



# Delegated Report

## Planning Application

**Planning Application No:** 20260318

**Location:** 1 Russell Road Gravesend Kent DA12 2RT

**Description:** Demolition of an existing detached dwelling. Erection of two three bed dwellings with associated access, private amenity space, refuse and cycle storage.

**Applicant:** Samra Property SE Ltd

**Site Visit Date:** Previous Visits

### Submitted Documents/Plans

Application Form  
Location Plan  
LUG/9.0 – Site Survey  
LUG/9.1 – Site Survey  
26-1443-01D – As Proposed  
23-144.-02 – Block Plans  
Planning Statement

Superseded Documents:

~~26-1443-01A – As Proposed~~

### Relevant Planning History

| Reference    | Description                                                                                                                                                                                                                                                                             | Decision                | Decision Date |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|---------------|
| 20250244     | Demolition of existing dwelling and garage and erection of a two-storey building with roof accommodation, containing 1no. 3 bed dwellinghouse, 3no. studio apartments and 3no. one bed apartments with associated access, private and communal amenity space, refuse and cycle storage. | Refused                 | 11.09.25      |
| 2025/051/REF |                                                                                                                                                                                                                                                                                         | And dismissed at appeal | 15.01.26      |

### Development Plan

#### Gravesham Local Plan Core Strategy (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 – Development & Design Principles

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

- P3 – Vehicle Parking Standards
- T5 – Access to the Identified Highway Network

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

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2026), the Council will also seek to replace these.

#### National Planning Policy Framework (2026)

- Section 4 -Achieving Sustainable Development
- Section 5 – Meeting the challenge of climate change
- Section 6 – Delivering a sufficient supply of home
- Section 12 – Making Effective use of land
- Section 14 – Achieving well-designed places
- Section 15 – Promoting Sustainable Transport
- Section 19 – Conserving and Enhancing the Natural 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 Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)

#### **Emerging Local Plan as a Material Consideration**

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

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

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

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement, the Court found that the weight to be given to an emerging Local Plan was a matter of planning judgement, which had to be reached having fully considered the relevant part of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan.

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

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

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

## **Consultations, Publicity and Representations**

### Consultees

#### *Ward Councillors*

No comments received.

#### *GBC Housing*

No comments received.

#### *GBC Waste and Refuse*

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

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

#### *GBC Environmental Protection*

There is no objection to this application. The site falls within the buffer zone of the former Canal Road landfill site. A contaminated land watching brief is therefore recommended. To address this and other matters, the following is recommended.

#### *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.

#### *Lighting*

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

#### Smoke Control Informative

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

#### Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

#### *KCC Highways*

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

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

#### *KCC Flood and Water Management*

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development.

According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) The provision of dwelling houses where:
  - i. The number of dwelling houses to be provided is ten or more; or
  - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph
- (c) (i);
- d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

#### *KCC Heritage*

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

*KCC Biodiversity Officer*

No comments received.

*Natural England*

Thank you for your consultation on the above dated 30 March 2026 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

*Environment Agency*

The proposed development falls within Flood Zone plus Climate Change, which is land identified as being at risk of flooding from rivers and sea in the future.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at National flood risk standing advice for local planning authorities - GOV.UK

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

#### Neighbouring properties

A site notice was placed and 17no. surrounding properties were consulted. 0 comments were received from members of the public. The final date to submit comments ended on 1st May 2026.

### **Officer's Analysis**

#### Principle of Development

Policy CS02 Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. Policy CS02 seeks to achieve this by: Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area. The site is within a sustainable location within an urban residential area as per Policy CS02.

The National Planning Policy Framework (NPPF) applies a presumption in favour of sustainable development. Policy S3 directs that Policy S4 should be applied when considering development proposals within settlements. Policy S4 states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies within the Framework. Policy L3 further requires development proposals to make efficient use of land and, for residential development within settlements, to contribute to an increase in the density of the area unless there is a clear justification why this would be inappropriate or not possible.

The application site is located within an established urban residential area and is therefore considered to be

an appropriate location for development in principle.

### Housing Need

The Local Plan Core Strategy was adopted by the Council in September 2014 and is more than five years old. Local housing need is therefore calculated using the Government's Standard Method, establishing a baseline requirement of 687 dwellings per annum.

The Housing Delivery Test (HDT), published by the Government on 17 August 2026, sets out that the presumption in favour of sustainable development applies within the Borough. National decision-making policy S3 of the Framework sets out that decisions on development proposals should apply a presumption in favour of sustainable development, as follows:

- a. National decision-making policy S4 of the Framework should be applied when considering development proposals within settlements;
- b. National decision-making policy S5 of the Framework should be applied when considering development proposals outside settlements; and
- c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies of the Framework are to be approved without delay.

The Council's most recent Five-Year Housing Land Supply Statement, covering the period 2025-2030, identifies a deliverable supply of 2,053 dwellings against a buffered requirement of 4,056 dwellings (based on the 2025 outcome of the standard method). The Council is therefore currently unable to demonstrate a five-year supply of deliverable housing land. This position equates to a housing land supply of 2.53 years.

National decision-making policy HO7 sets out that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, taking into account evidence produced for the Council e.g. a local housing needs assessment, and the needs for different groups.

The proposed development is for a net increase of 1 residential unit, which would contribute towards meeting an unmet need for general market housing as identified in the Council's Local Housing Need Assessment (October 2025). Therefore, substantial weight should be afforded to meeting the needs of the housing needs of the community.

However, this has to be balanced against other requirements of the Development Plan and the NPPF 2026, including as set out in National decision-making policy DP3 Para.3, compliance with relevant development plan policies when assessing the design quality of proposals i.e. Local Plan Core Strategy Policy CS19: Development and Design Principles. This and other matters will be discussed in detail in the sections below.

### Density

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area. Policy CS15 (LPCS) requires that all new housing will be developed at a density, which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. These policies will be considered and assessed against the proposal later in this report.

The site has an area of approximately 351.6m<sup>2</sup>. The current density of the site is approx. 28 dwellings per hectare. The density to the west is approx. 66dph. The proposed density is approx. 56.88dph. Policy CS15 of the Core Strategy 2014 states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Within the urban area, new residential development will be expected to achieve a minimum density of 40 dwellings per hectare.

This proposed increase in density is consistent with Policy L3 of the NPPF (2026), which requires residential development within settlements to contribute to an increase in the density of the area and make efficient use of land.

It also meets the minimum density of housing development as per policy CS15 of the Local Plan Core Strategy (2014). And the proposal now sufficiently takes account of the existing character of the area which is also a key part of density, and therefore complies with the requirements of Policies CS14 and CS15 of the Local Plan Core Strategy (2014).

### Design, Character and Appearance

The proposed development should comply with the requirements of Policy CS19 of the Core Strategy 2014 and policy DP3 of the NPPF (2026) in terms of design, character and appearance. Policy DP3 requires development proposals to respond to the history, character and features of the site and its setting so that they integrate with an enhance their surroundings, whilst recognising that this should not preclude appropriate innovation or changes, including increases in scale of density where justified.

The below images show some of the proposed elevations, for reference (Not to Scale).



The above elevations are resultant from negotiations with the planning agent during the progression of this application. Changes have included alterations to the fenestration, roof height, eaves and window material. It is considered that the scheme now strikes a balance between innovative development, and respecting the street scene and character of the area.

In comparison with the previously refused scheme, the revised design provides a more considered configuration which reduces the perceived bulk and prominence of the building and provides a more appropriate relationship with the surrounding two-storey development. The revised roof material, fenestration and use of materials also provide a more coherent appearance and better reflect the proportions and characteristics evident within the surrounding street scene. Whilst the proposal remains a contemporary and relatively substantial form of development on this prominent corner site, it is considered that the revisions have satisfactorily addressed the previous design concerns. The scheme is now

considered to overcome Refusal Reason 1 of the previous decision.

The resulting development would respond appropriately to the character and features of the site and its surroundings, whilst allowing for an appropriate degree of change, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Policy DP3 of the NPPF (2026).

### Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) requires new development to be located, designed and constructed so as to safeguard the amenity of future occupiers, including in respect of privacy, daylight and sunlight. Policy L2 of the National Planning Policy Framework (2026) requires sensitive redevelopment and additional development within existing plots to maintain acceptable living standards for residents in terms of access to daylight, sunlight, privacy and external amenity space. Policy P3 further requires development to provide healthy living conditions for occupiers, including adequate access to light.

The previously refused scheme proposed seven residential units within the site. Although that scheme included some marginal shortfalls against the relevant internal space standards, these were not considered sufficiently significant, in isolation, to justify refusal, and the external amenity provision was considered acceptable. However, the previous assessment identified a tension between the amount of accommodation proposed and the design changes that would have been necessary to reduce the overall bulk and massing of the development, as such changes had the potential to result in a poorer standard of accommodation.

The current proposal represents a substantial reduction in the scale of development, providing two dwellings in place of the seven units previously proposed. This has enabled a more generous and coherent internal layout to be achieved. The accommodation would provide an appropriate standard of internal living space for future occupiers, with satisfactory levels of outlook, daylight and privacy.

To ensure that adequate living space is provided for future residents, the units need to meet the national technical standards (Nationally Described Space Standards) and the GBC Residential Layout Guidelines.

| Room Type                | Dwelling 1 (m <sup>2</sup> ) | Dwelling 2 (m <sup>2</sup> ) | Minimum Space Standards (m <sup>2</sup> ) |
|--------------------------|------------------------------|------------------------------|-------------------------------------------|
| <b>Double Bedroom</b>    | 11.9<br>13.7                 | 11.9<br>13.7                 | 11.2                                      |
| <b>Single Bedrooms</b>   | 7.7                          | 7.7                          | 6.5                                       |
| <b>Living Room</b>       | 22.9<br>(L/D)                | 22.9<br>(L/D)                | 13.2                                      |
| <b>Dining Room</b>       | 22.9<br>(L/D)                | 22.9<br>(L/D)                | 9.5                                       |
| <b>Kitchen</b>           | 13.2                         | 13.2                         | 7.2                                       |
| <b>Bathroom &amp; WC</b> | 3.6<br>3.3                   | 3.6<br>3.3                   | 3.6                                       |
| <b>WC Only</b>           | 2.5                          | 2.5                          | 1.3                                       |

A rear garden area would be provided for both dwellinghouses, 74.2m<sup>2</sup> for dwellinghouse 1, and 82.9m<sup>2</sup> for dwellinghouse 2. Both would be in excess of 10m deep. For a 3 bedroom house, the SPG guidelines require a garden area of 60m<sup>2</sup> and 10m deep, which would be met and would provide usable outdoor space for future residents.

Overall, it is considered that the revised proposal would provide an acceptable standard of residential



accommodation and would safeguard the living conditions of future occupiers. The proposal therefore complies with Policy CS19 of the Gravesham Local Plan Core Strategy (2014), the relevant Residential Layout Guidelines, and Policies L2 and P3 of the National Planning Policy Framework (2026).

### Neighbouring Amenity

As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, 0 comments from members of the public were received.

The proposed building would be adjacent to 25 Albion Terrace, to the west and 17 Russell Road to the north.

#### *25 Albion Terrace*

The relationship with 25 Albion Terrace was a key issue in the determination of the previously refused redevelopment of the site. The existing bungalow already has a close relationship with the rear garden of this neighbouring property and, due to the alignment of the plots, the existing building is easily viewed from within that garden.

The below images taken from the garden of 25 Albion Terrace show that there is an existing level of overlooking from the subject dwellinghouse to this neighbour and its extent expands significantly across the neighbouring properties garden area.





Under the previous scheme, the proposed building was moved further away from the shared boundary; however, the significant increase in both height and depth resulted in a substantial three-storey mass extending alongside the neighbouring garden. The previous assessment would have resulted in a building approximately 8.54 metres in height and 8.35 metres in depth in this part of the site. Notwithstanding the increased separation from the boundary, it was concluded that the scale and extent of the built form would be highly visible from the private garden of No. 25 and would create an unacceptable sense of enclosure and overbearing dominance.

The current proposal represents a materially different relationship. Although the proposed dwellings would be greater in height than the bungalow presently occupying the site, the proposed built form is shallower than the existing bungalow and the depth of the proposed pair of dwellinghouses would be similar to the depth of this neighbour. While the dwellings would remain visible from No. 25 and would inevitably alter the existing outlook, the overall amount of built form experienced from the garden would be reduced and the development would not extend as deeply alongside the neighbouring amenity space.

Having regard to the reduced depth of the development, the more limited projection adjacent to the neighbouring garden and the urban context of the site, the increase in height would not, in itself, result in an unacceptable loss of outlook or an overbearing impact upon the occupiers of 25 Albion Terrace. The reduced depth would also prevent potential overshadowing of neighbouring windows.

#### *17 Russell Road*

The previous scheme was not considered to result in an unacceptable impact upon 17 Russell Road. The relationship between the properties is more oblique and separated than that with No. 25 Albion Terrace, and the earlier assessment concluded that there would be no significant overbearing, overshadowing or overlooking impact.

The current proposal does not materially worsen that relationship. Given the siting and reduced depth of the proposed dwellings, together with the separation and orientation between the application site and No. 17, the development would not appear unduly dominant or enclosing when experienced from that property. The proposal is therefore considered acceptable in amenity terms in relation to 17 Russell Road.

Overall, the current scheme represents a clear improvement over the previously refused development in terms of its relationship with neighbouring occupiers. In particular, the reduced depth of the proposed built

form addresses the concern previously identified in relation to 25 Albion Terrace by substantially reducing the extent of taller development alongside its rear garden. The proposal would not result in an unacceptable loss of privacy, daylight, sunlight or outlook, nor would it create an overbearing or unduly enclosing relationship with neighbouring properties.

The proposed scheme is considered to overcome Refusal Reason 2 on the previous decision notice. The development is therefore considered to safeguard neighbouring amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014), the relevant principles of the Council's Householder Extensions/Alterations Guidance, and national decision-making Policies L2, DP3 and P3 of the National Planning Policy Framework (August 2026).

### Parking and Highways

The site is in a sustainable location, near the Town Centre and so provision of vehicle parking spaces for the proposed dwellinghouses may not be necessary in this instance. It is the responsibility of the applicant to provide such justification for a car fee scheme. Parking surveys would be useful here. However, although in a sustainable location it is noted that there are existing parking issues in the area and the mosque nearby is likely to play a role in this. Any parking survey is therefore expected to show parking levels during times of daily prayers, and in particular during Friday prayers (Jummah). This would enable a full picture of available parking provision and whether there is capacity for the increased residents to park on the street. If it is clear capacity is unavailable then, car free scheme would not be acceptable.

KCC Parking Standards (2006) applies a maximum standard of 2 parking spaces per dwellings with 2 or 3 bedrooms. The proposed scheme would provide a single parking space for both properties. However, it is noted that this is a maximum, and given its close proximity to the town centre, it is considered that a single space for each property would be acceptable in this instance. In addition the plans do also include bike stores for each dwelling within the rear gardens.

KCC Highways were consulted on this application and despite commenting on the last scheme have advised that the scheme no longer warrants a response from their team. It is noted that previously they raised no objection subject to the inclusion of a Construction Management Plan and conditions to ensure retention of the parking and cycle provision.

Adequate vehicle and cycle parking provision is therefore available and the sustainable location of the site weighs in favour of the application. The proposal would be in accordance with policies TR3 and TR4 of the National Planning Policy Framework (2026), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision.

### Biodiversity

#### *Net Gain*

Under the Environment Act 2021 and supporting Statutory Instruments Biodiversity Net Gain (BNG) is now mandatory for most development. The legislation requires a minimum 10% gain in biodiversity from applicable development either onsite, offsite or a combination of both.

BNG provided under the mandatory requirements offsite and significant BNG onsite must be secured by a legal agreement for 30 years under an approved Habitat Management and Monitoring Plan (HMMP)

There are strict legal requirements in terms of what an application must contain in relation to BNG before it can be accepted as valid. This is set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and requires the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application and other information.

However, certain applications are exempt from the BNG regulations (the Biodiversity Gain Requirements Exemptions) Regulations 2024) including householder applications and include:

- Householder development as defined within article 2(1) of the Town and Country Planning Development Management Procedure) (England) Order 2015.
- Development granted planning permission by a development order under section 59. This includes permitted development rights.
- Development subject to the *de minimis* exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- Self-build and custom build development - development which:
  - consists of no more than 9 dwellings, and
  - is carried out on a site which has an area no larger than 0.5 hectares, and
  - consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

**\*It is noted that the exemptions have been updated for any application made on or after 6<sup>th</sup> August 2026. However, this application was submitted on 24<sup>th</sup> March 2026, preceding this legislation change and so the original exemptions as outlined above are correct for this application. \***

KCC Biodiversity have not commented on this application, but they did comment on the previous one and confirmed that they are satisfied that the site is considered to be *de minimis* and therefore there is no requirement for a statutory biodiversity metric to be carried out in this instance. This is considered to remain the case for this application.

#### *Enhancement*

No ecological details have been submitted with the application. However, ecological enhancement features must be incorporated into the site. This requirement can be addressed by a condition for an ecological enhancement plan.

#### *Thames Estuary and Marshes Ramsar Site and Special Protection Area (SPA)*

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 £350.16 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.

Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £350.16 per new dwelling, for HMO's by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue. This therefore overcomes the third refusal reason on the previous application.

Therefore, the development would comply with the requirements of the Habitat Regulations and Policy N6

of the National Planning Policy Framework (2026) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

## **Planning Balance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is located within the urban area, where the principle of residential redevelopment is supported by Policy CS02 of the Gravesham Local Plan Core Strategy. For the reasons set within this report, the revised scheme is also considered to comply with the relevant development plan policies regarding density, design, residential amenity, highways and biodiversity. The development plan is therefore supportive of the proposal when read as a whole.

The principal benefit is the delivery of two family-sized dwellings, representing a net gain of one dwelling, on a sustainably located urban site. Although the actual increase is small and the contribution is modest, it should be considered in the context of Gravesham Borough being able to demonstrate only 2.53 years of deliverable housing land supply against the five-year requirement and the evidenced unmet need for general market housing. In accordance with Policy HO7 of the National Planning Policy Framework (2026), substantial weight is therefore given to the benefit of providing additional homes. Policy L3 of the NPPF (2026) supports the efficient use of land and requires residential development within settlements to contribute to an increase in the density of the area, unless there is clear justification why this would be inappropriate or not possible. The proposal would increase the density of this sustainably located urban site to a level consistent with its context and would provide two three-bedroom family dwellings. It is considered that moderate weight is given to these benefits.

The proposal would alter the appearance of this prominent corner site through the replacement of the existing bungalow with two-storey development and an associated increase in height and density. However, the revised scale, form, roof design, fenestration and materials respond appropriately to the surrounding pattern of development, and the proposal would not cause unacceptable harm to the character or appearance of the area. The visual effect arising from the greater height of the development is therefore considered to have limited adverse weight. No unacceptable harm has been identified in relation to neighbouring amenity, the living conditions of future occupiers, parking or highway safety. The SAMMS contribution, ecological enhancements and other measures required to make the development acceptable are mitigation or policy requirements and are treated as neutral in the balance rather than as additional benefits.

Policy S4 of the National Planning Policy Framework (2026) provides that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. In this case, the substantial benefit attributed to the delivery of housing, together with the efficient use of a sustainably located urban site, would not be substantially outweighed by the limited residual visual effect identified. Indeed, the proposal would accord with the development plan when read as a whole and no unacceptable adverse effects have been identified.

Accordingly, the planning balance weighs in favour of the development and planning permission should be granted, subject to the recommended conditions.

## **Conclusion**

The proposed development is considered to have satisfactorily addressed the three reasons for refusal attached to decision notice 20250244 for the previous scheme on the site. The revisions to the scale, form and layout result in a scheme which responds more appropriately to the character and appearance of the surrounding area and provides an improved relationship with neighbouring properties and future occupiers.

The proposal would make more efficient use of a sustainably located urban site close to the town centre. The provision of two dwellings (an increase of 1), would make a modest but positive contribution towards

addressing the Boroughs housing shortfall, which weight in favour of the development. The increased density is considered appropriate in this sustainable context. The development would provide an acceptable standard of accommodation for future occupiers without resulting in significant harm to the amenity of neighbouring residents, and satisfactory vehicle parking and cycle storage provision would be provided. Subject to the recommended conditions, appropriate ecological enhancements would also be secured.

In summary, the development represents an acceptable redevelopment of the site and accords with the relevant provisions of the development plan and national planning policy.

### **Recommendation**

The recommendation is to approve the scheme subject to conditions.

(For detailed conditions and informatives, see draft Decision)

|                      |                                                                                   |                     |                                    |
|----------------------|-----------------------------------------------------------------------------------|---------------------|------------------------------------|
| <b>Case Officer:</b> | Mrs Lisa Fisher                                                                   | <b>Team Leader:</b> | <b>Richard Hart</b>                |
| <b>Signed:</b>       |  | <b>Signed:</b>      | <b>R Hart</b>                      |
| <b>Dated:</b>        | 27 <sup>th</sup> August 2026                                                      | <b>Dated:</b>       | <b>28<sup>th</sup> August 2026</b> |