



# Delegated Report

## Full Planning Application

**Planning Application No:** 20260352

**Location:** Land to the rear of Brook Road, Northfleet, Gravesend

**Description:** Demolition of existing workshop and store. Erection of 2no. self-build chalet bungalows with associated parking and access.

**Applicant:** Mr Danny Sahota

**Site Visit Date:** 29 April 2026

### Submitted Documents/Plans

Application form

Self-build form

Drawing no. P-01 Rev. B (Site Location Plan)

Drawing no. P-02 Rev. B (Site Plan as Existing)

Drawing no. P-03 Rev. B (Site Location Plan as Proposed)

Drawing no. P-04 Rev. A (Site Plan indicating Roof Plan as Proposed)

Drawing no. P-05 (Plans and Elevations as Proposed)

Drawing no. P-06 (Bin and Cycle Store Details)

Design and Access Statement (March 2026)

Sitecheck Assess Report (ref.223052844)

Preliminary Ecological Appraisal (November 2019)

Actions in Response to Preliminary Geo Environmental Study and Risk Assessment

Ecological Impact Assessment (ref. 1873, dated 10 August 2026)

### Relevant Planning History

| Reference | Description                                                                                                                                                                                                                                                                                     | Decision  | Decision Date |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 20211380  | Reserved Matters application for the approval of appearance and landscaping (Condition 3) pursuant to outline application reference number 20210435 for demolition of existing single storey workshop and store and erection two detached chalet bungalows, with associated parking and access. | Permitted | 21.12.2022    |
| 20210435  | Outline application for the demolition of existing single storey workshop and store and erection two detached chalet bungalows, with associated parking and access (consideration of access, layout and scale.)                                                                                 | Permitted | 19.05.2021    |
| 20200800  | Outline application for the demolition of existing single storey workshop and store and erection of a pair of semi-detached chalet bungalows, with associated parking and access (consideration of access, layout and scale.)                                                                   | Permitted | 08.10.2020    |
| 20200312  | Outline application for the demolition of existing single storey workshop and store and erection of a detached                                                                                                                                                                                  | Permitted | 18.05.2020    |

|          |                                                                                                                                                                             |         |            |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------|
|          | chalet bungalow, with associated parking and access (consideration of access, layout and scale)                                                                             |         |            |
| 20191316 | Outline application for the demolition of existing single storey workshop and store and erection of 2 detached chalet bungalows (consideration of access, layout and scale) | Refused | 11.03.2020 |

## Development Plan

### Gravesham Local Plan Core Strategy (2014)

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

### Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network
- P3 – Vehicle Parking Standards

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 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

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 (2026), the Council will also seek to replace these.

## Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement, the Court found that the weight to be

given to an emerging Local Plan was a matter of planning judgement, which had to be reached having fully considered the relevant part of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan. The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan.**

This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

#### National Planning Policy Framework (2026)

- Section 3 – Decision-making policies
- Section 4 – Achieving sustainable development
- Section 5 – Meeting the challenge of climate change
- Section 12 – Making effective use of land
- Section 14 – Achieving well-designed places
- Section 15 – Promoting sustainable transport
- Section 17 – Pollution, public protection and security
- Section 19 – Conserving and enhancing the natural environment

#### Supplementary Planning Guidance

- SPG2 – Residential Layout Guidelines (2020)
- SPG4 – KCC Parking Standards (2006)
- Technical Housing Standards – Nationally Described Space Standard (2015)
- Design for Gravesham (2024)

### **Consultations, Publicity and Representations**

#### External Consultees

#### KCC Biodiversity 3 June 2026

#### **SUMMARY – FURTHER INFORMATION REQUIRED**

We have reviewed the information submitted in support of this application and advise that insufficient ecological information has been provided to determine the application. The following information is required prior to determination:

- Ecological Impact Assessment to be submitted with PEA to consider the highlighted species;
  - o Reptile Surveys – due to hibernacula and dense scrub found on site
  - o Bat Surveys to determine if felt roof overhang is being used as a roosting area
  - o Breeding Birds

## OUTDATED ECOLOGY

The submitted ecological information is over 7 years old and, as such, is subject to consideration in accordance with CIEEM guidance on the lifespan of ecological surveys and reports which indicates that survey data between 18 months and three years requires re-assessment by a professional ecologist. Key considerations include (1) whether the site supports, or may support, a mobile species which could have moved on to site, or changed its distribution within a site, (2) whether there have been significant changes to the habitats present within the site and (3) whether the local distribution of a species in the wider area around a site has changed (or knowledge of it increased).

We cannot rule out the 1st, 2nd or 3rd of these considerations and, as such, we request that a suitably qualified ecologist conducts a site visit to carry out an updated PEA to assess the potential for protected/notable species to be present within the site.

In addition to this, we note that within the previously submitted PEA that the recommended further surveys are completed due to habitat suitability or the potential of these protected species being present:

- Bat Emergence or Endoscopy Survey – survey seasons May to October
- Reptile Survey – survey seasons March to October
- Breeding birds
- Stag beetles

The previous PEA detailed that habitats and features including dense scrub, hibernacula of unmanaged vegetation, and the overhanging felt roof, are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. As such, an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist.

The EclA will need to include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any necessary additional surveys undertaken;
- Details of any necessary and achievable ecological mitigation and/or compensation measures – taking caution with species or habitats already highlighted from previous ecological assessments including stag beetles/invertebrates, breeding birds, hedgehogs, bats, and reptiles;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EclA is sought prior to determination of the planning application. This is in accordance with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

Under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 through 195 of the NPPF 2024, biodiversity should be maintained and enhanced through the planning system.

## BATS

Bats and their roosts are fully protected from disturbance and harm through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Some species of bat (including Bechstein's, noctule, soprano pipistrelle and brown long-eared) are also listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance for conservation. Local planning authorities must have regard for the conservation of Section 41 species and all bat species as part of their planning decisions<sup>15</sup>.

The application site has been identified within the PEA by Martin Townsend on 7/11/2019 that whilst there are no suitable lofts, wall cavities and minimal crevices of suitability for bats, as well as disturbance from

the urbanised area, the possibility of bats – especially those commuting or foraging – cannot be ruled out. Additionally, the felt roof on the external shelter area of the existing structure is overhanging and has been identified as potentially acting as refuge for bat populations. Surrounding habitat of dense scrub is suitable for supporting commuting and foraging bat species. The PEA provided highlights that the suitability of the application area is of low suitability, meaning that there is still the potential for the area to support bat species.

We advise that the PEA carries out a roost assessment and if the building continues to have potential for roosting bats there is a requirement for further surveys be completed during roosting season to determine if the structure and habitat is being utilised by bat species.

## REPTILES

All British reptiles are protected from killing/injury by the Wildlife and Countryside Act 1981 (as amended) and are listed as being of principal importance for conservation under Section 41 of the Natural Environment and Rural Communities Act (2006).

Suitable habitat for reptiles is present on site, and it is unclear how the development will impact on these species. To assess the potential impacts to any reptile populations, we advise that a reptile survey will need to be undertaken by a suitably qualified ecologist<sup>99</sup> and in accordance with good practice guidelines<sup>100</sup>. The reptile survey, along with any necessary mitigation/ compensation, will need to be submitted prior to determination of any planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005<sup>101</sup>, which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

The application area had been identified to be mostly of a built-up mixed scrub area with a lot of opportunity for refugia for reptiles. Particularly as it has been identified within the PEA that within 200m of the application site there has been breeding Slow Worm populations at Copperfield Academy. It cannot be ruled out, that if suitable habitat is present that some of the previously found population may have relocated to the dense shrub area of the application site.

We advise that the PEA assesses the potential for reptiles and if suitable carries out a reptile surveys to confirm the presence or lack thereof of reptile populations on the application site.

## DESIGNATED SITES

**SPECIAL AREA OF CONSERVATION (SAC)/SPECIAL PROTECTION AREA (SPA)/RAMSAR**  
Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are protected by the Conservation of Habitats and Species Regulations 2017 (as amended). Proposed SACs, potential SPAs, Ramsar sites (listed and proposed), and areas secured as sites compensating for damage to a National Site Network site are given the same protection as per the NPPF 2024, paragraph 195. This requires that, in line with Regulation 63 of the CHSR 2017:

63.— (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—  
a. is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and  
b. is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives.

Whilst the application site is within proximity of the Thames Estuary and Marshes statutory designated site, we acknowledge that it is unlikely it will impact the stated statutory designations, and therefore will not require a HRA.

## RECREATIONAL DISTURBANCE

The application site falls within the 6km of influence of the Thames Estuary and Marshes Special Protection Area and its/their associated Wetland(s) 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 for Medway, Swale, Thames Estuary) applies and the applicant will be required to make a tariff payment which is based on the net number of additional dwellings/overnight accommodation 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).

For this type of development, it is possible to obtain an autogenerated Natural England advice letter.

#### BIODIVERSITY NET GAIN SELF-BUILD EXEMPTION

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 decision<sup>142</sup> 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.

#### KCC Biodiversity 14 September 2026

#### 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 below.

Developer contributions will need to be provided to mitigate for recreational pressure within the zone of

influence of designated sites of international importance.

## BATS

Bats and their roosts are fully protected from disturbance and harm through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Some species of bat (including Bechstein's, noctule, soprano pipistrelle and brown long-eared) are also listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance for conservation. Local planning authorities must have regard for the conservation of Section 41 species and all bat species as part of their planning decisions<sup>15</sup>.

The application site has been identified within the PEA by Martin Townsend on 7/11/2019 that whilst there are no suitable lofts, wall cavities and minimal crevices of suitability for bats, as well as disturbance from the urbanised area, the possibility of bats – especially those commuting or foraging – cannot be ruled out. Additionally, the felt roof on the external shelter area of the existing structure is overhanging and has been identified as potentially acting as refuge for bat populations. Surrounding habitat of dense scrub is suitable for supporting commuting and foraging bat species. The PEA provided highlights that the suitability of the application area is of low suitability, meaning that there is still the potential for the area to support bat species.

The updated EcIA completed by ECOAssistance (August, 2026) indicates that the walkover survey identified the flat roof brick garage (named as B1 in the report) as having low BRP, with the corrugated sheet metal garage (named as B2 in the report) having a prefabricated metal storage container with negligible bat roost potential. It is assumed that two of the buildings that were previously present have been removed and replaced with the storage container. Due to the low potential of B1, a Bat Emergence Survey (BES) was completed on 27/07/26, which showed low levels of bat activity including some foraging were recorded over and around the site. Only common pipistrelle *Pipistrellus pipistrellus* and soprano pipistrelle *Pipistrellus pygmaeus* were recorded. No bats emerged from B1.

As no bats emerged from the buildings, we are satisfied that no further surveys are required. However, we recommend that bats are included within a Precautionary Working Methods Statement (PWMS), with conditioning for an Artificial Lighting Strategy to compensate for foraging/commuting bat populations.

## REPTILES

All British reptiles are protected from killing/injury by the Wildlife and Countryside Act 1981 (as amended) and are listed as being of principal importance for conservation under Section 41 of the Natural Environment and Rural Communities Act (2006).

The application area had been identified to be mostly of a built-up mixed scrub area with a lot of opportunity for refugia for reptiles. Particularly as it has been identified within the PEA that within 200m of the application site there has been breeding Slow Worm populations at Copperfield Academy. It cannot be ruled out that if suitable habitat is present that some of the previously found population may have relocated to the dense shrub area of the application site.

The EcIA highlights that during a reptile survey no reptiles were identified or found, and as such can be assumed that the species are present in low populations or entirely absent.

Whilst we acknowledge that there were no reptiles identified on the day of the site walk out, the potential for reptiles to be found on site cannot be ruled out and should therefore be included within a Precautionary Working Methods Statement (PWMS).

## PRECAUTIONARY WORKING METHODS STATEMENT (PWMS)

We understand that the site is low risk due to low potential for protected species to be impacted on site and minimal vegetation clearance. Therefore, to protect from limited adverse impacts to protected and priority species during clearance and construction we recommend a precautionary works method statement is a condition with the suggested wording below.

**Suggested Condition Wording:**

From commencement of works (including site/vegetation clearance), and for the duration of construction, all mitigation for bats, breeding birds, other mammals, and reptiles shall be carried out in accordance with the details contained in Appendix 1. Precautionary Working Methods Statement in the Ecological Impact Assessment by ECOAssistance, August 2026.

**ARTIFICIAL LIGHTING STRATEGY**

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows<sup>11</sup>. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2026<sup>12</sup>.

Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent updates) should be consulted in the lighting design of the development.

We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via an attached condition with any planning permission.

**Suggested Condition Wording:**

Prior to occupation, a lighting design plan for biodiversity shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit shall not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and shall be maintained thereafter.

Reason: To limit the impact of light pollution from artificial light in accordance with the NPPF 2026.

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63.— (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

**RECREATIONAL DISTURBANCE**

The application site falls within the 6km of influence of the Thames Estuary and Marshes Special Protection Area and its/their associated Wetland(s) 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 for Medway, Swale, Thames Estuary) applies and the applicant will be required to make a tariff payment which is based on the net number of additional dwellings/overnight

accommodation 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).

#### **BIODIVERSITY NET GAIN SELF-BUILD EXEMPTION**

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 decision<sup>142</sup> 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.

#### **ECOLOGICAL ENHANCEMENTS**

Other biodiversity enhancement measures, which are unrelated to BNG, are detailed in the submitted EcIA and include the following:

- native species planting
- bird boxes
- a bat box suitable for common urban bat species
- small gaps beneath garden boundaries where secure and appropriate to allow movement through the site by hedgehog and other small mammals.

Policy N2 (NPPF 2026) states to contribute positively to the natural environment, and support nature's recovery, development proposals should: Minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective.

#### **EVIDENCE OF IMPLEMENTATION - BEP** Suggested Condition Wording:

Within six months of first use of the development hereby approved, a completion report produced by a suitably qualified ecologist and including photographic evidence of the implementation of the approved biodiversity enhancement measures as required by condition the BEP condition shall be submitted to the local planning authority for approval. The approved measures shall be thereafter retained.

Reason: To protect and enhance biodiversity in accordance with Policy N2 of the National Planning Policy Framework 2026, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

#### KCC Heritage

In this instance I suggest that no archaeological measures are required.

#### KCC Highways

I have the following comments to make with respect to highway matters:

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. However, if there are any material highway safety concerns that you consider should be brought to the attention of the Local Highway Authority, then please contact us again with your specific concerns for consideration.

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.

#### Internal Consultees

##### GBC Environmental Protection

The following comments are made:

#### **Contaminated Land**

Two documents have been submitted in relation to potentially contaminated land. The first is a Landmark Sitecheck Assess report. This is informative only and does not count as a desk top study. It has probably been submitted in support of the second documents 'Actions in response to preliminary geo environmental study and risk assessment'. I note that a Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment dated November 2019 by R Carr has also been submitted but invalidated? Taking all 3 of these documents into consideration, further investigation by way of an intrusive investigation and revised risk assessment is needed. This will determine if any remediation works etc are needed.

This can be addressed by the following condition:

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 1 Geo Environmental Desk Study and Preliminary Risk Assessment' dated November 2019 by R Carr (Report Ref: 3723/19) and the 'Actions in response to preliminary geo environmental study and risk assessment' 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.

### **Code of Practice on Construction and Demolition**

Please apply as appropriate due to the proximity of surrounding residential premises.

### **Lighting**

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

### **Smoke Control Informative**

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services [air.quality@gravesham.gov.uk](mailto: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.

### **GBC Waste and Recycling**

I have reviewed the planning application and confirm I am happy with the waste and recycling provision.

However, the properties will be away from the public highway, so on collection day both properties will need to place their bins at the end of the accessway adjacent to the public highway (Brook Road).

The provision of the bins is the responsibility of the developer; this can be done via the Council's Waste Management Team at [waste.management@gravesham.gov.uk](mailto:waste.management@gravesham.gov.uk).

The residual and recycling bins will be emptied on an alternate basis once a fortnight in line with collections in the area.



### Neighbouring properties

The application has been advertised by individual neighbour letters to 62 properties and on site. The overall consultation period expired on 8 May 2026.

Four letters of representation have been received from neighbouring properties, commenting as follows:

- This type of rear development should respect the character and layout of the surrounding area, rather than appearing as an incongruous and cramped addition behind existing frontage development.
- Demolition works, new residential use, vehicle movements, and day-to-day activity associated with two additional dwellings may result in increased noise and disturbance for neighbouring occupiers.
- Proposed access and parking arrangements may be inadequate and could add pressure to the surrounding road network.
- Narrow, overgrown dirt tracks provide the only access.
- Access should be safe, practical, and sufficient for residents, visitors, service vehicles, and emergency access.
- None of the works, either during construction or on completion, should be allowed to affect vehicle access to existing garages.
- Concern over access to the site in case of an emergency, as well as for waste collection. The access via Brook Road involves a very sharp turn and parked cars can be an obstruction.
- who will maintain the access
- Siting and layout of the proposed bungalows may lead to overlooking of neighbouring homes and gardens, resulting in a harmful loss of privacy.
- The new buildings will result in reduced light to neighbouring properties.
- There is a lot of fly tipping around the site proposed and currently GBC do not pick this up so vehicle access could be limited at times.

The representations also noted that any improvement to the land in question would be welcome.

National Grid and Local Ward Councillors were also consulted but no responses were received.

### **Officer's Analysis**

#### Background

As can be seen from the planning history above, proposals for residential development have previously been submitted for this site. Most recently, a proposal for two detached chalet bungalows was approved (original outline application 20210435 and reserved matters application 20211380), though the permission for this has now expired:

#### *20210435 Proposed Site Plan:*



It is therefore recognised that there is an established precedent for residential development on this site and as planning policy has not changed with regard to the consideration of the principle of residential development since the previous permission, this matter does not need to be assessed any further under the current application.

### Main Issues

The main issues to be considered in an application for the proposed new dwellings in this urban area are as follows:

- The impact of the development on the character and appearance of the site and surrounding area;
- The impact of the development on residential amenities; and
- The impact of the development on parking and highway safety.

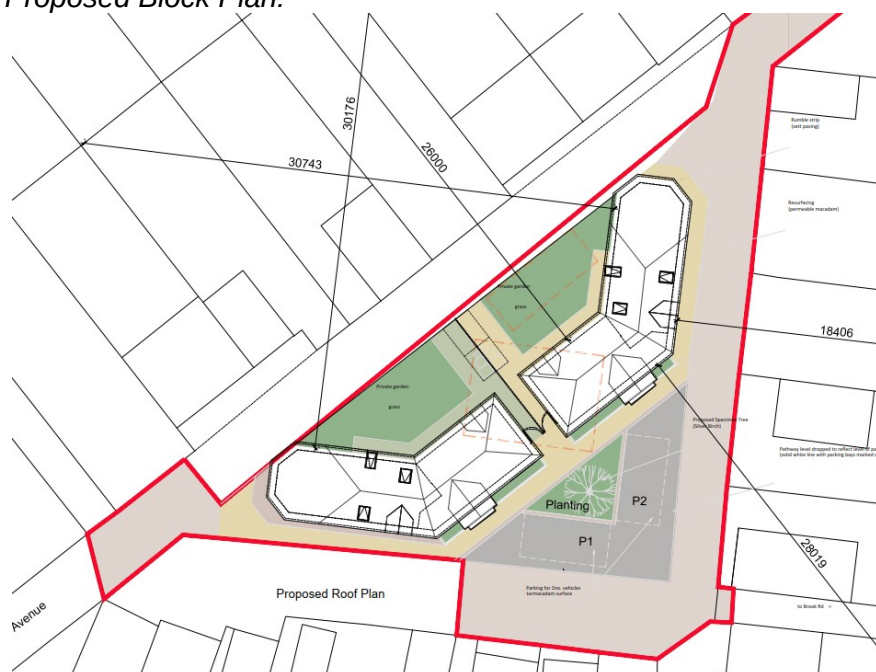
These matters will consider the changes to the proposed residential scheme under this current application.

### Proposal

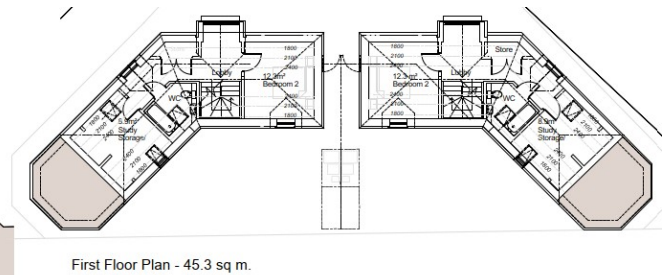
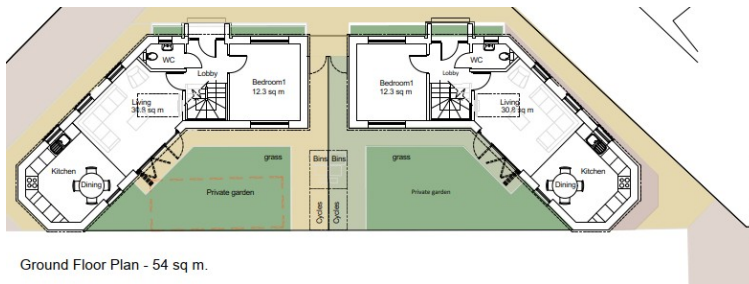
The application seeks permission for the demolition of the existing workshop and store, and the erection of two self-build chalet bungalows with associated parking and access.

The layout and elevations of the proposal is almost identical to the previous approved scheme. The detached bungalows will have a kitchen/dining/living room, a WC and a bedroom on the ground floor and a bedroom, bathroom and study/storage room on the top floor. The garden will be to the north and the parking space (1 per dwelling) will be to the south. There will be bin and bicycle stores in the rear gardens.

### *Proposed Block Plan:*



### *Proposed Floor Plans:*



### Proposed Elevations:



The buildings will be constructed of red multi-stock brickwork and slate hanging and roof tiles. This would appear to be the main change to the previously reserved matters permission; the change to the zinc roof. The dormers will be zinc and timber cladding. Windows/doors will be grey aluminium.

### 20211380 Proposed Block Plan:



### 20211380 Proposed Elevations:

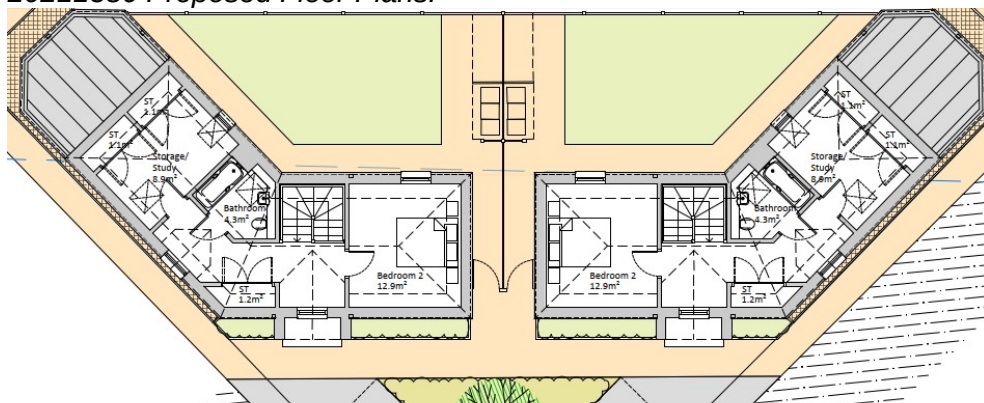


Proposed Side (North) Elevation  
1:100

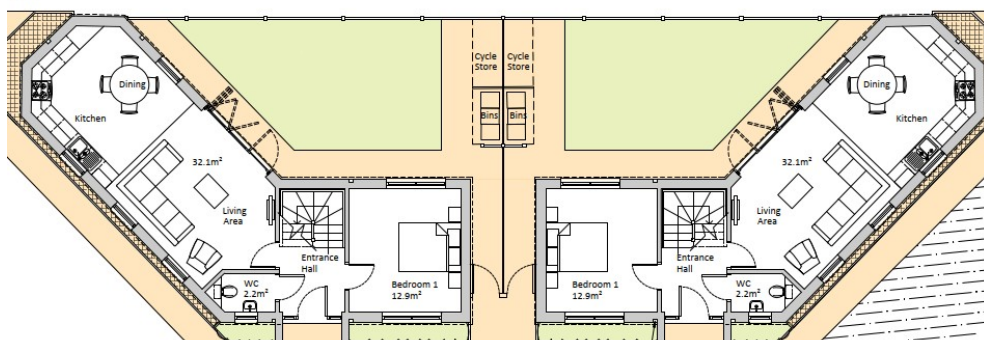


Proposed Side (West) Elevation  
1:100

### 20211380 Proposed Floor Plans:



Proposed First Floor Plan  
1:100



### Design, Character and Appearance

Section 14 of the NPPF 2026 relates to promoting high quality places and sets out the Government's requirements in relation to design issues. Policy DP3 sets out the key principles for well-designed places, including that development proposals should respond to their context, so they integrate with and enhance their surroundings. 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.

The Council's Design for Gravesham Design Code SPD sets out the vision and expectation for quality place-making in the Borough and is a useful guide for progressing new development proposals.

Whilst it is recognised that development which makes effective use of land should be supported (Section 12 of the NPPF 2026), this comes with the proviso that it should safeguard and improve the environment. Relevant to this proposal, Policy L3 of the NPPF 2026 states that development proposals should make efficient use of land, taking into account the identified need for different types of housing, the availability of infrastructure and its scope for improvement, a site's connectivity, and the importance of securing well-designed places, attractive and healthy places.

In a similar vein, Policy CS14 of the Core Strategy 2014 sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities. The proposal would comprise two single dwellings in an area where there are generally single dwellinghouses and this would therefore conform with Policy CS14 of the Core Strategy 2014.

Policy CS15 of the Core Strategy seeks to achieve a minimum density for residential development in the urban area of 40 dwellings per hectare (dph), subject to the overriding consideration that all new housing will be at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. The application site measures 0.0395 hectares; 2 dwellings on this site would be in line with the density target of 40 dph at 50 dph and the density of the development would therefore be appropriate for the area.

The submitted plans show a very similar design to the previously approved chalet bungalows, and whilst these were considered out of character with the prevailing development, it was recognised that the current buildings and their use as workshop were also out of character with the surrounding residential nature of the area, and that on balance bungalows would not result in a significant impact over and above what is existing on the site.

The previous outline consent limited the height of the roof to no more than 6.6m, which the current plans show (6m). As with the previous scheme, the current design is modern and adds interest to this backland plot. The double height windows will break up the bulk of the roof and create a pleasing feature.

With regards to landscaping, again, this is as previously proposed, with grass areas largely to the rear gardens (this has been slightly extended compared to the previous plans). There will be one silver birch tree to the front of the dwellings. Given the constraints of the site, this was previously considered acceptable subject to a condition requiring its retention, and this would continue to be the case.

The plot layout is identical to the approved chalet bungalows, and details of boundary treatment (1.8m high timber fence), cycle and bin storage, and surface materials (tarmac and natural coloured paving slabs) have been put forward and are all considered acceptable. No further conditions would be required for these details.

### Residential Amenity

Section 12 of the NPPF 2026 seeks to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions, Section 14 seeks to promote high quality, healthy, inclusive and sustainable places, and Section 17 focuses on the new development being appropriate for its location, taking into account the risks and impacts of pollution and other hazards. Policy P3 sets out that development proposals should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life.

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, and avoid adverse environmental impacts from pollution.



In terms of future occupiers, the development would meet the minimum requirements set out in the Technical Housing Standards - Nationally Described Space Standards 2015 and should include the proposed number of bedspaces and persons per dwelling. Two storey, two bedroom, 4 person dwellings would require 79m<sup>2</sup> of floorspace. The proposed bungalows are 99m<sup>2</sup>. The proposal would comply with the relevant requirements set out in the Council's SPG2 – Residential Layout Guidelines (2020) for the size of the amenity space (over 40m<sup>2</sup>) and privacy distances (where there is less than the required 26m this involves non-habitable windows).

*Plan showing privacy distances:*



This would therefore be acceptable in terms of the amenities of the future occupiers of the bungalows. Habitable rooms with a more restricted outlook to the rear on the ground floor are dual aspect and therefore there are no outlook concerns.

Due to the distance from neighbouring properties, the design and layout of the proposed bungalows would not cause visual dominance or significant reductions in outlook, privacy or light for existing neighbouring residential properties.

Overall, the impact on future occupiers and neighbouring properties would be considered to comply with national and local policies relating to amenity.

### Highways and Parking

Neighbour objections have been received in relation to highway safety matters, particularly relating to access.

The proposed development should be considered against Policy CS11 of the Core Strategy (2014) which states that new development should mitigate the impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel.

Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities. This is also reflected by saved Policy T1 of the Local Plan (1994), which requires proposed development to be adequately served by the highway network and Saved Policy P3, which sets out highways parking standards for development.

The proposed development would utilise existing accesses, the surfaces of which would be improved. Access would be retained to the rear of the existing properties. The proposal meets the adopted parking standard for this type of development in an urban area (a maximum of 2 spaces for 2/3 bedroom dwellings). GBC Waste has commented that on collection day both properties will need to place their bins at the end of the accessway adjacent to the public highway (Brook Road). This can be added as an informative.

KCC Highways had no comments on the scheme.

In highway terms, this proposal for two dwellings is not considered to have any detrimental or severe impact on the highway network.

A footpath is proposed linking Brook Road and Park Avenue as per the previously approved application. Additional resurfacing was previously proposed to the existing accesses around the site. Any resurfacing of the access will need to ensure no surface water discharges onto the adjacent properties or the highway.

### Other Material Planning Considerations

#### *Biodiversity*

Policy N2 of the NPPF 2026 states that to contribute positively to the natural environment, and support nature's recovery, development proposals should consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced. Policy CS12 of the Core Strategy 2014 reflects this stance and states that there will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought.

There are no specific nature conservation designations affecting the site.

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

In this case, the proposed development is covered by an exemption: it is a development where the site area

within the red line boundary is 0.2 hectares or below (0.03 hectares) and therefore meets the condition necessary to qualify for such an exemption. Therefore, the development would not be subject to biodiversity net gain.

An Ecological Impact Assessment (ref. 1873, dated 10 August 2026) has been submitted further to KCC Biodiversity's initial comments. KCC Biodiversity have reviewed the information, and their full comments can be found above.

With regard to bats, they are satisfied that no further surveys are required, but recommend that bats are included within a Precautionary Working Method Statement to be conditioned, along with a lighting strategy. Similarly, reptiles should also be included in a Precautionary Working Method Statement.

Other biodiversity enhancement measures, are detailed in the submitted EclA and include the following:

- native species planting
- bird boxes
- a bat box suitable for common urban bat species
- small gaps beneath garden boundaries where secure and appropriate to allow movement through the site by hedgehog and other small mammals.

A condition is recommended to evidence the implementation of the biodiversity enhancement measures.

### *Birds*

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £700.32 is required (given there are two additional dwellings proposed on the site).

The applicant has paid this tariff, and together with the Appropriate Assessment carried out as part of a Habitats Regulations Assessment, the Local Planning Authority can be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, which would comply with Policy N6 of the NPPF 2026 and Policy CS12 of the Core Strategy 2014.

### *Contaminated Land*

The site has previously been used for mechanical repairs and light engineering work.

Two documents have been submitted in relation to potentially contaminated land. The first is a Landmark Sitecheck Assess report. This is informative only and does not count as a desk top study. It has probably been submitted in support of the second documents 'Actions in response to preliminary geo environmental study and risk assessment'. It is noted that a Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment dated November 2019 by R Carr has also been submitted but invalidated. Taking all three of these documents into consideration, further investigation by way of an intrusive investigation and revised risk assessment is needed. This will determine if any remediation works etc are needed. This can be addressed by condition.

### **Conclusion**

The proposed alterations to the development are appropriate in relation to the character and appearance of the site and surrounding area. The proposal would also be acceptable with regard to residential amenity, parking and highways, biodiversity and contamination impacts, and would therefore be in accordance with the requirements of Sections 4, 6, 12, 14, 15, 16, 17 and 19 of the NPPF 2026, Policies CS02, CS11, CS12 and CS19 of the Core Strategy 2014 and saved Policies T1, T5 and P3 of the Local Plan First Review 1994.

## Recommendation

Permission with conditions.

(For detailed conditions and informatives, see draft Decision)

|                      |                      |                     |                                       |
|----------------------|----------------------|---------------------|---------------------------------------|
| <b>Case Officer:</b> | Mrs Katherine Parkin | <b>Team Leader:</b> | <b>Richard Hart</b>                   |
| <b>Signed:</b>       | <i>K. Parkin</i>     | <b>Signed:</b>      | <i>R Hart</i>                         |
| <b>Dated:</b>        | 17th September 2026  | <b>Dated:</b>       | <b>17<sup>th</sup> September 2026</b> |