



Delegated Report

Application No:	20250109
Location:	Kings Pharmacy 22A Kitchener Avenue Gravesend Kent DA12 5HY
Description:	Erection of 2 no. 2 bedroom semi-detached dwellings.
Applicant:	Mrs Joyce Ayeh

Submitted Documents/Plans

The application comprises the following documents and plans:

- Planning application forms.
- Planning Report (Acorn Planning).
- Appeal decision W/4001327 (20 Kitchener Avenue, Gravesend, DA12 5HY).
- Drawing no. A100 - Site Location Plan and Block Plan - Existing and Proposed.
- Drawing no. A102 - Ground Floor and Roof Plan – Existing.
- Drawing no. A103 - Elevations – Existing.
- Drawing no. A104 - Floor Plans and Roof Plan – Proposed.
- Drawing no. A105 - Street Scene and Section - Existing and Proposed.
- Drawing no. A106 – 3D Views.
- Drawing no. A107 – Elevations – Proposed.

Relevant Planning History

There is no relevant planning history relating to this site.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.

Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

In this instance the development plan for Gravesham currently comprises: -

- The Gravesham Local Plan Core Strategy (September 2014);
- Remaining Saved Policies of the Local Plan First Review (1994); and
- The Kent Minerals and Waste Local Plan 2013 - 2030 (2016, revised 2020).

Gravesham Local Plan Core Strategy (September 2014):

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

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

- P3 – Vehicle Parking Standards.
- T1 – Impact of Development on the Highway Network.

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan First Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework 2024

- Section 2 – Achieving sustainable development.
- Section 5 – Delivering a sufficient supply of homes.
- Section 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.
- Section 14 – Meeting the challenge of climate change, flooding and coastal change.
- Section 15 – Conserving and enhancing the natural environment.
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020.
- Technical Housing Standards – nationally described space standard (2015).
- SPG 4 - KCC Parking Standards (2006).
- Design for Gravesham (2024).

Consultations, Publicity and Representations

External

KCC Heritage

The site lies within an area of multi-period background archaeological potential. However, based on existing Historic Environment Record data for the area and the nature of the proposed development, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

KCC Highways and Transportation

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

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility

of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

National Gas

This application falls outside of Cadent's distribution network. Please contact National Grid and/or your local Gas distributor for comments on this application.

Neighbouring properties

Fifteen surrounding properties were consulted and the application the application has been advertised by a site notice. The overall consultation period expired on 04 April 2025. One representation has been received raising concern on the following grounds:

- The properties will potentially be able to overlook the KS1 classrooms and outdoor learning areas at Whitehill Primary School.
- Construction works will impact teaching and learning, and the use of the outdoor learning space and equipment for both KS1 and the Nursery.
- At school arrival/dismissal there are large numbers of children and parents congregating and transiting this area which would be problematic if there is heavy plant/trucks also using the road.
- The site will need to be secured at arrival/dismissal times so that no children can come to harm on a live site.

Analysis

The application site lies on the western side of Kitchener Avenue and comprises a single storey commercial premises. Beyond the western boundary of the site lies School Road and Whitehill Primary School. The site is defined on the Core Strategy Policies Map as lying within the urban area.

This proposal involves the provision of a pair of semi-detached dwellings which would front School Road. They would be of a contemporary design incorporating large dormers to the front and rear elevations. The roof and dormers would be finished in grey zinc cladding with the ground floor of the building finished in brick.

Each dwelling would accommodate a living room and kitchen at ground floor level with two bedrooms and a bathroom at first floor level. One on-site car parking space would be provided for each property.

Housing need

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 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) (2024). 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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 paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
- 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, 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.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the NPPF and established local planning policy taken as a whole.

Principle of development

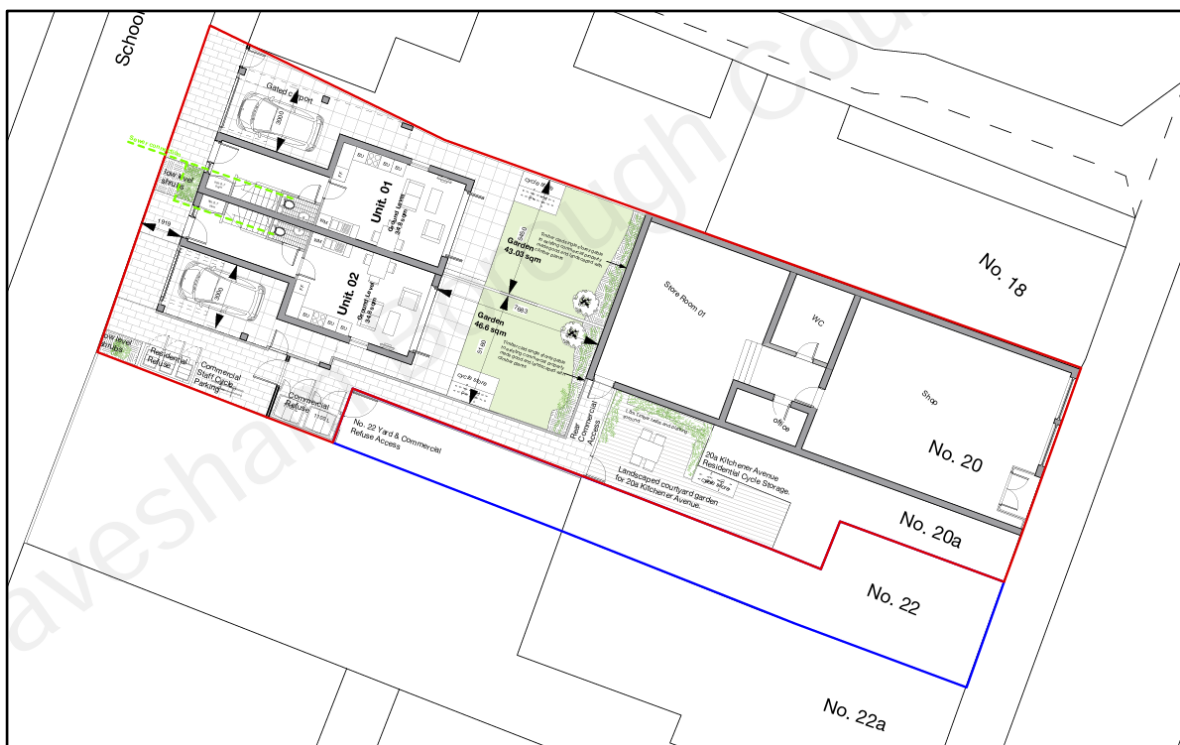
The broad principle of the proposed residential development finds support in the NPPF. Paragraph 61 is particularly relevant:

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

In addition, paragraph 73 requires that in order to promote the development of a good mix of sites local planning authorities should, *inter alia*, "support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes"

The application site is defined on the Policies Map of the Gravesham Local Plan 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".

It is also noted that in February 2021 an appeal was allowed for a comparable development of two dwellings at 20 Kitchener Avenue, Gravesend DA12 5HY (Gravesham planning reference 20191097). The approved block plan relating to this development is reproduced below:



This further establishes that the proposed development at 22A Kitchener Avenue must be

considered acceptable in principle.

In light of these considerations, there is no objection to the broad principle of residential development on this site subject to the proposal being appropriate in terms of other planning issues.

Design, character and appearance

At a national level good design is one of the central requirements of the NPPF:

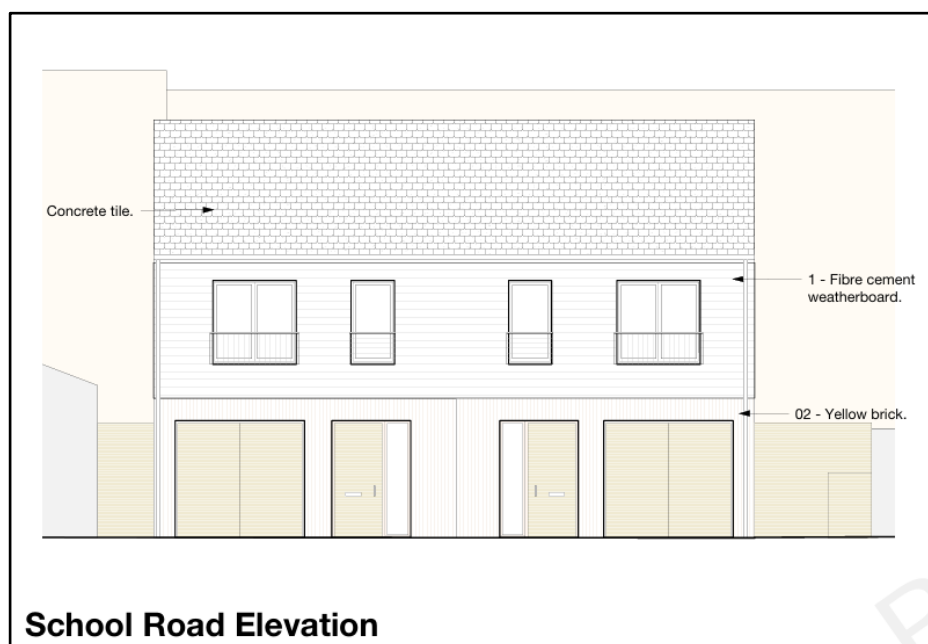
The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 131)

The aims set out in paragraph 131 of the NPPF are reflected in Policy CS19 of the Council's Core Strategy. This requires new development to be "visually attractive, fit for purpose and locally distinctive" and to "conserve and enhance the character of the local built, historic and natural environment". It also requires new development to "integrate well with the surrounding local area". In addition, Policy CS19 requires the following:

....the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings.

Design for Gravesham (2024) expands on the Core Strategy, and Policy CS19 in particular to provide additional clarity on what is expected of applicants when submitting design proposals, setting out the minimum requirements to achieve design quality.

The semi-detached properties that were approved on appeal at 20 Kitchener Avenue (Gravesham planning reference 20191097) are of a broadly traditional appearance as can be seen in the following extract of the front elevation from the approved drawings:

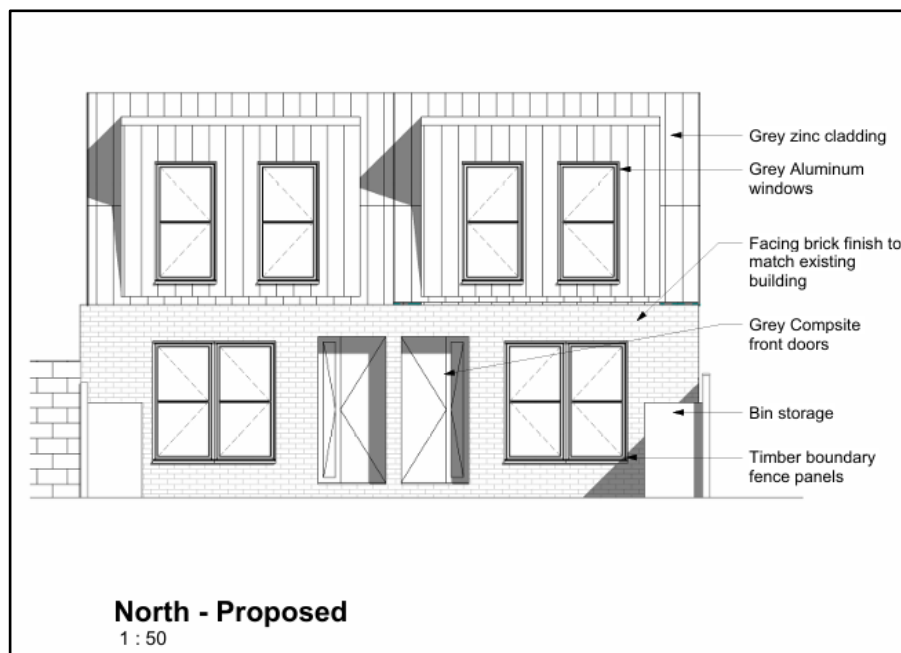


The properties are two-storey with a pitched roof and are broadly similar in appearance to the pair

of linked detached two storey dwellings which have been built in recent times at 2 and 4 Jellicoe Avenue West at the junction with School Road. The properties at 2 and 4 Jellicoe Avenue West can be seen in the following photograph:



By contrast the dwellings proposed in the current application are of a very different design as demonstrated in the following images from the submitted application:





The proposed dwellings are of a contemporary design. Although there is no objection to contemporary designs *per se*, it is important that they meet the tests set out in existing planning policy which include a requirement to “conserve and enhance the character of the local built, historic and natural environment” and also to “integrate well with the surrounding local area” (Policy CS19 of the Core Strategy).

The above images demonstrate that the proposed dwellings would have a significantly different appearance to existing dwellings within this locality. This difference would be exacerbated by the provision of large and bulky dormers within the front and rear roof slopes and the use of grey zinc cladding on the upper floor elevation. It is considered that the properties would appear visually incongruous in this location which would be detrimental to the visual amenity of the immediate locality. They would fail to conserve and enhance the character of the local built environment and would not integrate well with the local area.

In light of these considerations, the proposed dwellings would not be acceptable in terms of their visual impact and would materially harm the character and appearance of the locality. They would therefore fail to meet the tests set out in Section 12 of the NPPF, Policy CS19 of the Core Strategy and Design for Gravesham (2024).

Residential Amenity

Paragraph 135 of the NPPF requires planning decisions to, *inter alia*, provide “a high standard of amenity for existing and future users”. In addition, Policy CS19 of the Core Strategy requires new development to be located, designed and constructed to “safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land”.

Sunlight and daylight

Due to the design, scale and orientation of the proposed dwellings, it is considered that they would not result in a loss of sunlight or daylight to neighbouring or nearby properties. The proposed development would be sufficiently distanced from the existing buildings to the east to not have a

significant impact. In addition, there would be no material impact on the properties approved on appeal which would be located to the north of the application site.

Privacy

The Council's adopted Residential Layout Guidelines require a minimum distance of 21 metres to be provided between the windows of habitable rooms and the private garden area of any dwelling. A private garden area is defined as the first five metres of garden adjacent to the rear of the dwelling. As such a distance of 26 metres would be required between the rear elevation of the proposed dwelling and the rear elevation of residential properties facing Kitchener Avenue.

The property most likely to be impacted by the development in terms of privacy would be no 24-28 Kitchener Avenue. The view of the rear of this building in relation to the application site can be seen in the following photograph:



The rear elevation of this building contains windows at ground, first and second floor levels. These all serve residential units. The back-to-back distance between this building and the proposed new development would be approximately 12.0m at its closest point. This would be significantly less than the distance of 26.0m required in the Council's adopted Residential Layout Guidelines. As a result of this limited distance it is likely that there would be mutual window to window overlooking and a loss of privacy to the private garden areas of the existing residential units and the proposed development.

Outlook

Due to the design, scale and orientation of the proposed dwellings together with their separation

distance from nearby properties, this development would not result in a significant loss of outlook to nearby occupiers.

Internal space standards

The “Technical housing standards – nationally described space standard” was published by the Department for Communities and Local Government in March 2015. This document sets out requirements for the gross internal area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.

Each of the proposed units would comprise a two-storey, two-bedroom, four-person dwelling. The required minimum gross internal floor area for such units is 79m². The gross internal floor area of the proposed dwellings would each measure less than 76.0m². The proposed development would fail to meet these standards and as such would provide an inadequate level of amenity for future occupiers.

Amenity space

The Gravesham Residential Layout Guidelines require a minimum garden area of 37.2m² for a 1-2 bedroom property and a minimum depth of 7.6m. The submitted drawings indicate that the proposed garden area for each property would measure 8.0m in depth and 37.0m² in area. Although the area is marginally less than that required in the Gravesham Residential Layout Guidelines, the shortfall is so minimal that it would be unreasonable for this to form a reason for refusal.

Parking and highways

Policy CS11 of the Core Strategy seeks to ensure that new development mitigates its impact on the highway and that sufficient parking is provided in accordance with adopted parking standards, reflecting the availability of public transport provision and the accessibility of local services and facilities. Saved Policy P3 of the Gravesham Local Plan First Review requires development to make provision for vehicle parking in accordance with the Kent County Council Vehicle Parking Standards. These standards require a maximum of two spaces to be provided for dwellings with two and three bedrooms.

The proposed drawings indicate that each dwelling would be served by one on-site parking space. It is noted that a similar level of on-site provision was considered acceptable in the appeal decision relating to 20 Kitchener Avenue. In the interests of consistency the level of on-site parking proposed for the current application must therefore also be considered acceptable.

With respect to traffic movements the Inspector for this appeal commented as follows:

15. *Taking into account that vehicle movements from the proposed dwellings would be low I consider that at the very least there would be no increased dangers or potential for conflict between highway users. As highlighted by the LHA, due to the limited number of vehicle movements on the road it would be difficult to gather sufficient data to determine the exact visibility requirements by a speed survey. Nonetheless, I doubt that vehicle speeds would exceed 10mph, over such a short stretch of road.*

He provided the following conclusion on the issue of highway safety:

16. *On balance, I consider that the proposal would not give rise to harm to highway safety and would comply with GLPCS policy CS11 and policy T1 of the Gravesham Local Plan First Review¹ which together require the impact on the transport system*

to be considered, whilst ensuring that all proposed developments are adequately served by the highway network and enable sufficient parking to be provided in accordance with the adopted parking standards.

Given the broad similarities between the appeal proposal and current proposal, the above conclusion is applicable to this application.

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

The Thames Estuary and Marshes Special Protection Area (SPA) is classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Local Planning Authority has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £328.27 per dwelling) where applicable. This approach is approved by Natural England for all new residential developments. For every planning application for a new dwelling (including new flats), the tariff contributions are secured through a Section 106 legal agreement or unilateral undertaking or if there are no other financial contributions this is secured through a contribution agreement. Where a developer is unwilling to make the SAMMS payment, sufficient evidence is required to be supplied to enable the Council to undertake an Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.

The tariff has previously been accepted effectively in lieu of an Appropriate Assessment (AA). However, in a recent Court of Justice European Union (CJEU) ruling this approach was not considered to be valid, as the CJEU considered the first stage to be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. In this respect, the CJEU judgement made a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an Appropriate Assessment and that mitigation measures cannot be taken into account at the screening stage.

The applicant has not made the required contribution. On this basis, the proposal would fail to comply with the NPPF, Policy CS12 of the Core Strategy and the requirements of the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain

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

offsite biodiversity gains or statutory biodiversity credits.

Where an applicant believes the development would be subject to the biodiversity gain condition, the application must be accompanied by minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
 - a statement to the effect that these activities have been carried out;
 - the date immediately before these activities were carried out;
 - the pre-development biodiversity value of the onsite habitat on this date;
 - the completed metric calculation tool showing the calculations, and
 - any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

Paragraph 4.2.13 of the Planning Report accompanying this application seeks an exemption from BNG on the following ground:

There are no existing trees on the site. The site is rough gravelled hardstanding, and hence there will be no impact on priority habitat, and the proposal is hence considered exempt from Mandatory BNG.

On the application forms accompanying the application the following information is provided:

Reason biodiversity net gain does not apply:

Development subject to the de minimis exemption (development below the threshold)

What best describes the size of your site?:

Over 25 square metres

Please justify the reason why biodiversity net gain does not apply:

No priority habitat on site, purely consists of existing hardstanding

In order for development to benefit from the de minimis exemption, it must meet the following test:

Development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, and 5 metres of linear habitats such as hedgerows.

The following extract from Google Maps appears to indicate that the rear part of the site contains vegetation which covers an area in excess of 25 square metres. This would be classed as onsite habitat and as such it is considered that this development would not benefit from the de minimis exemption.



As the application has not been accompanied by the minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, this forms a further reason for refusal.

Other Issues

The proposal makes provision for refuse storage and cycle storage to serve the proposed dwellings. However, the doors for the refuse storage open into the parking bay for each property. This would impede access to the refuse storage if a car were to be parked within the bay. In addition, the cycle storage is shown to be provided within the rear garden area. The only access to this facility would be through each property and as such would not be appropriate. The cycle storage should therefore be provided in an alternative and more accessible location. If permission were to be granted, this could be secured by planning condition.

The concern relating to the proposed properties having the potential to overlook the classrooms and outdoor learning areas at Whitehill Primary School has been noted. However, the scheme approved on appeal at 20 Kitchener Avenue would afford future residents of that development similar views. As the appeal was allowed and no objection was raised on this issue, it would not be

reasonable to impose a reason for refusal on the current application based on these grounds.

With respect to the impact of construction activities, if permission were to be granted, it would be possible to impose a condition requiring the submission of a construction environmental management plan (CEMP). This would ensure that any impacts on the school and adjoining neighbours would be minimised.

Conclusion

It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 of the Core Strategy must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF.

The proposed development for a net increase of two dwellings would offer a limited contribution towards meeting this local need and delivery and, accordingly, adds some weight in support of the application.

However, notwithstanding this a balanced approach has to be taken and it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and established local policy taken as a whole.

In this case the balance is tilted towards refusal for the reasons set out in the recommendation below.

Recommendation:

REFUSE PLANNING PERMISSION

The proposed dwellings, due to their design and appearance, would appear visually incongruous in this location. They would fail to conserve and enhance the character of the local built environment contrary to Section 12 of the National Planning Policy Framework (2024), Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Design for Gravesham (2024).

The proposed development would result in a mutual loss of privacy between the proposed and existing residential units due to window-to-window overlooking and overlooking of private amenity areas contrary to the National Planning Policy Framework (2024), Policy CS19 of the Core Strategy 2014 and the Council's Residential layout guidelines including Housing Standards Policy Statement (October 2015, adopted February 1996 - amended June 2020).

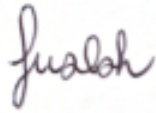
The proposed development would fail to meet the required minimum gross internal floor areas set out in the Technical Housing Standards - nationally described space standard (2015). As such it would fail to provide a satisfactory level of amenity for future residents contrary to the National Planning Policy Framework 2024 and Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to the requirements of the Habitat

Regulations, Section 15 of the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

The application has not been accompanied by the minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. In the absence of this information, the Council is not satisfied that the proposal would meet existing statutory requirements relating to Biodiversity Net Gain as well as the tests set out in the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

See draft Decision

Case Officer: Gary Edwards	Team Leader: Faye Walsh
Signed: <i>Gary Edwards</i>	Signed: 
Dated: 15/04/2025	Dated: 16 April 2025