



Delegated Report

Planning Application

Planning Application No: 20230248

Location: 17-19 Perry Street Northfleet Gravesend Kent

Description: Erection of first floor rear extension incorporating an external staircase to facilitate sub-division of first floor into 1 no. one bedroom flat and 1 no. one bedroom maisonette; erection of single storey infill rear extension to provide utility room and flat entrance; erection of detached two storey garage building with storage at first floor level.

Applicant: Mr Parminder Bains

Site Visit Date: 24/02/2023

Submitted Documents/Plans

- Application form;
- Drawing no. 0106 02 – Existing Floor Plans & Roof Plan;
- Drawing no. 0106 03 – Existing Front & Rear Elevations;
- Drawing no. 0106 100 – Site Location Plan & Block Plan;
- Drawing no. 101 Rev. A – Proposed Plans;
- Drawing no. 102 Rev. A – Proposed Elevations;
- Drawing no. 103 Rev. A – Proposed Garage Elevations;
- Drawing no. 104 Rev. A – Proposed Street View;
- Drawing no. 105 Rev. A – Proposed Roof Plans;
- Drawing no. 106 Rev. A – DRAIN; and
- Strategic Access Management and Monitoring Strategy (SAMMS) Contribution Agreement.

Superseded

- ~~Application form;~~
- ~~Sheet no. 106 – DRAIN;~~
- ~~Sheet no. 101 – Proposed Plans;~~
- ~~Sheet no. 104 – Proposed Street View;~~
- ~~Drawing no. 0106 100 – Block Plan;~~
- ~~Drawing no. 0106 12 – Proposed Elevations;~~
- ~~Drawing no. 0106 13 – Proposed Elevations;~~
- ~~Drawing no. 0106 11 – Proposed Roof Plan;~~
- ~~Drawing no. 0106 10 – Proposed Flood Plans;~~
- ~~Drawing no. 0106 14 – Proposed Street Elevation.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20220727	Erection of first floor rear extension incorporating an external staircase to facilitate sub-division of first floor	Refused	25.11.2022

	into 1 no. one bedroom flat and 1 no. one bedroom maisonette; erection of single storey infill rear extension to provide bathroom and flat entrance; erection of detached two storey triple garage with open pedestrian access and bin storage at ground floor with storage at first floor level.		
20061013	Erection of a detached two storey building to provide three covered parking spaces at ground floor level with storage over.	Permitted	12.01.2007
19940639	Change of use of retail shop to licensed betting office.	Permitted	30.03.1995

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

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.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a sufficient supply of homes
- Section 6 – Building a strong, competitive economy
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport;
- Section 11 – Making efficient use of land;
- Section 12 – Achieving Well-designed and Beautiful Places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 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);
- Householder Extensions/Alterations Design Guide (2021).

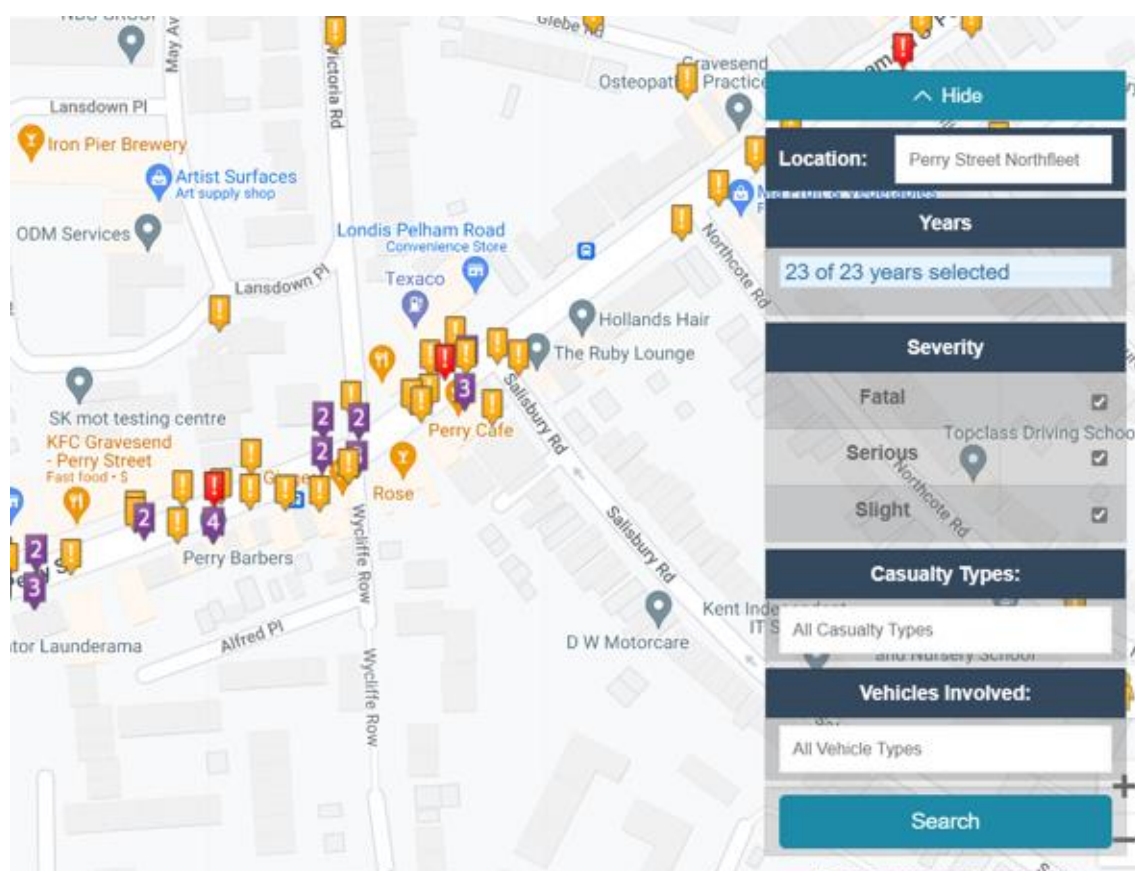
Consultations, Publicity and Representations

Consultees

GBC Highways Officer

I have no highway objections, the proposed car parking is not ideal due to the restricted visibility, but there are other garages in the road which can accommodate vehicles and could be used for such. Also Alfred Place is a cul-de-sac serving a limited number of properties meaning traffic movements are minimal. The vehicles also emerge onto a paved margin rather than a footway which is on the opposite side of the road. Ideally the wall between parking space one and the metre wide pedestrian access should have a vision panel or window, extending two metres back to give some limited visibility for an emerging vehicle.

Considering the data held by Crashmap, there have been no recorded vehicular/pedestrian accidents in Alfred Place for the twenty three years available. It is doubtful an objection could be sustained at appeal.



KCC Heritage

The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that these proposals, immediately adjacent to the existing dwelling, would have a significant below-ground archaeological impact and have no further comments to make in this case.

Neighbouring properties

16 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 28.07.2023 – one response received in objection, the comments of which can be summarised as follows:

- Feels the rear extension is going to block out light at the rear for both the shop and flat which are already restricted with natural light.

Officer's Analysis

No.17-19 Perry Street consists of a two storey building situated on the southern side of Perry Street. It is located in the local centre of Perry Street and is in use as a betting office at ground floor with a flat at first floor which is accessed from Alfred Place at the rear. As well as being in a local centre the site is also situated in an Area of Archaeological Potential and in the Thames Estuary and Marshes Ramsar Buffer Zone.

This application is a re-submission of previous application reference 20220727 which was for 'Erection of first floor rear extension incorporating an external staircase to facilitate sub-division of first floor into 1 no. one bedroom flat and 1 no. one bedroom maisonette; erection of single storey infill rear extension to provide bathroom and flat entrance; erection of detached two storey triple garage with open pedestrian access and bin storage at ground floor with storage at first floor level' and was refused on 25 November 2022 on the following grounds:

- 1. The proposed first floor rear extension by virtue of its design and the two storey detached building by virtue of its scale and design would be harmful to the character and appearance of the host building and the surrounding area. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and section 12 of the National Planning Policy Framework (2021).*
- 2. The proposed development by virtue of the flats being undersized, unacceptable layout and access, lack of private amenity space and overbearing impact from the detached garage and storage building would all create unacceptable living conditions for future occupiers of the flats which would be harmful to their amenity. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*
- 3. The proposed detached garage and storage building by virtue of its scale and proximity to neighbouring buildings would generally be an unneighbourly and overbearing form of development to several neighbouring buildings. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).*
- 4. The proposed development would provide undersized car parking spaces in the detached garage and storage building, insufficient cycle parking provision and would restrict service access to the rear of the ground floor commercial unit. As such the proposal is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and saved Policy P3 of the Gravesham Local Plan First Review (1994).*
- 5. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) and paragraphs 180 and 181 of the National Planning Policy Framework (2021).*

It therefore needs to be seen whether this application addresses these matters and also whether all other matters are acceptable or not.

The principle considerations in the assessment of the application are as follows:

Housing Need (As of December 2023)

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 188)
- 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 129(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 unit 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 a high standard of amenity for existing and future occupiers.

Principle

The application site falls within the urban area of Northfleet and the proposal relates to the extension and sub-division of the first floor of the existing building and erection of a new detached garage and storage building at the rear. Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. As such the proposal is considered acceptable in principle subject to the

proposal being acceptable in regard to all other matters as set out below.

Design, Character and Appearance

This matter related to ground of refusal no. 1 of previous application reference 20220727.

The proposal includes a single storey rear infill extension which was considered acceptable in the previous application and remains so in this application. The extension would provide a staircase to provide independent access up to flat no. 1 and also a utility room. This infill extension is considered acceptable as it would infill the current inverted section of the existing single storey rear extension and extend it no deeper. It would be a modest extension which would be sympathetic to the scale and character of the host building.

The issue with the proposal in the previous application in respect of design, character and appearance was the proposed first floor rear extension and detached garage. The extension which was to provide additional floorspace for the two flats proposed was to be above the existing ground floor extension, to the same width (full width of the rear elevation) and depth (3.1m). It was deemed unacceptable due to the proposed flat roof design which would have been an incongruous addition out of keeping with the roof form of the host building which is pitched. It would have caused harm to the host building and the surrounding area.

The detached garage was to extend the full width of the plot, be 6.5m in depth and 4.5m in height to the top of the flat roof. There are other outbuildings at the rear of many of the buildings in the shopping parade, the outbuildings at the rear are all generally single storey with only one two storey outbuilding (at the rear) of no. 21 and that is an historic coach house which appears commensurate with the age of the buildings in the terrace, is of modest size and proportions and an attractive design with a pitched roof. The outbuilding that was proposed, due to its size including excessive width given that it would have extended across two plots and its height and out of keeping roof design would have resulted in an incongruous addition to Alfred Place harmful to the streetscene.

For these reasons the proposal was considered contrary to Policy CS19 (LPCS) in respect of design, character and appearance.

Turning to this current proposal the roof form of the proposed first floor rear extension has been revised. A flat roof is no longer proposed but instead a double pitched roof is proposed. This roof design is much improved on the previous and now replicates the pitched roof design of the host building; it no longer appears as an incongruous addition. The pitched roofs are modest and set well down from the ridgeline of the host building, there would therefore be a large amount of the original roof slope of the host building still visible. The extension, as before, would be full width of the rear elevation and as deep as the existing single storey rear extension with part of it set slightly forward as the existing situation with the ground floor element. In this case the first floor rear extension being full width is considered acceptable as the slight step forward of part of the extension has the visual effect of breaking up the width of the extension. Also the roof form, as stated, is in keeping and subservient being pitched and set down from the ridgeline of the host dwelling. Its depth is also considered subservient being 3.1m – 3.3m in depth. The fenestration arrangement is considered acceptable and the extension would be faced with matching materials. Overall therefore the design issues with the proposed first floor rear extension in the previous application are considered to have been resolved and this element of the proposal is now considered acceptable.

In respect of the proposed detached garage and store building, the size and design of the garage and store building as originally proposed in this application was still considered unacceptable. Discussions have taken place with the applicant during the course of the application and the size and design of the garage has now been amended.

The building would front onto Alfred Place which runs to the rear of this row of buildings. It would have a two parking spaces, a service entrance to the shop and pedestrian access to the two flats at ground floor which would be gated at the rear for security. At first floor level there would be storage which would be accessed by external stairs to some doors in the rear roof slope under a flat roof element.

The height of the building would be 4.18m and the roof form would now be a part pitched/part flat roof with parapets instead of the fully flat roof proposed in previous application ref. 20220727. The garage is similar to the garage that was approved under previous application ref. 20061013 but would be slightly lower in height than that as the height of the 2006 garage permitted was 4.98m and the garage now proposed would be 4.18m.

The part pitched/part flat roof is not the most sympathetic of roof forms given that the roof form of the main building is pitched. However, given its location at the rear of the premises in Perry Street in Alfred Place where there is a variety of outbuildings to the rear of the premises of different styles of design with no uniform pattern of development and given the two storey coachhouse to the south, it is considered that the proposed building would not appear overly dominant or incongruous in the streetscene of Alfred Place.

The rear of the garage would have some double doors in it to access the storage. It is not ideal the top of the doors are practically in line with the ridgeline of the roof but as this would be on the rear elevation of the building and not visible from the streetscene is considered there would be no material harm caused to the character of the area. The proposed staircase up to the doors appears a lightweight structure. The building would be faced with bricks and tiles, details of which would need to be conditioned.

The present situation at the rear of the site is two shipping containers, parking, bins etc. so it could be said that the proposal would be an improvement on this existing situation. Furthermore, the design as stated is very similar to that approved under previous application reference 20061013 but would actually be 800mm less in height and the proposal is an improvement on the fully flat roof previously proposed.

Overall, on balance it is considered that the proposal is now acceptable in respect of design, character and appearance and in respect of these matters the proposal is therefore compliant with Policy CS19 (LPCS) and in this regard ground of refusal no. 1 of previous application reference 20061013 has been resolved.

Amenity of Future Occupiers

This matter related to ground of refusal no. 2 of previous application reference 20220727.

The proposal includes the sub-division of the existing two bedroom first floor flat into two, one bedroom flats.

In the previous application both flats were undersized, the layout of flat 2 was also convoluted as the bathroom was to be at ground floor and the access to flat 2 was to be via the existing external staircase up to the first floor (notwithstanding this is an existing situation). There was also no private amenity area for either flat 1 or 2 and also overbearing effect in the windows in the rear from the proposed garage building.

In this current application the two proposed flats would be as follows:

Flat 1 - 47.8 sq. m (including utility room at ground level)
Flat 2 – 43 sq. m

Both flats would be single bedrooms and as such both bedrooms would exceed the minimum requirement for a 1 bedroom, 1 person, 1 storey dwelling of 39 sq. m as set out in the Technical Housing Standards (THS) (2015). It is therefore considered that both flats would now be of sufficient size.

The bathroom of flat 2 would be now be up on the main first floor with the rest of the flat and no longer located downstairs therefore that issue has been resolved.

There is now amenity space provided for both flats 1 & 2 which would be 24 sq. m and therefore exceed the minimum 10 sq. m required for a flat as set out in SPG2 (2020). The issue of there being no amenity space has therefore been resolved.

Flat 1 would have a lounge and kitchen window in the rear elevation and flat 2 would have a lounge. The proposed garage building would, at its nearest point, be located 7.8m in front of these windows.

The height of the building has been reduced from the previous proposal; in the previous proposal the height of the garage building was 4.5m and in this current proposal it would be 4.1m. It would also be less than the height of the garage in application ref. 20061013 which was 4.98m. Due to the decrease in the height of the proposed garage building which would be 4.1m at its highest point and slope away from the main building with the part pitched roof element, it is considered that the garage building would cause no material harm on the amenity of the future occupiers of both flats at first floor level in the main building with regards overshadowing, loss of light or loss of outlook.

The access to flat 2 would be as the existing situation is for the current first floor flat i.e., by an external staircase. This is not considered ideal but it is how the existing first floor flat is accessed. It is appreciated there is no access to the upper floors in the ground floor frontage of nos. 17-19 and so it is not possible to access the flats from the front. The proposed garage building does have specific accessways through to the amenity spaces and entrances of both flats so this would at least create for a nicer external environment and approach than currently exists for the existing flat.

It is therefore considered the issues regarding the amenity of future occupiers in the previous application have all been resolved and in this regard the proposal in respect of the amenity of future occupiers would be compliant with Policy CS19 (LPCS) and therefore ground of refusal no. 2 of previous application reference 20220727 has been resolved.

Neighbouring Amenity

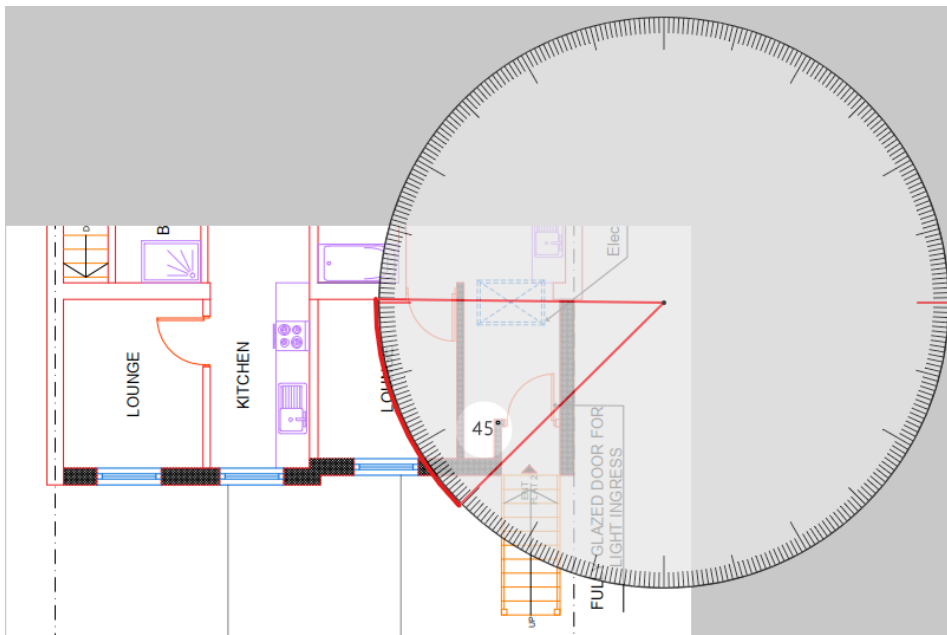
This matter related to ground of refusal no. 3 of previous application reference 20220727, due to the impact of the proposed garage building on the occupiers of the adjacent properties.

As stated above, due to the decrease in the height of the proposed garage building and change in its roof form (it has been decreased from a fully flat roof at 4.5m height to a part pitched, part flat roof which would be 4.1m at its highest point but slope away from the building with the part pitched roof element) it is considered the garage building would cause no material harm on the amenity of either adjacent property - nos. 15 and 21 Perry Street with regards overshadowing, loss of light or loss of outlook, and in this regard this issue has been resolved. Similarly there would be no impact on the properties to the south in Alfred Road as the nearest distance from the front elevation of the proposed garage building to nos. 33-34 is 13.3m and to nos. 35-36 would be some 14.7m. Given this distance it was considered in the previous application that the proposed garage would not impact on their amenity and in this current application the proposed garage has been reduced in height and has a slightly less bulky roof, therefore it remains the case there would be no impact with regards overshadowing or loss of light. As it is an open garage and pedestrian walkway there would be no issues regarding overlooking.

Due to the change in roof design for the proposed first floor rear extension where it is now proposed to have a pitched roof instead of the flat roof previously proposed, it is necessary to carry out the 45 degree test again to assess the impact on the neighbouring properties nos. 15 and 21 Perry Street. The proposed first floor rear extension would be full width, range in depth from 3.1m – 3.3m and have a double pitched roof.

At the neighbouring building to the east no. 15 Perry Street, this building has no rear extensions, just an original single storey lean-to. The first floor is in use as a flat and there are three windows in the rear elevation at first floor level. The nearest window appears to serve a toilet and is therefore non-habitable. It is unclear what the next window along serves but as this may be habitable the 45 degree test has been done from it. This shows that the proposed extension would not fail the 45 degree line from this window on both plan or elevation and therefore denotes that there would be no undue overshadowing or loss of light to this window from the proposed first floor rear extension.

45 degree test on plan from no. 15 Perry Street:



There are no windows proposed in the east flank elevation of the proposed first floor extension and therefore no impact on no. 15 with regards overlooking.

The ground floor of no. 15 is in commercial use as a barber's and there is a blocked up door opening in the ground floor rear elevation so no impact in respect of the ground floor.

Given all of the above it is considered that there would be no harmful impact on the amenity of no. 15 Perry Street in respect of overshadowing, loss of outlook or overlooking.

The neighbouring building to the west is no. 21 Perry Street. This has an original/period two storey out-rigger on the part of the rear elevation bordering the application site which appears approximately 3m in depth. As the proposed first floor extension would 3.3m in depth on this side then it would have no impact on the windows in the rear of no. 21 with regards overshadowing or loss of light and the extension would be built up to the boundary with no. 21 and so there would be no windows in the west flank wall of the extension therefore no issues regarding overlooking.

It is therefore considered the issues regarding the amenity of neighbouring properties in the previous application have all been resolved. Although the proposed first floor rear extension was not found to impact on the amenity of neighbours this has been reassessed in this current application given it is now proposed to add a pitched roof to the extension in order to meet design requirements. It has been found, as in the previous application, that the proposed first floor rear extension even with the pitched roof would not impact on neighbouring amenity. It has also been found that the proposed garage/store building would not impact on the amenity of any neighbouring properties. The proposal in respect of neighbouring amenity would therefore be compliant with Policy CS19 (LPCS) and ground of refusal no. 3 of previous application reference 20220727 has been resolved.

Parking and Highways

This matter related to ground of refusal no. 4 of previous application reference 20220727. The issue being that all of the three parking spaces proposed were undersized, the lack of any cycle parking and also concern that the garage building would restrict access to service the shop from the rear.

SPG4 (2006) states that parking spaces should be a minimum of 2.5m in width and when abutting an enclosed boundary should be increased to 2.7m in width. However each of the three spaces proposed in the previous application were to be 2.4m wide and therefore all of the spaces were undersized but particularly the two end ones. There are now two parking spaces proposed in the garage with the area of

the two spaces being 6.5m in width and 6.1m in depth; there would therefore be sufficient space for the two parking spaces. A bike store is shown in the amenity space for each flat and the proposed garage building would have a service entrance to the shop, as one of the parking spaces has been removed.

All issues in the previous application in respect of parking and highways have therefore been resolved and in this regard the proposal in respect of parking and highways would be compliant with Policy CS11 (LPCS) and saved Policy P3 (LPFR) and ground of refusal no.4 of previous application reference 20220727 has been resolved.

Ecology/Biodiversity

This matter related to ground of refusal no. 5 of previous application reference 20230354.

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) 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 Borough Council 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 £314.05 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However, a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will 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. The CJEU sees 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 AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of 1 unit and the applicant has submitted the Strategic Access Management and Monitoring Strategy (SAMMS) Contribution Agreement and paid the required tariff (£314.05). The Local Planning Authority can therefore now be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore, the proposal in respect of ecology and biodiversity is compliant with Policy CS12 (LPCS) and Paragraphs 186 and 187 of the NPPF (2023). The proposal has therefore resolved ground of refusal no. 5 of previous application reference 20220727.

Other Matters

Refuse

Refuse storage is proposed in the amenity areas of both flats and it is therefore considered that sufficient refuse storage is proposed. In respect of refuse storage the proposal is therefore considered compliant with Policy CS19 (LPCS).

Storage

Should permission be forthcoming it would be necessary to condition that the store in the roofspace shall only be used as storage and not for any living accommodation etc. at any time.

Any Other Material Planning Considerations

None.

Conclusion & Recommendation

The proposal would have the benefit of providing a net addition of one flat (there is already one flat at first floor level) which would provide a minimal contribution to the Borough's housing supply. The proposal is now considered to have resolved the previous issues identified in application reference 20220727. It would now be acceptable in respect of design, character and appearance, future occupier and neighbouring amenity, parking and highway safety, ecology and biodiversity and refuse.

Recommendation: Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	23 February 2024	Dated:	27 February 2024