

Delegated Report

Full Planning Application

Application No: 20230871

Location: 9 St James's Road, Gravesend, Kent, DA11 0HF

Description: Erection of a first floor extension to accommodate a 1-bed flat.

Applicant: Mr Gurvinder Singh

Site Visit: 12th July 2023

Submitted Documents/Plans

- Application Form - dated 14 August 2023;
 - Planning and Heritage Statement - August 2023;
 - Drawing no. 001 - Rev. A - Site Location Plan and Block Plans - received 16 August 2023;
 - Drawing no. 002 - Rev. A - Existing Floor Plans and Elevations - received 15 August 2023;
 - Drawing no. 003 - Rev. A - Proposed Floor Plans and Elevations - received 1 November 2023;
 - Drawing no. 004 - Rev. A - Refuse Plan - received 1 November 2023.
- ~~• Drawing no. 003 - Rev. A - Proposed Floor Plans and Elevations - received 15 August 2023 - SUPERSEDED.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20190622	Construction of a part first floor extension and internal alterations to provide additional office room at the first floor.	PERMITTED	30.01.2020
20190037	Construction of a first floor level to existing property and internal alterations to provide additional office rooms.	REFUSED	07.03.2019
20180724	Application for approval of condition 3 of planning permission reference number 20160382 relating to details of a sample panel of brickwork.	APPROVAL OF DETAILS	30.08.2018
20160382	Retention of the change of use from office to use of light weight tool hire and the erection of part 1m high and part 2m high brick boundary wall.	TEMPORARY PERMISSION	03.01.2018
20110853	**AMENDED APPLICATION/AMENDED DESCRIPTION** Retention of pre-fabricated steel building including change of use of building and land to hand car wash facility.	REFUSED	23.12.2011

Planning History Note

An application was approved in 2019 (ref. 20190622) for a first floor extension to the building to provide additional office space. This application was approved 20 January 2020 and is therefore expired. However, the development is similar to that proposed in this application.

The screenshots below show the approved external appearance of the development:



Although an expired permission, this is a material consideration for this decision and will be taken into consideration in this report.

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS07 - Economy, Employment and Skills
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development & Design Principles
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- TC3 - Development Affecting Conservation Areas

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

Other material considerations

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Council also has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The National Planning Policy Framework (NPPF) (2023) is national policy in the conservation and enhancement of the historic environment, which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

National Planning Policy Framework (2023)

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 (amended June 2020)
- Technical Housing Standards - Nationally Described Space Standards (2015)
- SPG 4 - KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guidance (2021)
- Kent County Council Dropped Kerb Guidance and Self-Assessment (2022)
- Gravesham Town Centre Conservation Areas Management Plan (2009)
- Overcliffe Conservation Area Appraisal (2009)

Consultations, Publicity and Representations

Internal Consultees

GBC Environmental Protection (Regulatory Services) - It is noted that commercial use is to remain on the ground floor and also in the adjoining commercial yard area. In this respect, noise could be an issue particularly through the floor/ceiling partition. The following to be considered:

- Internal noise - The quality and the standard of the sound insulation properties of the building should be assessed to ensure that future residents of the flat are not impacted by internal noise from the commercial premises below or the adjacent yard. A noise assessment should be undertaken to assess this. The assessment should include details of the assessment methodology and any enhanced sound

insulation performance of the construction that separates the residential and ground floor commercial use and party walls. This should resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB).

The assessment should look at any required mitigation measures to ensure that internal noise levels are appropriate. Overheating and ventilation must be considered in the design of any mitigation and noise from any mechanical ventilation systems if required as a mitigation measure, should be included.

The following condition is recommended:

“Prior to the first occupation of the flats, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the internal wall partitions, internal floor/ceiling partitions and also adjacent party wall partitions. The sound insulation performance of these shall resist the transmission of airborne sound and impact sound to demonstrate that the minimum levels stated in the Building Regulations are capable of being complied with. The assessment will also include details of any proposed works to achieve these levels.

Any works identified being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation.”

- Code of Practice on Construction and Demolition - Please apply to prevent nuisance from noise and dust during the conversion and construction occurring to nearby premises.
- Smoke Control Informative - The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk
- Drainage/sewerage informative - The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.
- Asbestos informative - Owing to the likelihood of the existing building containing asbestos products, the applicant should be informed to contact the Health and Safety Executive (HSE) for advice on the submission of a suitable method statement for removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator. This is in the interests of safeguarding the amenities of the surrounding area and safety.

GBC Waste and Recycling - I have reviewed the above planning application and have the following comments:

- There are no details on waste storage provision for the residential or the commercial property.
- The waste storage provision needs to be separate for the residential and the commercial property.
- The domestic property needs the following storage provision
 - 1 x 180ltr bin for residual waste

- 1 x 240ltr bin for recyclable waste
- 1x 23ltr food waste caddy
- 1 x 5ltr kitchen caddy
- Storage provision for the commercial business will vary dependant on the business.

GBC Highways - This is an edge of centre property, so no car parking is necessary, although a secure and ideally weatherproof cycle parking space should be provided for the flat to comply with the requirements of K.C.C. SPG4 adopted by this council.

However, I am confused by paragraph 4.10 on page 8 of the Planning and Heritage Statement, that states two flats will be provided with associate parking and amenity space.

4.10 In addition, whilst the proposal would add towards the council's housing supply by providing 2 quality flats with associate parking and amenity space.

Subject to the provision of the cycle parking I have no objections.

GBC Conservation Officer - Subject to the extension being set-back from the decorative cornice and the introduction of mansard roof design to reduce bulk, the proposal is acceptable.

Neighbouring properties

An advert was published in the Gravesend Messenger and a notice was displayed on site.

In addition, twenty-nine surrounding properties were consulted and ten representations were received. There were five objections and five in support of the development.

The supporting representations did not provide any comment and were received from three addresses.

The objections received have been separated into material and non-material planning considerations. For the avoidance of doubt only the material planning considerations are relevant to this decision:

Material Planning Considerations

- Inappropriate development out of character with street scene
- Harmful impact on the Conservation Area
- Materials out of keeping
- Use of the commercial unit
- Loss of privacy
- Loss of light
- Noise
- Parking impacts
- Increased traffic

Non-Material Planning Considerations

- Loss of view
- Matters relating to building regulations - structural integrity of the building

The consultation period expired 20th October 2023.

Officer's Analysis

Site Description

The site is located within the Overcliffe Conservation Area and is within a town centre location.



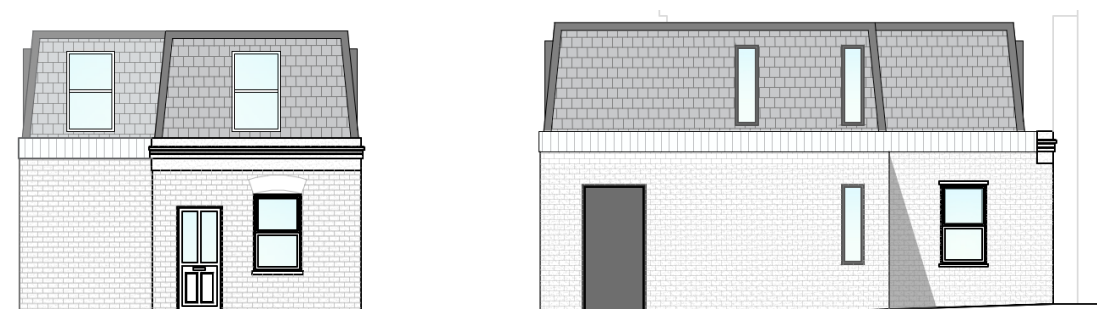
9 St James's Road is a commercial site located on southern side of the highway. The site contains a single storey L-shaped office building. The building is highlighted as a key unlisted building within the Overcliffe Conservation Area Appraisal, which means that it is a relatively unaltered historic building that provides interest and variety to the streetscape through its style, detailing and building materials.

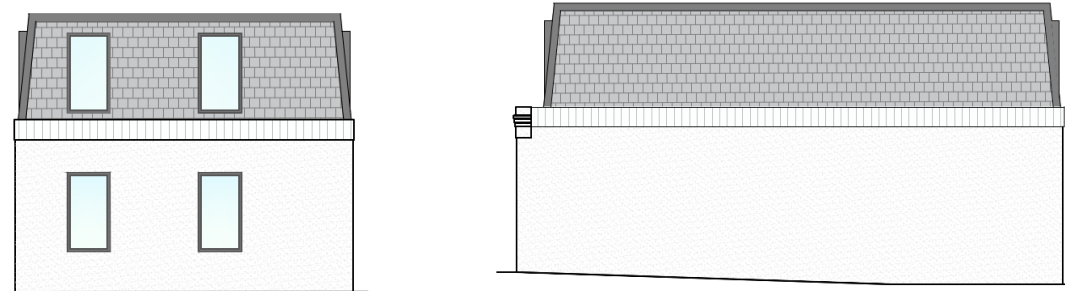


Proposed Development

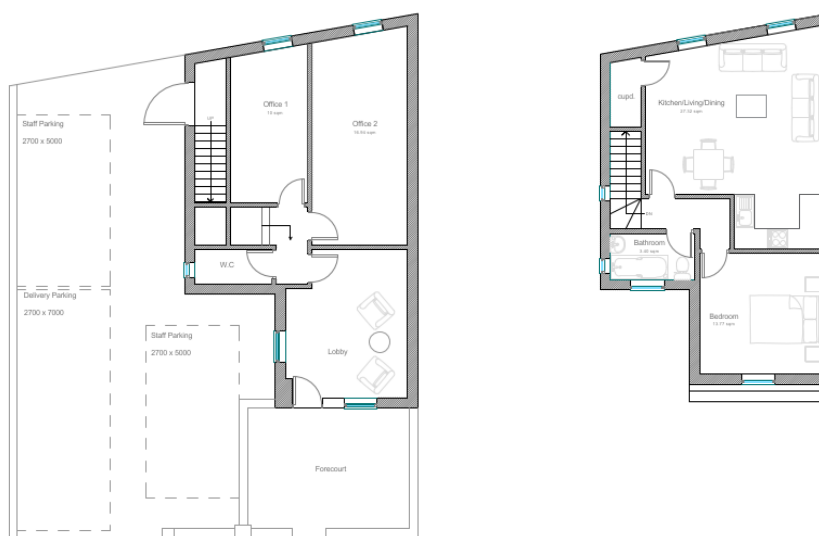
This application proposes an upward extension to the building to create a one bedroom flat. The ground floor would be retained as a commercial unit.

The proposed development would increase the height of the building by 2.55m, with the extension having an overall width of 6.65m and an overall depth of 10.85m. It would extend out onto the front projection but has been set-back behind the decorative cornice and has been designed with a mansard effect with a slight hip back to reduce its prominence.





The ground floor would contain two offices, a lobby area and a wc. At first floor the flat would contain an open plan kitchen/living/diner, a double bedroom and a bathroom.



It is unclear from the application form exactly what materials would be used in the construction of the extension, as facing bricks would not be used to construct the roof. This will be discussed in the 'Design and Impact on the Conservation Area' section of this report below.

As aforementioned in this report, the proposed development is similar to the 2019 approval (ref. 20190622) for the *"construction of a part first floor extension and internal alterations to provide additional office room at the first floor"*, which is a material consideration.

Principle of Development

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

The principle considerations in the assessment of this application are:

- Housing Need
- Design and Impact on the Conservation Area
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

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

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). 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 182)
- 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)
- 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.

The proposed development for a net increase of '1' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Design and Impact on the Conservation Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 130 of the NPPF (2023) seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 (LPCS) reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The NPPF (2023) also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 197). This is echoed in Policy CS20 (LPCS), which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced.

Saved Policy TC3 of the Local Plan First Review (LPFR) (1994) also states that development is expected to make a positive contribution to the conservation area. As the application site lies within the Overcliffe Conservation Area this policy is all relevant to the consideration of this application.

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 119 of the NPPF (2023)), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF (2023). Relevant to this proposal, paragraph 124 of the NPPF (2023) which states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places.

From a historic building/conservation point of view, as highlighted previously, the application site is a key unlisted building, is relatively unaltered and has townscape merit (as identified in the conversation area character appraisal). The 19th century flint boundary wall is identified as one of the local details of the conservation area, the loss of which would be a negative feature.

The application site is located in a predominantly residential area and together with the adjacent site to the west, they form the only single storey, commercial properties. St James's Road is generally characterised by modestly proportioned, two storey dwellings with consistent building lines and architectural features. At its western end, the street scene has a more varied appearance, with the application site providing a clear visual break between the two storey residential and the single storey commercial development, on the southern side of the road.

The proposed development is similar in appearance to the previously approved upward extension in 2019 (ref. 20190622), with the main difference being the forward projection and the mansard roof. The mansard roof reduces the perceived bulk of the extension and creates a more balanced appearance. This change in the roof design was supported by GBCs Conservation Officer, who raised no objection following the amendment. As referenced previously in this report, there are no details provided relating to the materials used in the development. In order to ensure that suitable materials are used in the extension, conditions will be attached to the decision notice to ensure that they are suitable to preserve the character and appearance of the Conservation Area.

A number of concerns were raised by neighbours in relation to the design and impact of the development on the Conservation Area. As referenced above, the development would alter the character of the building, but has been amended to include a mansard roof which reduces its prevalence and bulk, and is similar to a previously approved development on the building, which is a material planning consideration. There will be

conditions attached to ensure that details and samples of the materials used in the extension will be approved in writing by the Local Planning Authority prior to any above ground works. Therefore, given the planning history and amendments in design, the proposed development would not adversely impact upon the Overcliffe Conservation Area and that it would be in line with Policies CS19 and CS20 (LPCS) and Saved Policy TC3 (LPFR).

Use of the Commercial Unit

The application form states that the existing use of the unit is Class E, with the planning statement clarifying that “the applicant’s drilling business (use class B1) runs its operations”. These two categorisations of the use are contradictory, with the B1 use referenced being from the previous iteration of the Town and Country Planning (Use Classes) (Amendments) (England) Regulations 2020, which would now fall within Class E.

Moreover, the site visit highlighted an advertisement at the front of the site with 5 businesses listed, which included the following:

- PLT Cleaning & Maintenance
- The Chandelier Cleaning Company
- Glam Up Beauty
- St James’s Cars
- Simpsons Car Sales

As not all of the advertised uses fall within Class E, the agent was contacted regarding the existing use of the building, as well as the intended use of the building, post-development. It was clarified in an email received 07/11/2023, that the applicant would operate their financial services business from the commercial unit, and that the existing signboard is outdated and will be removed.

The use of the building as an office for a financial advisory/services business would generate minimal noise and would safeguard amenity of future occupiers and neighbouring residents. Therefore, it is considered to be acceptable and the retention of office space within the Town Centre Opportunity Area is in accordance with Policy CS07 (LPCS), and subject to a condition restricting the use in the interest of amenity the proposal is considered to be appropriate in this location. The opening hours will be restricted in accordance with the hours of the original permission. Any alternative uses of the premises would be subject to investigation.

Amenity of Future Occupiers

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

The Nationally Described Space Standards (2015) sets out minimum gross floor areas for single storey, one bedroom dwellings. These figures vary depending on the number of persons occupying the dwelling. In this case the plans demonstrate the flat would have one double bedroom and would therefore be a 2-person dwelling.

	Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
Flat 1	1 (2 person)	50m ²	52.8m ²

Table 1 - Floor Area Breakdown

The table above demonstrates that the proposed flat complies with the minimum floor space in accordance with the National Space Standards (2015). Notwithstanding this, Gravesham's RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the dwelling.

	RLG (minimum floor area)	Proposed Room Size
Kitchen/Living/Diner	25.2m ²	27.32m ²
Double Bedroom	11.5m ²	13.77m ²
Bathroom	3.6m ²	3.4m ²

Table 2 - Room Size Breakdown

Table 2 demonstrates that all rooms within the flat, with the exception of the bathroom, meet the guidance within the RLG. The bathroom is marginally undersized compared to the RLG, however this minimal difference is not considered have any detrimental impact on amenity where it would be sufficient grounds to refuse the application. Therefore, on balance, the development would provide a good quality living environment for future occupiers.

The proposed flat will provide acceptable living conditions for future occupiers, as well as good levels of natural lighting and ventilation. As such, the development is considered to safeguard the amenity of future occupiers and is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of the NPPF (2023) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings".

Due to the design, scale and siting of the proposed block, the development is not considered to have any significant impact on neighbouring occupiers in terms of loss of sunlight/daylight, loss of privacy, outlook or sense of enclosure. The proposed block is subservient to and detached from the nearest neighbour at no.11 St James's Road which is located to the west and has a south facing garden. There are no flank windows on the neighbour or the proposed block facing west to cause a loss of privacy or impact on outlook. The distance between the proposed block and neighbour would be 3.2m, and therefore would not result in a sense of enclosure.

Overall, the proposed development will safeguard the amenity of adjoining properties in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

A number of neighbour objections were received, which raised an array of concerns with the development. The issues for neighbouring amenity have been assessed in this section. The design and use of the building concerns have been assessed above, and the traffic and highway issues will be considered below.

Parking and Highways

The submitted details illustrate two parking spaces for the commercial unit and a space available to deliveries. There are no spaces indicated for the one bedroom flat, which is acceptable given the central location of the site and proximity to amenities and facilities in the town centre.

St James Road is subject to parking restrictions and therefore any illegal parking would be subject to traffic enforcement, however there is an area adjacent to the eastern boundary of the application site that can accommodate three vehicles. Moreover, the site is located close to the town centre, public car parking and to public transport links and as such, the GBC Highway Development Management Officer has raised no

objection to the proposal.

A local resident has raised concerns regarding existing adverse parking/traffic impacts being exacerbated by the proposed development and it is logical that a larger premises could facilitate an intensification of the use of the site and consequently exacerbate these issues. However, with conditions restricting the use of the commercial unit and the existing parking restrictions on the street, the development hereby proposed is not considered to have any detrimental impact on traffic generation or parking stresses.

Overall, it is considered that due to the town centre location, the availability of public transport and public car parking and that there would be no adverse highway safety impacts and the proposal would be in line with Policy CS11 (LPCS) and Saved Policy P3 of the Gravesham Local Plan First Review (1994).

Any Other Material Planning Considerations

Waste Management and Refuse

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

The plans demonstrate two separate bin stores, one for the commercial unit and one for the residential unit, which would accord with Gravesham's Waste requirements. The bins would be collected in a similar manner to other properties on St James' Road. In order to ensure that the bin stores do not detrimentally impact on the character of the Conservation Area a condition will be attached to require details be approved in writing by the Local Planning Authority.

Therefore, subject to appropriate planning conditions the proposal is in accordance with Policy CS19 (LPCS).

Ecology and Biodiversity (Bird Mitigation)

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering 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 have decided to impose a tariff on new housing development. Developers will need to pay £314.05 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £314.05 per net gain in bedrooms within the property.

The applicant has paid the SAMMS Mitigation Contribution Agreement for an additional dwelling (£314.05) and therefore has met the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS) (2014).

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

The proposed development would have no adverse impacts on residential amenity, highway safety or on the character/appearance of the conservation area and it would be appropriate in terms of design.

Therefore it is recommended that planning permission is granted, subject to conditions.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	9 th November 2023	Dated:	10 November 2023