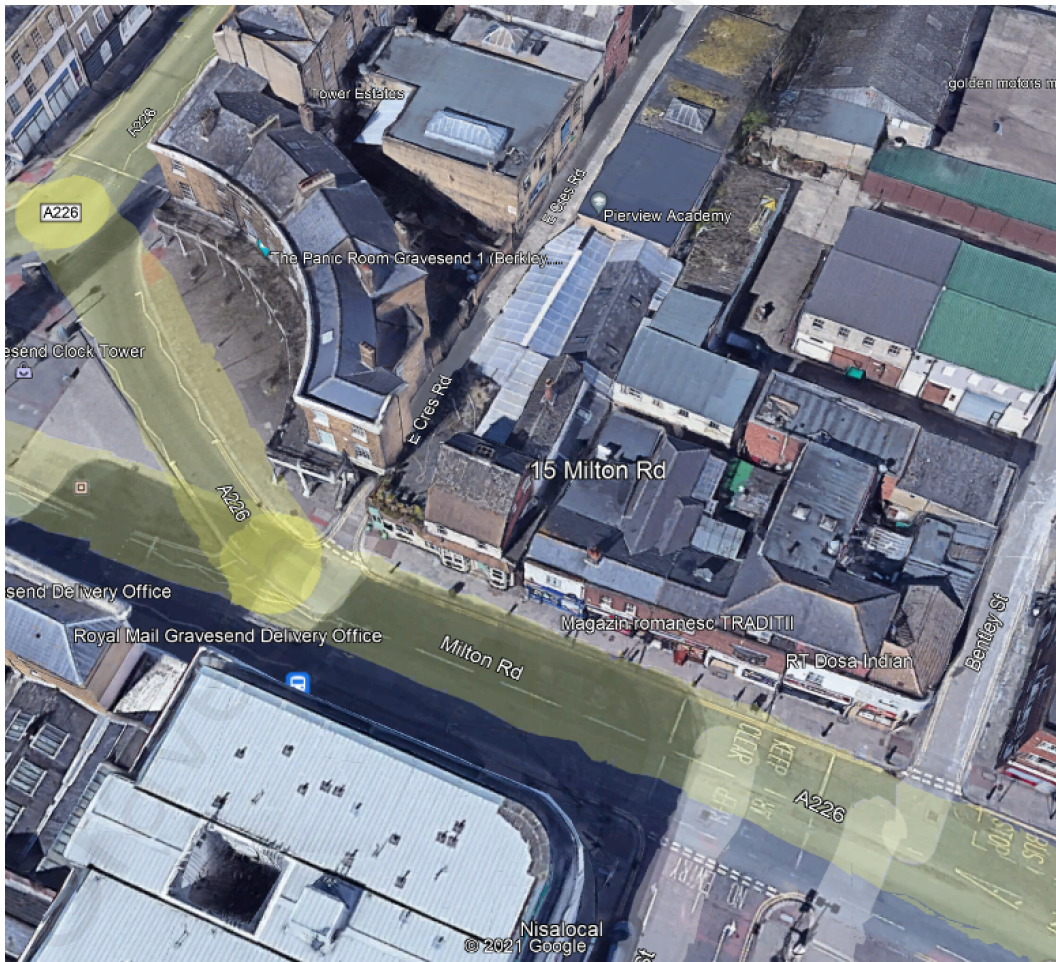
6.4 Policy CS09 (Culture and Tourism) goes on to state that the Council will seek to maximise opportunities for expansion in culture and tourism activity, and will support such facilities appropriate to their location and accessibility.

6.5 The application site lies some 70m away from the town centre boundary, so is classed as being edge of centre. However, whilst it is not within the town centre itself, it is within such close proximity that it is considered to be an acceptable location for this type of development, given the policy aims of making more efficient use of sites and supporting existing commercial and service functions. On this basis, the proposal to add letting rooms to this existing pub site is considered to be a complimentary ancillary development to the existing business, and is an acceptable use in this location.

Design and Character and Appearance of Surrounding Area

6.6 Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

- 6.7 The NPPF 2021 also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 190). This is echoed in Policy CS20 of the Core Strategy 2014, which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC2 of the Local Plan 1994 sets out that for development affecting the setting of listed buildings, the primary consideration is the maintenance of the integrity of the original listed building. Proposals must be sympathetic in terms of their appearance and materials. Saved Policy TC3 of the Local Plan 1994 also states development is expected to make a positive contribution to the Conservation Area. As the application site lies within the Harmer Street Conservation Area, these policies are all relevant to the consideration of this application.
- 6.8 The application site comprises a public house (TJ's) with accommodation in the Dutch barn style roof. The building is identified within the Conservation Area Character Appraisal as being a building of townscape merit, which makes a positive contribution to the special interest of the conservation area. There is an existing single storey side addition and a two storey rear outrigger attached to the main building. There is also a single storey building providing an additional bar/function space within the rear garden, constructed after planning permission was granted in 2011.



- 6.9 Along the western boundary of the site lies East Crescent Road, which is a narrow lane largely providing access to the back of properties on Harmer Street. The Grade II listed buildings of Berkley Crescent lie to the west of the site, with further listed buildings beyond to the north on Harmer Street, and opposite the site to the south-east (the Post Office). There are commercial units with residential above both opposite the site and to the east on Milton

Road. The British Tar Public House is referenced as being a building of local heritage interest and forming a group of buildings from circa 1840 together with Nos 1 to 45 (odd) and 47A and Nos 2 to 48 (even) Harmer Street and Nos 1 to 9 (consec) Berkeley Crescent by Historic England. With all of these properties except the British Tar, being Grade II listed buildings. As such outrigger is considered to make a positive contribution to the setting of the adjacent listed buildings and conservation area.

- 6.10 The British Tar (now TJs) itself dates from around 1808, historic OS maps show the presence of the outrigger during the 1800's. Due to its age and historic interest, the building should be treated as a non-designated heritage asset. In accordance with paragraph 203 of the NPPF 2021, in considering applications that affect the significance of a non-designated heritage asset, a judgement is required with regards to the scale of any harm or loss. In this instance, as the proposal would involve the removal of the existing historic outrigger, which would affect the setting of adjacent listed buildings and the conservation area. In line with local and national policy, great weight should be given to conservation; retention and repair rather than demolition of the outrigger is therefore desirable. The submitted Heritage Statement does refer to the existing outrigger being in poor condition and in need of remedial works. However, no evidence has been provided by the applicant to support the demolition of the outrigger, contrary to this the submitted structural report states:

CONCLUSIONS

There is no evidence of current movement of the foundations or settlement within the property.

There are large distortions of the roof shape and timber framing which have occurred gradually over the life of the building.

The single storey extension on the South side is suffering from water ingress affecting the timbers at low level and possible at the eaves.

Whilst the existing building is still able to carry the existing loads, any extensions to the property which may increase the loads are likely to result in strengthening being required.

RECOMMENDATIONS

Whether or not further extensions are considered we would recommend the following further investigations to ensure the continued serviceable life of the building:

1. Check the connection between the top of the brick pier in the Northwest corner and the roof construction. Provide additional ties as necessary to ensure the top of the pier is fully tied into the structure.
2. Remove areas of cladding to the South elevation to check the condition of the timber framing. Replace the timber plate and bottom section of studs as necessary. Check the condition of the timbers at eaves level and replace or strengthen if necessary. Check cladding and flashings to ensure any water ingress is prevented.

- 6.11 With a subsequent supporting statement stating, "As referred to in the previous report there are probable issues with the foundations to the existing structure and these are more than likely to be unsuitable for supporting a two storey structure. The depth of the existing foundations is not likely to meet current building regulation requirements... Due to all of the issues with the structure to the Southern Outrigger, it is thought that this part of the structure would not be financially viable to repair. If a new two storey structure is proposed it would mean demolition and rebuilding of the Southern Outrigger."

- 6.12 The structural report supporting the application, clearly demonstrates that there is no justification for the demolition of the non-designated heritage asset, and that the structure is in need of repairs and maintenance to prevent water ingress.
- 6.13 It is noted that the report refers to the front elevation as the west elevation which is incorrect. It is therefore unclear which elevations are being referred to in the rest of the report. Overall however, the report does not note any signs of movement or cracking externally. In terms of the roof, the main roof and lower roof to the rear addition show signs of long term deflection and distortion to the roof shape. The tiles are in reasonable condition with only one or two slipped tiles to the higher roof. The brickwork to both chimneys is in reasonable condition.
- 6.14 The conclusion states that the distortion and deflections of the structure to the roof and timber frames areas are typical of buildings of this age and type of construction. These are long term deflections which have gradually occurred over the 300 year life of the building. Although some deflections are quite excessive, there are no signs of current movement. The cracking noted to the rear store room (in the outrigger) may be as a result of thermal movement and its location is where the timber frame section meets the masonry construction which is where differential movement will occur. The out of alignment of the brick pier on the northwest corner is probably as a result is where there is no adjacent brickwork to tie it in.
- 6.15 In para. 1.1 of the Planning Statement states that the two storey outrigger is structurally unsound. Para. 4.3 acknowledges that the Council wish to see the outrigger retained and repair but states that a structural advisor has prepared a supplementary report stating that it is leaning precariously due to settlement with sloping floors internally. According to the planning statement the structural advisor has also commented that the main beams within the frame are showing signs of rot and that he would question the economic viability or repairing this main support structure. However, the Planning Statement is not supported by the structural report and supplementary structural report provided.
- 6.16 To consider the loss of a non-designated heritage asset, a detailed structural survey and viability assessment are required, however such reports have not been forthcoming. As there is no factual evidence to support the demolition of the outrigger, the only conclusion that can be reached is that the proposed development would result in substantial harm to a non-designated heritage asset and designated heritage assets, and it has not been demonstrated that this substantial harm is necessary to achieve substantial public benefits that outweigh that harm.
- 6.17 The proposal would also result in an unsympathetic large extension, that is considered to be out of scale and not in proportion to adjacent buildings fronting Milton Road, the scale of this extension would also harm the setting of adjacent listed buildings and the Conservation Area.
- 6.18 As such the application fails to comply with policies TC3 of the Gravesham Local Plan First Review 1994, CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014 and para. 197 of the National Planning Policy Framework 2021 which seek to preserve non-designated heritage assets.
- 6.19 Whilst it is recognised that the windows have been altered, they still reference the original timber sash and casement windows in their proportion and fenestration. This would be important to follow through in any further proposals for the site. It also would appear that the feather-edged weatherboarding on the gable end of the outrigger and the rear and side of the main building was replaced sometime between 2008 and 2012 according to Street View, and an opportunity to see this reinstated would be positive (cladding is proposed for the new outrigger extension, though exact details of this are not provided).

- 6.20 It is also not clear from the submitted plans how the proposals would impact on the current covered garden area and boundary treatment, which would benefit from improvement.
- 6.21 On the basis of the loss of the outrigger without justification, and the resultant impact on the setting of the adjacent listed buildings and conservation area, together with the out of proportion form of the proposed outrigger extension, the proposal would fail to comply with the requirements of saved Policy TC3 of the Gravesham Local Plan First Review 1994, Policies CS19 and CS20 of the Core Strategy 2014, and paragraphs 130, 190, 197, 199, 200 and 203 of the NPPF 2021.

Residential Amenity

- 6.22 The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, 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.

Future Occupiers

- 6.23 The proposed letting rooms are all approximately 11.5m², with an additional 2m² for the en-suites. They would have storage and sitting space, with windows serving the main rooms and high level windows to the en-suites. Overall, they would provide acceptable guest accommodation.
- 6.24 No amenity concerns have been raised by Environmental Protection with regards to the proposed use and potential environmental impacts on future users given the existing public house use of the site, and the location within an AQMA.
- 6.25 There are no conflicts with Policy CS19 of the Core Strategy 2014 in respect of living conditions, subject to the proposed en-suite windows being obscurely glazed to protect the privacy of guests.

Neighbouring Properties

- 6.26 The main properties likely to be affected by the windows within the proposed outrigger extension are those within Berkley Crescent, to the west of the site, which are mixed use buildings. The flank of the proposed outrigger would be approximately 9.5m away from the flank of the closest property on Berkley Crescent (No. 9). However, due to the angle of the Berkley Crescent properties, none of the windows to the proposed letting rooms would directly face windows within the rear of Berkley Crescent. This is a built up area with buildings in close proximity to each other. The proposal will not cause any significant loss of privacy in this regard.
- 6.27 The proposed extension would be constructed alongside existing two and three storey buildings, at Berkley Crescent, to the rear of properties fronting Milton Road, and off Bentley Street to the east of the site. Given the nature and scale of the surrounding buildings, the proposed outrigger extension will not result in any significant loss of light or overshadowing to neighbouring properties.
- 6.28 The 6 proposed letting rooms would not be likely to cause any significant environmental impacts.
- 6.29 Overall, the proposals would comply with Policy CS19 of the Core Strategy 2014 in respect of

neighbouring amenities.

Parking and Highways

- 6.30 This is a town centre/edge of centre property, so no car parking is required for this proposal. In the event of the application being supported the possibility of providing secure bike storage would have been considered.
- 6.31 There would therefore be no conflict with Saved Policy P3 of the Local Plan 1994 and Policy CS19 of the Core Strategy 2014.

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff

- 6.32 The application site falls within 6 km of the Thames Estuary and Marshes Special Protection Area (SPA), classified in accordance with the European Birds Directive, which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. The area is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.
- 6.33 The Borough Council has mitigated the impacts of this on each and every planning application for new residential development of one or more units within the 6 km zone since September 2015 by (where appropriate) accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £253.83 per dwelling). This approach is approved by Natural England for all new residential developments.
- 6.34 For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking, the tariff has been secured through a contribution agreement. The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.
- 6.35 However, a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.
- 6.36 On this basis a tariff of £253.83 per 5 hotel bedrooms is required. The applicant paid this tariff under the previous application and has filled in a new SAMMS form to arrange a transfer to this application. The proposal therefore puts in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, which complies with the requirements of paragraphs 174 and 180 of the NPPF 2021 and

Policy CS12 of the Core Strategy 2014.

Environmental Issues

6.37 There is no objection to the proposal providing conditions/informatives be imposed relating to contaminated land, code of practice on construction and demolition, drainage/sewerage, smoke control, and noise control.

7. Conclusion

7.1 The proposal would result in the loss of the existing historic two storey outrigger on this non-designated heritage asset without sufficient justification for its demolition over its retention and repair, which together with the out of proportion design of the proposed outrigger in relation to existing neighbouring extensions, would adversely affect the setting of the adjacent Grade II Listed Buildings, and fail to make a positive contribution to the character and appearance of the Harmer Street Conservation Area. The proposal would therefore fail to comply with the requirements of Saved Policy TC3 of the Gravesham Local Plan First Review 1994, Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 130, 190, 197, 199, 200 and 203 of the National Planning Policy Framework 2021.

Recommendation

Refuse for the following reason:

1. The proposal would result in the loss of the existing historic two storey outrigger on this non-designated heritage asset without sufficient justification for its demolition over its retention and repair, which together with the out of proportion design of the proposed outrigger in relation to existing neighbouring extensions, would adversely affect the setting of the adjacent Grade II Listed Buildings, and fail to make a positive contribution to the character and appearance of the Harmer Street Conservation Area. The proposal would therefore fail to comply with the requirements of Saved Policy TC3 of the Gravesham Local Plan First Review 1994, Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 130, 190, 197, 199, 200 and 203 of the National Planning Policy Framework 2021.

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance the application is not in accordance with local and national planning policy and cannot be supported.