

SUMMARY REPORT

Application Ref:	20211212
Site Address:	Land Rear Of 2 - 3 Cobham Street Gravesend Kent
Application Description:	Erection of 3 storey plus basement level building to create 8 no. 1 bedroom flats.
Applicant:	Mr Tony Panaser
Agent:	Mr Ryan Townrow, RT Drafting Solutions Ltd
Ward:	Pelham
Parish:	Non-Parish Area
Decision due date:	25 July 2022
Publicity expiry date:	8 July 2022
Decision Level:	Planning Committee, 27 July 2022
Reason for referral:	At the discretion of the Team Leader (Development Management)
Recommendation:	DELEGATED to the Service Manager (Planning) for APPROVAL subject to the SAMMS payment being made in full.

Summary of Reasons for Recommendations

The site in its present form is a combination of two sites previously granted planning permission, the western part of this site has an extant permission (20190497) for a block of flats and the eastern part of the site a recently expired permission (20190096) for a block of flats subject to demolition of the rear outrigger of no. 2 Cobham Street. The current applicant who now has ownership of both previous sites is seeking permission for one block of no. 8, 1 bedroom flats.

As the proposal is of a similar design that has been approved previously on the western plot, albeit larger, the principle of development is acceptable and, subject to conditions relating to materials, the design is also acceptable. A key issue is the impact of the proposed development on the neighbouring properties with regards to loss of privacy. The applicant has tried to overcome this through the use of obscure glass in the rear windows closest to the rear properties. Overlooking will occur to the rear gardens of these dwellings however, it is not considered significant and the application is recommended for approval subject to the conditions listed in the conclusion section.

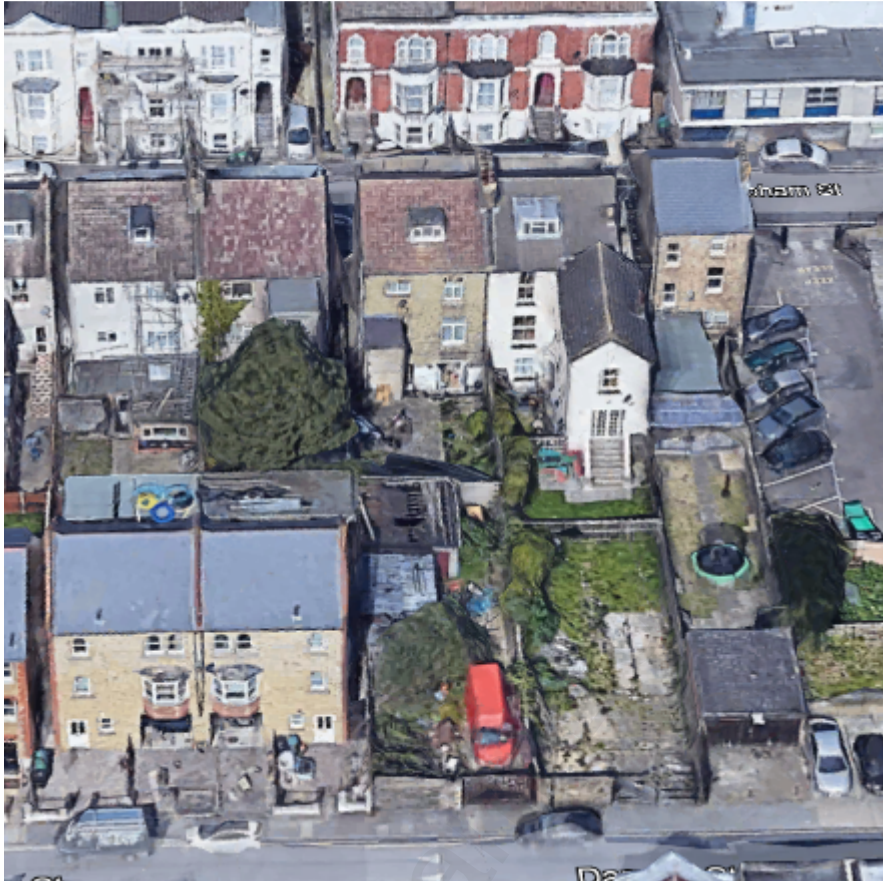
MAIN REPORT

1. Site Description and Surroundings

1.1 The application site is located within the urban area and in close proximity to Gravesend town centre. It is readily accessible from public transport links in the form of Gravesend train

station and bus interchange, and has access to a good range of local facilities. It also lies within the Darnley Road Conservation Area.

1.2 The site is located on the northern side, towards the eastern end, of Darnley Street, and backs onto nos. 2-3 Cobham Street. The site comprises the former rear garden of no 2 Cobham Street (which has been subdivided) and is adjacent to the rear garden and garage of no. 1 Cobham Street. To the west lies a pair of three storey semi-detached townhouses with integral garages.



1.3 The application site measures approx. 15.6m in width and 22m in depth and is bound by a mostly 2m high yellow stock brick wall, a solid gate fronting Darnley Street and a fence dividing the site from the rear garden to nos. 2 - 3 Cobham Street. The western part of the site has been used for a number of years as a small builder's yard. At present it is unkempt with overgrown foliage. The eastern part of the site is vacant but was originally occupied by a garage and parking for the Cobham Street building.

1.4 The planning history shows that a number of proposals to develop the site, the most recent of which were for residential development and permitted to deliver 4 number 1 bedroom flats and 3 number two bedroom flats i.e. 7 flats in total. This current proposal seeks to erect a three storey residential building on the site with a semi basement to provide eight 1 bedroom residential units. This is in line with a number of similar development proposals that have been approved in the vicinity (such as 20090053 (land adjacent to 44 Darnley Street), 20130150 (land at the rear of No. 6 Cobham Street), and 20050076 (58 and 59 Darnley Street)).

1.5 In considering this proposal, the key issues are:

- Design, character and appearance and impact on the Darnley Road Conservation Area

- Impact on the residential amenity of future and neighbouring occupants
- Highway impacts and vehicle parking

2. Planning History

20190497	Erection of a 3 storey building incorporating a basement to create 4no. 1 bedroom flats.	Permitted	02.10.2019
20190096	Partial demolition of the existing rear extension to No. 2 Cobham Street and erection of a three storey building incorporating a basement to form 3no. two bedroom split level apartments fronting Darnley Street.	Permitted	26.07.2019
20190008	Erection of a 3 storey building incorporating a basement to create 4no. flats.	Refused	06.03.2019
20170436	Erection of a 3 storey building incorporating a basement to create 4no. flats.	Refused	16.03.2018
20140017	Conversion of former dental surgery into two self contained flats on semi-ground and ground floor levels.	Permitted	04.03.2014

3. Proposal

3.1 This application seeks planning permission for the erection of 3 storey plus basement level building to create 8no. 1 bedroom flats. The proposed front elevation is show below:

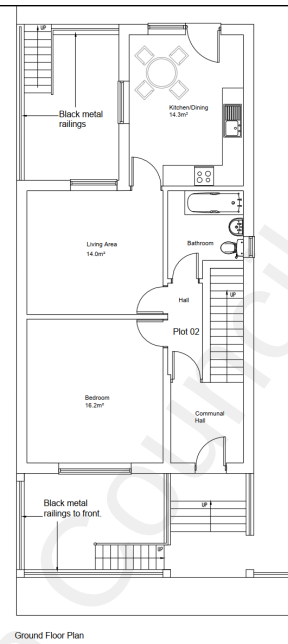


The building will be approx. 13.4m wide and 13m deep at its deepest point. It will be approx. 11.8m high with a pitched roof. Internally each unit will have a kitchen/diner, living room, bedroom, bathroom and a storage room. There will be two sets of communal stairs to the sides of the building internally. The windows to the rear of the outriggers will be fitted with obscure glass. There will be shared amenity space to the rear (north) and refuse storage bound by railings to the front.

3.2 Background

The site comprises two adjacent sites, each of which has an extant planning permission for flats at the time of writing:

20190497	Erection of a 3 storey building incorporating a basement to create 4no. 1 bedroom flats.	Permitted	02.10.2019
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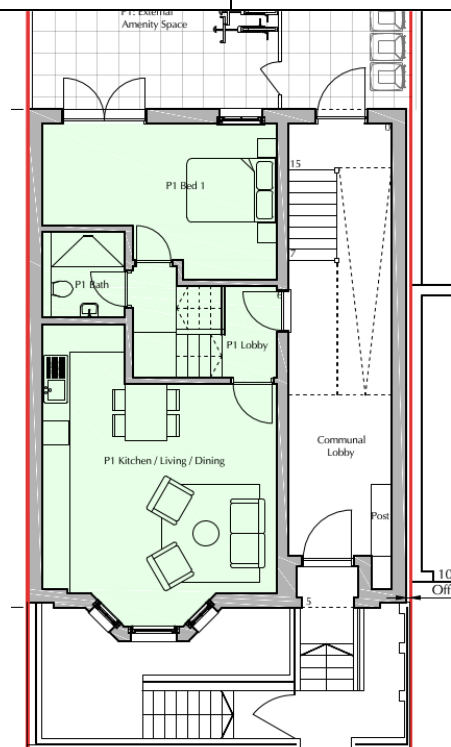
Ground Floor Plan

20190096

Partial demolition of the existing rear extension to No. 2 Cobham Street and erection of a three storey building incorporating a basement to form 3no. two bedroom split level apartments fronting Darnley Street.

Permitted

26.07.2019



The 20190096 application was deemed acceptable due to the demolition and rebuilding of the rear outrigger of 2 Cobham Street at a smaller scale in order to overcoming overlooking.

4. Planning Policy, Development Plan and other Material Considerations

4.1 Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS19 - Design and Development Principles
- CS20 - Heritage and the historic environment

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.

The Council undertook such a review in September 2019. 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.

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

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas
- T1 – Impact on the Highway Network

4.3 Other material considerations

4.4 National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. This requires that in regard to housing development, planning permission should be granted unless:

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

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

- Habitats sites (and those sites listed in NPPF paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

4.5 Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- Darnley Road Conservation Area Appraisal
- Management Plan – Gravesend 19th Century Suburban Conservation Areas
- Technical Housing Standards: Nationally Described Space Standards

Section 72(1) of the Planning Listed Building and Conservation Areas Act 1990 (as amended) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

5. Consultations and Publicity Responses

5.1 Natural England

No objection subject to securing appropriate mitigation.

5.2 KCC Heritage

The site lies within an area of multi-period archaeological potential and would appear from historic mapping not to have been built on in the 19th and 20th centuries. Any below-ground archaeological remains at the site may therefore be relatively undisturbed. The proposed development may impact on any archaeological remains at the site and therefore I recommend that if planning permission is granted the following condition be applied to any forthcoming consent:

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

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

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

5.3 Conservation Architect

There have been various iterations of this proposal and this latest now show a replication the adjacent site that I understand was recently approved. The main issue will be the appearance of the large gable wall facing the rear of buildings fronting Wrotham Road and which will be very apparent when approaching from the east. Chimney stacks are a characteristic of historic buildings in the conservation area and a 6-pot stack could be incorporated into the gable wall to add interest to the elevation. The supporting information refers to the use of Roseview uPVC windows but further clarification will be necessary to ensure the correct type is adopted. The Roseview Ultimate utilises acceptable details but should not incorporate trickle vents as these are visually incongruous on the sash windows they replicate. External details and materials will need to be conditioned as per the adjacent site. Subject to the above there are no adverse comments.

5.4 Regulatory Services

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.

Code of Practice on Construction and Demolition

Please apply

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

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue

is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Noise Control

In order to limit the likelihood of noise nuisance occurring due to poor construction/insulation, we would ask that the following is applied as a condition;1. Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014. The maximum internal noise levels in all habitable rooms should not exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- If relevant, the rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

5.5 Highway Development Management Officer

The applicant does not appear to have addressed the issues regarding the number of cycle spaces and the suitability of the access. I accept that a discount may be appropriate depending on the number of bedrooms in the current dwellings and whether or not there is any cycle parking provision at present. However, as I cannot trace any details regarding the existing situation the full requirement has been requested.

The properties are very close to the town centre, but permitting the development without the appropriate cycle parking provision could set a precedent that would be difficult to resist in future.

Therefore, on the information I have available I would recommend refusal, until appropriate cycle parking is provided with a viable access. I repeat my previous comments of 17/11/2021 below ;

1. *With 8 1 bedroom flats, there should be provision for securely parking 8 bicycles, not the 4 as shown.*
2. *I have concerns that the proposed access between the rear cycle storage and the highway is not fit for purpose. The pathway is only 0.85 metres wide, and constrained by the refuse enclosure at the front of the property, where the path is restricted further to approximately 0.5 metres. Advice regarding the width required to wheel a cycle is limited, CycleSafe in its Bike Room Layout guidance suggests 4ft 6" is appropriate (1.37metres). Looking at first principles LTN1/20 the typical width of a solo upright bicycle is 0.65m (table 5-1 page 42 of LTN1/20) to this should be added the width required for a pedestrian and a clearance between the handle bars and any boundary. This would add say another 750mm giving a minimum access width of 1.2 metres which is the recommended distance between cycle stands and so seems appropriate.*

5.6 Neighbouring properties

The application was advertised by site notice, press notice and individual letters to 20 neighbouring properties. The site notice expired on 17 December 2021 and no letters of representation have been received. Following a reconsultation due to the red line being incorrect, one letter of objection was received raising issues regarding the impact on parking.

6. Planning Analysis and Service Manager (Planning) Comments

6.1 Housing Need

In regard to housing need, Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 8 of the National Planning Policy Framework and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the National Planning Policy Framework Para 11(d) unless:

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

The proposed development for a net increase of '8' no. dwellings would offer a modest contribution towards meeting this local need and, accordingly, officers considers that this should be accorded modest weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) and in particular paragraphs 130 and 134 of the NPPF (2021) which requires development to be add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers. The proposed development is considered unacceptable as discussed below.

6.2 Principle of Use, Design, character, appearance & impact on the Darnley Road Conservation Area

The image below shows an aerial photo of the site demonstrating the size of the rear outrigger at no. 2 Cobham Street:



The application site lies on the northern side of Darnley Street, towards the eastern end close to Wrotham Road, one of the main routes into the Town Centre, within the Darnley Road Conservation Area. The western part of the site was formerly a builder's yard, which has been unused for several years and the eastern part is vacant, therefore, while there has been some built development on this site in the past, it has been very low scale in terms of height and the amount. Visually, therefore the site appears as a gap on the street frontage.

The Darnley Road Conservation Area appraisal does not identify this gap as detracting from the character of the conservation area, however the appearance of the site does not make a positive contribution to the conservation area or the street scene. This proposal is seeking to create a new section of built frontage, in a similar manner as allowed elsewhere on the Darnley Street frontage (e.g. nos 54, 57 and 58/59 Darnley Street). While in principle this form of development is acceptable, the key issue is whether the detailed design approach will preserve or enhance the characteristics of the conservation area and its setting in line with Core Strategy policy CS20 (Heritage and the Historic Environment).

Core Strategy policy CS20 gives support to proposals which preserve and where appropriate enhance the character and appearance of Borough's heritage assets, including conservation areas and their setting where this contributes to the significance of the asset.

The Conservation Area Appraisal for Darnley Road sets out the special interest of the conservation area, and in particular Darnley Street and Cobham Street, as follows:

Cobham Street and Darnley Street, two east-west residential roads that connect Darnley Road and Wrotham Road. The special interest is provided by the historic layout, including remnants of the manor farm (the open green), since overlain with a 19th century urban street pattern. These streets contain small groups and terraces of high quality two- and three-storey 19th century houses, many of which display elaborate architectural detailing.

In summary, the key characteristics found in the Conservation Area and particularly in Darnley

Street, are:

- Historic built layout
- Small groups and terraces of high quality two and three storey 19 century houses many with elaborate architectural detailing.
- Early dwellings in Cobham Street and Darley Street are raised above the basement with the front door approached by a flight of stone steps, thus increasing their visual status
- Buildings are arranged in distinct groups and pairs and follow a coherent building line providing a narrow front garden
- While more consistent in Cobham Street, two bay, three storey buildings, arranged in classic proportions create a regular rhythm of windows, doors and canted bays in views along the street, despite slight variances in height and design detail.
- Visual effect of the concentrated placement of buildings is accentuated by the narrow front garden, the height of the buildings, the kerbside parking of vehicles and narrow streets and pavements
- Local details include yellow and brown stock brick, slate roofs, stucco render for details, render faced canted bays and door cases, steps up to front doors, vertical sliding timber sash windows, cast iron railings and low boundary walls

In considering new development in the conservation area, the aim should be to ensure that the development preserves and enhances the character and local distinctiveness of the historic environment and respect its surroundings in terms of height, massing, volume, scale, form, materials, details, roofscape, plot width and the spaces between buildings.

Throughout discussions with the applicant, it has always been made clear that any development needs to take no. 52 Darnley Street as a reference point in terms of floor to ceiling heights, depth of plan and gable/ridge height. The traditional buildings within the Conservation Area are arranged close to the footpath, fill the frontage and have high roof pitches.

The plans show the height of the building, fenestration arrangement and front railings match those approved under reference 20190497 albeit doubling the width of the building. The materials submitted with the previous application included terca smeed dean weathered yellow stock brick, ibstock parham red stock quions and Canadian glendyne slate roof tiles, which were considered acceptable and a condition was included in the decision notice to ensure that these were utilised. The current plans do not contain details of materials to be used, therefore a condition will need to be imposed should Members grant approval.

The original building facades along Darnley Street are classically proportioned in terms of the floor to ceiling heights. The inclusion of bay windows is a strong feature as well as pairs of windows at first and second floor which reduce in depth. The use of two or four paned timber sash windows at first and second floors is also characteristic of the Conservation Area, the exception being the Methodist chapel at no 55 Darnley Street. The applicant has not included bay windows due to difficulties with the internal layout. On balance, the proposed design is considered acceptable and will preserve the character of the Conservation Area.

The eastern flank will be highly visible as traffic/pedestrians turn into the road from Wrotham Road. The plans show some window details and brick quions which add detail and will complement the building. It is noted that chimneys are a feature of the area and whilst this may be desirable, this was not required by the previous consents. The windows and doors are to be uPVC wood grain framed double glazed by Ultimate Rose and a condition is proposed to ensure appropriate sash windows are used without trickle vents, should Members be minded to approve the application.

Windows have been included to the rear of the building in order to add interest when seen from

the rear and also to provide light into these rooms. In terms of the outriggers, as the rooms are kitchen/dining areas the applicant has proposed to fit the windows with obscure glass to avoid overlooking from these rooms.

The amended proposal incorporates key characteristics found in the Darnley Road Conservation Area, resulting in a building which is in keeping with the scale, proportion and appearance with the prevailing built character found in Darnley Street when seen from the front (south). The proposal is therefore considered to preserve the special interest of the Darnley Road conservation area as set out in the Darnley Road Conservation Area Appraisal and therefore accords with the objectives of Core Strategy policy CS20 (Heritage and the Historic Environment) and para. 197 of the National Planning Policy Framework 2021.

6.3 Amenity of Future Occupiers

Internal Space

To determine whether the new accommodation created is fit for purpose account is taken of the nationally described space standards. These set out minimum internal space standards for new dwellings based on the level of occupancy, bedroom size and number of storeys.

	GIA	National Residential Space Standards
Unit 1 Basement (1B/2P)	64sqm	50
Unit 2 Basement (1B/2P)	64sqm	50
Unit 3 Ground floor (1B/2P)	50.5sqm	50
Unit 4 Ground floor (1B/2P)	50.5sqm	50
Unit 5 First floor (1B/2P)	53sqm	50
Unit 6 First floor (1B/2P)	53sqm	50
Unit 7 Second floor (1B/2P)	63.3sqm	50
Unit 8 Second floor (1B/2P)	63.3sqm	50

Unit 1 and 2 shows a room dedicated to storage. This room is capable of accommodating a single bed and the floor area of the flat is capable of meeting the standards of a two bedroom, three person property. If this room were to be used as a bedroom it would not receive a great deal of outlook or daylight however, on balance, it is considered acceptable and therefore no concerns are raised if it did become a bedroom at a later date. The outlook and daylight issue is also not ideal to the main bedrooms of these flats as there is only approx. 2.75m between the windows to the retaining wall. As this is a south facing room it will receive some sunlight and daylight and therefore on balance it is considered acceptable.

The storage rooms in flats 5, 6, 7 and 8 are incredibly small and unlikely to be used as bedrooms and therefore no concerns are raised.

External Amenity Space:

The adopted Residential Layout Guidelines set out minimum space standards for private amenity space. For new communal flats a communal garden area of 10sqm shall be provided. The proposal includes approx. 75sqm of outside space which will also house the refuse store and the bicycle store which is acceptable. The amenity space is under 10m from the rear habitable room windows of 2 and 3 Cobham Street and therefore will be considerably overlooked. However, given that this is within a town centre location and a communal garden, rather than private, any overlooking into the site is not considered significant.

The existing rear extension to no 59 Darnley Street lies close to the boundary with the application site. Given the height and depth of adjacent single storey extension and the proposed rear projection, it is considered that the amount of daylight entering into proposed semi basement living room may be restricted however, a similar arrangement was proposed under approved application 20190497 therefore, on balance given that the development will improve the overall area and any prospective occupant will be aware of the daylight situation when choosing to live in this unit, no objection is raised.

6.4 Neighbouring Amenity

The adopted Residential Layout Guidelines sets out minimum distances between facing windows to avoid overlooking and loss of privacy.

The introduction of development onto this site will inevitably result in some loss of privacy to residential occupants in Cobham Street. This loss needs to be minimised and balanced against any enhancement of the character and appearance of the conservation area that this proposal may bring.

The distance between properties in Darnley Street and Cobham Street varies given the different building styles. It is possible to provide a general guide, taking a measurement from the principal rear elevations. This is considered reasonable as many of the rear projections are either single storey or where there are windows these tend to serve bathrooms (except no 2 Cobham Street which serves a kitchen/living room). On this basis, the distance between principal rear elevations is generally around 20m with exceptions to the rear of nos. 6, 8, 9 and 10 Cobham Street. A reduced distance was permitted following the development of the rear garden of no 6 and the distance at the rear of nos. 8, 9 and 10 is as a result of the historic layout.

No. 59 Darnley Street

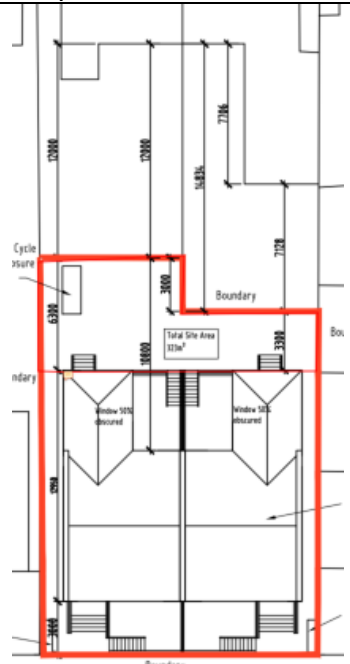
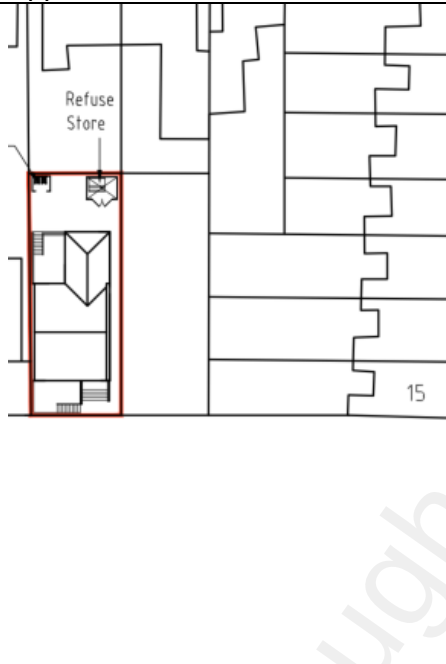
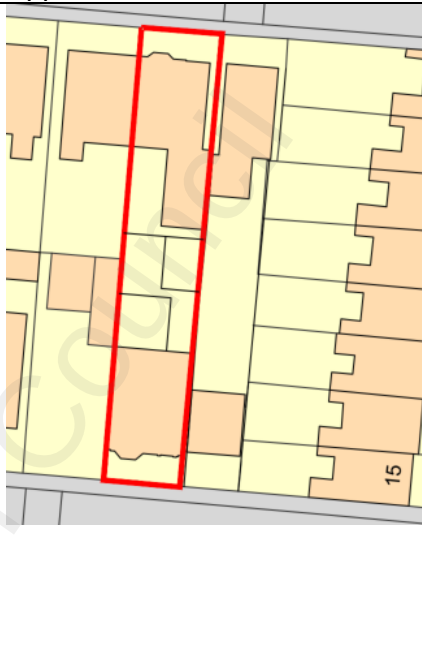
No. 59 is located to the west of the application site. The applicant has proposed to fit all windows facing this building with obscure glass and therefore no concerns are raised with regards to the overlooking of this property.

To assess whether the proposal could cause loss of natural light/sunlight to adjoining properties or the occupants of the proposed building would suffer from reduced levels of natural light, reference is made to the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011), and in particular the 25° and 45° rules of thumb.

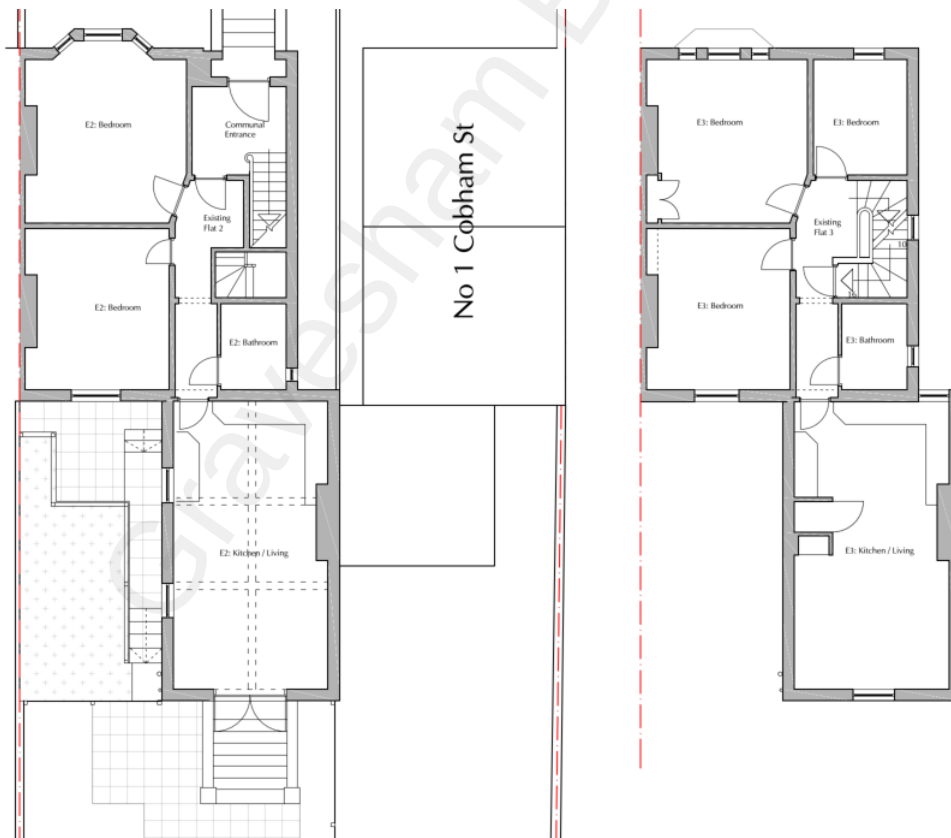
The proposed new building will lie above the 25° line in relation to these windows, which is an indication that there will be some loss of light to the side windows to no 59 Darnley Street. These windows do not serve habitable rooms and therefore the proposal will not cause material harm to living conditions of the occupants of this building.

Due to the path of the sun, no concerns are raised with regards to loss of sunlight or daylight to this neighbour. Due to the relatively short projection to the rear compared to no. 59 no concerns are raised with regard to loss of daylight.

Nos. 2-3 Cobham Street

Proposed	Approved 20190497	Approved 20190096
 Proposed site plan showing boundaries, dimensions, and a cycle store. The plan includes a 'Cycle store' area, a 'Boundary' line, and a 'Total Site Area 117sqm' label. Dimensions are provided for various sections of the site.	 Approved 20190497 site plan showing a 'Refuse Store' and a building footprint. The plan includes a 'Refuse Store' area and a building footprint with a '15' label.	 Approved 20190096 site plan showing a building footprint and a boundary line. The plan includes a building footprint and a boundary line with a '15' label.

No. 2 Cobham Street is a semi-detached dwelling with a large outrigger to the rear. This is the outrigger that was to be reconfigured under reference 20190096. The floor plans of this building show habitable rooms windows in the outrigger facing the application site at upper ground and first floor:



The measurements shown on the plans originally were incorrect however it was later found, after measuring on site, that the OS plan is incorrect, in particular, the position of the two houses to the north facing Cobham Street. Concerns were raised with the previous application because of the close proximity of the build, however, on site there is a greater distance between the buildings than there appears to be on plan. The applicant has amended the plan to reflect what is on site.

The actual distance between the rear windows of no. 2 and the rear of the new building is closer to 11m, rather than 8m that was originally shown. On balance, this is a sufficient distance to allow for an acceptable amount of outlook to these windows for 2 Cobham Street. The proposed development in this location will result in the loss of the openness to the rear of these properties, however, in terms of character, tall buildings arranged back to back are the common feature of the arrangement in both Cobham Street and Darnley Street. Whilst the proposed building may appear dominant it would be because no development currently exists on this site rather than it being out of character with the local area.

No. 3 Cobham Street is located behind the western most side of the proposed building. The approved building contained its outrigger to the east of the rear of the building, but this has now been relocated to the west therefore bringing the building closer to no. 3 Cobham Street. No. 3 has a small outrigger that is single storey and contains no windows facing the application site. All the windows are in the rear elevation of the property. The habitable window-window distances are approx. 23m and therefore, on balance, raise no concerns with regards to overlooking. There is a rear garden, however, and the distances between the new living room windows and this garden fall short of the required 26m by approx. 3m. This is not ideal, however, given that this is a town centre location where properties are generally arranged closer together, on balance, this is considered acceptable in this instance.

Due to the path of the sun and distances involved there will be no detrimental impact in terms of loss of sunlight and daylight to these neighbours.

11-15 Wrotham Road

Nos. 11-15 Wrotham Road are located to the east of the application site. The depth of the building approved under ref. 20190049 was approx. 10.1m and therefore projected half way across the rear of no.13. This scheme is deeper at approx. 13m and therefore extends all the way across the rear of no. 13. The proposed building will be approx. 11.8m high to the highest point whereas the approved was approx. 11.4m high. There will be no additional impact on the properties facing Wrotham Road over and above the extant permission. No. 13 contains windows in the rear outrigger facing the site but these are fitted with obscure glass and serve bathrooms. No habitable room windows are proposed in the eastern flank of the new building and therefore there will be no loss of privacy. The distances between buildings was considered acceptable before and therefore no concerns are raised with regards to outlook or daylight. Due to the path of the sun, there will be no significant impact in terms of loss of sunlight.

4-6 Darnley Street

Nos. 4-6 Darnley Street are located to the south of the site. The proposed building is coming no further forward than the two buildings that currently have planning permission and the layout is typical of the street. No concerns are therefore raised with regards to loss of amenity to these properties.

The proposed development, on balance, is acceptable in terms of the impact on future occupier and neighbouring amenities and therefore accords with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

6.5 Environmental Protection

A condition is recommended that 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.

A condition is recommended that the applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Informatives are also recommended as detailed in the 'consultee' section above.

6.6 Ecology and Biodiversity

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council has decided to impose a tariff on new housing development. Developers will need to pay £275.88 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have paid £2,030.64 towards this however the amount payable was increased in April 2022 and now a further £176.40 is payable.

Until such a time that the outstanding balance is paid, the proposal therefore fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

6.7 Parking and Highways

The distance between the flank wall of the proposed flats and the site boundary appears to be approx. 1.2m which is the minimum space required to fit a bicycle. This is constrained by the proposed refuse enclosure.

Notwithstanding this, eight 1-bed flats should have provision for securely parking 8 bicycles, not the 4 as shown. As it would be possible to alter the arrangements to make provision for cycle access and provide more cycle parking by revising the waste storage arrangements, a condition is proposed should Members be minded to approve the application, that an alternative layout for waste and bicycles showing spaces for 8 cycles is submitted.

6.8 Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. Under section 149 Equality Act 2010, a public authority must in the exercise of its functions have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors. The impact upon neighbouring residents has been considered, with conditions recommended as part of the permission to ensure that the impact to the amenity of nearby occupiers is minimised. In light of this it is considered that the Council has complied with its Public Sector Equality Duty during the assessment of this planning application.

6.9 Human Rights

In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights. Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

7. Conclusion

The proposed development, subject payment of the outstanding SAMMS balance and to the conditions below, complies with the objectives of the abovementioned policies and is recommended for approval.

Recommendation

DELEGATED to the Service Manager (Planning) for APPROVAL subject to the SAMMS payment being made in full, and the following conditions and informatives:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans and details, unless alternative details are approved pursuant to the conditions imposed on this decision notice:

Application form
Contaminated Land Report
Heritage Design and Access Statement
Drawing no. 211 rev G (existing and proposed block plans)
Drawing no. 108 rev B (site location plan)

Drawing no. 206 rev B (proposed street scene)
Drawing no. 203 rev C (proposed first and second floor plans)
Drawing no. 202 rev B (proposed basement and ground floor plans)
Drawing no. 207 (details of eaves, stone coping and windows)
Drawing no. 211 rev D (existing and proposed block plans)
Drawing no. 205 rev E (proposed side and rear elevations)
Drawing no. 208 (details of front walling, railings and front door surround)
Drawing no. 204 rev C (proposed front elevation)
Drawing no. 209 (cycle enclosure)
Drawing no. 210 (refuse enclosure)

Reason: For the avoidance of any doubt and in the interest of proper planning.

3. No development above ground shall commence until details or samples of the gable coping stone using reconstructed stone are submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

4. The facing materials of the building shall be finished in terca smeed dean weathered yellow stock brick with ibstock parham red stock quions and canadian glendyne slate roof tiles and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

5. No development above ground shall commence until details of the external joinery colour has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

6. Brick arches must be gauged and rubbed brick with a mortar joint of 3mm unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

7. Gutters and downpipes shall be cast iron effect unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

8. The Roseview Ultimate Rose windows shown on drawing nos. 204 and 207 shall contain no trickle vents and shall be used for all windows unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

9. No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.
- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) 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.
 - d) 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.
 - e) 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.
 - f) 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.

Reason: To safeguard human health and the natural environment, in accordance with adopted Local Plan Core Strategy Policy CS19 and paragraphs 130 of the National Planning Policy Framework 2021.

10. Prior to occupation of the flats herein approved, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014. The maximum internal noise levels in all habitable rooms should not exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- If relevant, the rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

Reason: To safeguard human health and the natural environment, in accordance with adopted Local Plan Core Strategy Policy CS19 and paragraphs 130 of the National Planning Policy Framework 2021.

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

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

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

12. The windows shown in the rear (north) elevation serving the kitchen/diners shall be fitted with obscure glass and fixed shut apart from any top hung fan light. This work shall be carried out and completed before the room is occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking in accordance with adopted Local Plan Core Strategy Policy CS19 and paragraphs 130 of the National Planning Policy Framework 2021.

13. Prior to the commencement of above ground construction, a landscaping scheme (including details of hard landscaping materials, soft landscaping planting and external lighting design and levels) shall be submitted to and approved by the Local Planning Authority. That scheme shall be carried out in full prior to the first occupation of any dwelling hereby approved, and retained thereafter.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

14. Prior to the first occupation of the building and notwithstanding the details shown on the approved plans, details of alternative refuse arrangements allowing access for cycles to the rear shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste. The approved refuse arrangements shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times.

Reason: In order to ensure the development is served by a suitable refuse storage area, to preserve the residential and visual amenities of the locality in accordance with policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

15. Prior to the first occupation of the building and notwithstanding the details shown on the approved plans, details of a secure, weather proof cycle store to be provided within the rear amenity area, which provides sufficient space for 8 bicycles, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be implemented in full prior to the first occupation of the development and shall thereafter be maintained and kept available for cycle parking.

Reason: To provide for alternative modes of sustainable transport in line Core Strategy policy CS11 (Transport) of the Gravesham Local Plan Core Strategy (2014) and the adopted Vehicle Parking Standards (SPG4).

16. No post boxes, meter boxes, vents or flues or other service outlets or piping shall be attached to or inserted into the front elevation of the building at any time.

Reason: In order to ensure special regard is paid to protecting the character and appearance of the Darnley Road Conservation Area pursuant to Policy CS20 of the Gravesham Local Plan Core Strategy (2014) and saved policy TC3 of the Gravesham Local Plan First Review (1994).

INFORMATIVES:-

1 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed,

applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

4 NAMING & NUMBERING

As a result of the changes to this property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.gravesham.gov.uk/street-naming>. Please submit the application and the requisite fee in accordance with the guidance on the form.

5 SMOKE CONTROL

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

6 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.