



Delegated Report

Full Planning Application

Application No:	20221035
Location:	TJ's, 15 Milton Road, Gravesend, Kent, DA12 2RF
Description:	**REVISED DESCRIPTION** Demolition of the existing 2-storey outrigger and erection of a replacement three-storey outrigger linked to a first-floor extension to the existing function room including the change of use of the new first-floor accommodation to 12 no. en-suite letting rooms ancillary to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities.
Applicant:	Mrs Iris Smith
Site Visit:	N/A Desktop Assessment

Procedural Issue

The application was submitted with an incorrect description, which was the same as the previous application (ref. 20211466). The description described a "two storey outrigger" extension, however it is clear from the plans submitted that the replacement outrigger is a three storey extension. Therefore, the Local Planning Authority changed to the description to read as follows:

****REVISED DESCRIPTION****

Demolition of the existing 2-storey outrigger and erection of a replacement three-storey outrigger linked to a first-floor extension to the existing function room including the change of use of the new first-floor accommodation to 12 no. en-suite letting rooms ancillary to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities.

Submitted Documents/Plans

Application Form - dated 22/09/2022;
Covering Letter - dated 22/09/2022;
Drawing no. 001 - Rev. A - Site Location and Existing/Proposed Block Plans;
Drawing no. 002 - Rev. B - Existing Floor Plans;
Drawing no. 003 - Rev. B - Proposed Floor Plans;
Drawing no. 004 - Rev. B - Existing Elevations;
Drawing no. 005 - Rev. B - Proposed Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20211466	Demolition of the existing 2 storey outrigger and erection of a replacement two storey outrigger linked to a first floor extension to the existing function room including the change of use of the new first floor accommodation to 6no. en-suite letting rooms ancillary	PERMITTED	24.03.2022

	to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities.		
20210949	Demolition of an existing rear two storey outrigger extension and single-storey side extension, erection of a rear two storey outrigger extension, erection of a first floor extension to the existing function room to be joined with new outrigger extension to create function room on ground floor level and first-floor accommodation comprising of 6 en-suite letting rooms ancillary to the existing public house.	REFUSED	22.09.2021
20140344	Replacement of doors and windows at ground floor level on the front elevation.	PERMITTED	06.06.2014
20120076	Application for minor material amendment to planning permission reference number 20110580 for erection of single storey annexe in the rear garden to provide additional bar area/private function space; for the doors and windows to be UPVC instead of wood.	PERMITTED	21.03.2012
20111090	Application for approval of condition 3 attached to planning permission reference number 20110126 relating to the 1:10 scale drawings of the windows.	APPROVAL OF DETAILS	06.08.2012
20110580	Erection of single storey annexe in the rear garden to provide additional bar area/private function space.	PERMITTED	26.08.2011
20110126	Replacement of doors and windows at ground floor level on front elevation.	PERMITTED	20.04.2011

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale and Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS11 - Transport
- CS12 - Green Infrastructure
- CS19 - Design and Development Principles
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 - Policy for Listed Buildings
- TC3 - Development Affecting Conservation Areas
- T1 - Impact of Development on the Highway Network
- P3 - Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG4 - KCC Parking Standards (2006)
- Harmer Street Conservation Area Character Appraisal (2009)
- Management Plan - Gravesend Town Centre Conservation Areas (2009)
- Technical Housing Standards - Nationally Described Space Standards (2015)

Consultations, Publicity and Representations

Consultees

GBC - Environmental Protection (Regulatory Services) - After reviewing the above application we have the following comments:

Noise - To reduce the likelihood of a noise nuisance, due to insufficient sound insulation for the flats and/or noise from associated plant, which includes air systems where required, we would want to see prior to commencement;

- A noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:
 1. The internal ambient noise levels in all habitable rooms, including the roadside rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014
 2. The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{max} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
 3. The rating noise from fixed building services/mechanical plant/equipment, including any air systems, associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

The noise impact assessment must take into account traffic noise, commercial activities including that of the public house, air systems that are required, as well as the night time economy.

- The Code of Practice on Construction and Demolition applied as a condition to reduce the likelihood the demolition and construction causes an unreasonable noise and dust nuisance to nearby residents.

Drainage/sewerage - The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems. Due to the increase in use of the existing drainage by the addition of 12 toilets/bathrooms, we would advise that the applicant prior to planning approval must provide to the LPA written confirmation from Southern Water Services that the additional rooms proposed can be accommodated by the existing drainage.

Smoke Control Area 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

Contaminated Land - The applicant shall undertake a watching brief during construction in case any contamination issues are 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.

GBC - Conservation Officer - Concerns were raised at the previous application proposal regarding the loss of the original historic outrigger that would result in an extension that is out of scale and character with the host historic building and those adjacent to the site.

The current proposal further exacerbates the loss of character of the host building and the conservation area with an extension that adopts external deck access reminiscent of an American motel. The appearance, scale and height of the proposal will result in a visually cramped and oppressive building to this section of East Crescent Road where the site forms a pinch point in the road before opening up to the north. The proposal therefore causes harm to the appearance of the conservation area and the setting of adjacent listed buildings and is contrary to local and national policy which cannot be supported.

Previous comment from application reference no. 20211466:

Having read the structural engineer's report it is clear that there is no structural justification for demolition of the outrigger. The conclusion states "Whilst the existing building is still able to carry the existing loads, any extensions to the property which may increase the loads are likely to result in strengthening being required". As previously stated outriggers of this period are integral to the historic appearance of the building, which due to its early date should be considered a non-designated heritage asset. Based on the structural report demolition and reconstruction is not justified and would be contrary to local and national policy. The previous comments are still relevant and it should be noted that there is insufficient information showing the relationship of the covered garden roof with the proposed external first floor access gantry.

Previous comment from application reference no 20210949:

There are some reservations about the loss of the outrigger.

Having reviewed the application, referred to street view and the first series OS plans, the outrigger is clearly very early and possibly contemporary with the main building. There is a terrace of similar buildings with the mansard roof not far from the application site at 23 -29 Bentley Street. What makes TJ's (previously the

British Tar) of particular interest is the timber frame construction and mathematical tile first floor front elevation. The heritage statement refers to structural problems with the outrigger which are not supported by a qualified structural engineers report, simply a statement in the heritage statement.

The outrigger does make a contribution to the setting of the adjacent listed buildings and the conservation area and although windows have been altered they still reference the original timber sash and casement windows in their proportion and fenestration. Sadly the feather edged weatherboarding on the gable end of the outrigger and the rear and side of the main building was replaced between 2008 and 2012 according to Street View. The tall central outrigger chimney stack remains, which originally serviced two fireplaces, and the outrigger as a whole makes a positive contribution to the conservation area and the adjacent listed building to the rear of Berkley Crescent and Harmer Street. It is a rare survivor.

The proposed two storey extension will be out of proportion with the extensions on adjacent buildings fronting Milton Road, namely those at 17 and 19 Milton Road, which are approximately the same length as the existing outrigger at number 15.

OS Map from 1871-1890 showing outrigger as two units with the single storey building beyond. Adjacent buildings in Milton Road have similar outriggers. The proposed two storey extension would be out of proportion resulting in harm to the historic setting of adjacent listed buildings and the conservation area.

GBC - Highways Officer (comments from 20210949) - This is a town centre/edge of centre property, so no car parking is required. However, to comply with SPG4 requirements for hotels, ideally a single secure and weatherproof parking space for a bicycle should be provided (1 space per 10 bedrooms).

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site 14th October 2022.

In addition, eighty-seven surrounding properties were consulted on the application, and fifty-three representations were received. One representation raised objection to the proposed development and fifty-two representations of support were received.

The objection raised the following concerns regarding the development:

- Over-bearing development
- Out of scale
- Not fitting for Conservation Area
- Economic reasons were given as justification for the previous application
- No tests to prove economic case

The main comments of support for the development have been summarised and related to the following:

- Great addition to the community
- Benefit to the town - providing central accommodation
- Does not affect the surrounding landscape
- Quality accommodation and disabled access welcome

The overall consultation period expired 28th October 2022.

Officer's Analysis

Site Description

The application site comprises a public house (TJ's) with accommodation in the Dutch barn style roof. The building is identified within the Conservation Area Character Appraisal as being a building of townscape merit, which makes a positive contribution to the special interest of the conservation area. There is an

existing single storey side addition and a two storey rear outrigger attached to the main building. There is also a single storey building providing an additional bar/function space within the rear garden, constructed after planning permission was granted in 2011.

Along the western boundary of the site lies East Crescent Road, which is a narrow lane largely providing access to the back of properties on Harmer Street. The Grade II listed buildings of Berkley Crescent lie to the west of the site, with further listed buildings beyond to the north on Harmer Street, and opposite the site to the south-east (the Post Office). There are commercial units with residential above both opposite the site and to the east on Milton Road.

Proposed Development

This application proposed the demolition of the existing two storey outrigger and erection of a replacement three storey outrigger linked to a two floor extension to the existing function room including the change of use of the new first floor accommodation to 12no.en-suite letting rooms ancillary to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities.



The proposed extension will be approx. 21.26m deep and will be 4.81m wide. It will be approx. 9.28m high with a pitched roof. It will provide for twelve ensuite letting rooms. The letting rooms will be accessed by a gallery walkway, with stairs on the northern elevation (extending beyond the rear wall by 1.8m). There will be an entrance door and window facing west and each letting rooms will be served by high level on the eastern elevation. There will be one new door introduced on the western elevation at ground floor providing access to the public house store and boot room lobby.

Background

Planning application 20210949 was submitted for the 'Demolition of an existing rear two storey outrigger extension and single-storey side extension, erection of a rear two storey outrigger extension, erection of a

first floor extension to the existing function room to be joined with new outrigger extension to create function room on ground floor level and first-floor accommodation comprising of 6 en-suite letting rooms ancillary to the existing public house.' This was refused for the following reason:

The proposal would result in the loss of the existing historic two storey outrigger on this non-designated heritage asset without sufficient justification for its demolition over its retention and repair, which together with the out of proportion design of the proposed outrigger in relation to existing neighbouring extensions, would adversely affect the setting of the adjacent Grade II Listed Buildings, and fail to make a positive contribution to the character and appearance of the Harmer Street Conservation Area. The proposal would therefore fail to comply with the requirements of Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 130, 190, 197, 199, 200 and 203 of the National Planning Policy Framework 2021.

The refused application was resubmitted with minor alterations (ref. 20211466), proposing 'Demolition of the existing 2 storey outrigger and erection of a replacement two storey outrigger linked to a first floor extension to the existing function room including the change of use of the new first floor accommodation to 6no.en-suite letting rooms ancillary to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities'. This application was approved by the Local Planning Authority, subject to conditions, 24/03/2022. The approved scheme is shown in the screenshot below:

Previously Approved (20211466)



This current application proposes to double the letting room units and add an additional storey onto the approved extension.

Principle of the Development

The main issues to consider in the determination of this application are as follows:

- The principle of the ancillary letting rooms;
- The design of the proposed outrigger extension and the impact on the character and appearance of the existing site and surrounding conservation area and listed buildings;
- The effect of the proposal on the amenities of existing neighbouring properties, as well as whether the proposed development itself will provide satisfactory living accommodation for future occupiers;
- The impact on highway safety and parking provision; and
- Any other material planning considerations.

Principle of Ancillary Letting Rooms

Policy CS02 of Gravesham's Local Plan Core Strategy (LPCS) (2014) prioritises development in the urban area as a sustainable location for development. No. 15 Milton Road lies close to the town centre boundary of Gravesend, and is within the Gravesend Town Centre Opportunity Area, and therefore the principle of tourist development as proposed is generally supported.

In relation to the Town Centre Opportunity Area, Policy CS05 (LPCS) states that the Council will:

- Support and enhance retail, leisure, entertainment, cultural and tourism provision in accordance with the sequential approach;
- Support the redevelopment of under-used sites where this makes more efficient use of the sites and improves townscape character; and
- Support existing retail, commercial and service functions on the ground floors and the provision of offices and residential uses on upper floors subject to achieving a satisfactory living environment.

Policy CS09 (Culture and Tourism) (LPCS) goes on to state that the Council will seek to maximise opportunities for expansion in culture and tourism activity, and will support such facilities appropriate to their location and accessibility.

The application site lies approx. 70m away from the town centre boundary, and as such is classed as being in an edge of centre location. However whilst it is not within the town centre itself, it is within such close proximity that it is considered to be an acceptable location for this type of development, given the policy aims of making more efficient use of sites and supporting existing commercial and service functions. Therefore, on this basis, the proposal to add letting rooms to this existing pub site is considered to be a complimentary ancillary development to the existing business, and is an acceptable use in this location.

Design, Character and Appearance

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

The NPPF 2021 also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 190). This is echoed in Policy CS20 (LPCS), which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC2 of the Local Plan First Review (LPFR) (1994), sets out that for development affecting the setting of listed buildings, the primary consideration is the maintenance of the integrity of the original listed building. Proposals must be sympathetic in terms of their appearance and materials. Saved Policy TC3 (LPFR) also states development is expected to make a positive contribution to the Conservation Area. As the application site lies within the Harmer Street Conservation Area, these policies are all relevant to the consideration of this application.

The application site comprises a public house (TJ's) with accommodation in the Dutch barn style roof. The building is identified within the Conservation Area Character Appraisal as being a building of townscape merit, which makes a positive contribution to the special interest of the conservation area. There is an existing single storey side addition and a two storey rear outrigger attached to the main building. There is also a single storey building providing an additional bar/function space within the rear garden, constructed after planning permission was granted in 2011.



Along the western boundary of the site lies East Crescent Road, which is a narrow lane largely providing access to the back of properties on Harmer Street. The Grade II listed buildings of Berkley Crescent lie to the west of the site, with further listed buildings beyond to the north on Harmer Street, and opposite the site to the south-east (the Post Office). There are commercial units with residential above both opposite the site and to the east on Milton Road. The British Tar Public House is referenced as being a building of local heritage interest and forming a group of buildings from circa 1840 together with Nos 1 to 45 (odd) and 47A and Nos 2 to 48 (even) Harmer Street and Nos 1 to 9 (consec) Berkeley Crescent by Historic England. With all of these properties except the British Tar, being Grade II listed buildings. As such outrigger is considered to make a positive contribution to the setting of the adjacent listed buildings and conservation area.

The British Tar (now TJs) itself dates from around 1808. Due to its age and historic interest, the building should be treated as a non-designated heritage asset. In accordance with paragraph 203 of the NPPF 2021, in considering applications that affect the significance of a non-designated heritage asset, a judgement is required with regards to the scale of any harm or loss. The previous applications discussed the loss of the 1800s outrigger in detail, however following the planning permission ref. 20211466 the principle of its demolition and a new extension is acceptable. Nevertheless, the current proposal is a significant enlargement to the previous approval and as such the key consideration is whether this increase in built form would affect the setting of adjacent listed buildings and the conservation area. In line with local and national policy, great weight should be given to conservation.

Gravesham's Conservation Officer has raised concerns with the development by virtue of the proposed extension being out of scale and character with the host historic building and other heritage assets around the site. In his representation he stated that "the current proposal further exacerbates the loss of character of the host building and the conservation area with an extension that adopts external deck access reminiscent of an American motel."

The adjacent East Crescent Road is narrow close to the application site, and widens further north. This pinch point in the road will feel oppressive and visually cramped as a result of the scale and height of the proposed extension. The oppressive nature of the development is intensified by the gallery walkway projecting forward towards the road. Moreover, the external appearance and metal gallery walkway is uncharacteristic of an 1800s British building and serves to increase the harmful impact of the grossly out of proportion three storey outrigger, which dwarfs the existing building. The images below demonstrate the impact of the development on East Crescent Road:

View from East Crescent Road (Existing and Proposed)



As demonstrated in the screenshot comparisons above, the proposed extension fails to respond to the scale of the existing building or its historic character, is a grossly disproportionate addition and therefore causes harm to the appearance of the conservation area and the setting of adjacent listed buildings.

The justification, provided within the covering letter, for the additional floor and double letting rooms is due to the previously approved scheme not being economically viable. To support this claim a viability assessment is required, however no such assessment has been submitted and therefore the Local Planning Authority can only attribute minimal weight to this claim. As such, the harm of the extension to appearance of the 1800s public house building, the character of the Conservation Area or adjacent listed buildings.

Overall, the proposal would also result in an unsympathetic large extension, that is considered to be out of scale and not in proportion to adjacent buildings fronting Milton Road, the scale of this extension would also harm the setting of adjacent listed buildings and the Conservation Area. As such the application fails to comply with policies TC3 (LPFR), CS19 and CS20 (LPCS) and para. 197 of the NPPF which seek to preserve non-designated heritage assets.

Residential Amenity

Policy CS19 (LPCS) seeks to provide acceptable future living conditions, by ensuring developments are located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land. Section 16 of the NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create

attractive and comfortable places to live, work and visit and seeks to “secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

Amenity of Future Occupiers

The proposed letting rooms are all approximately 11.57m², with an additional 2.22m² for the ensembles. They would have storage and sitting space, with windows serving the main rooms and high level windows to the ensembles. Overall, the letting rooms are considered to provide acceptable guest accommodation.

No amenity concerns have been raised by Environmental Protection with regards to the proposed use and potential environmental impacts on future users given the existing public house use of the site. However, part of the development is located within an AQMA and if permission were forthcoming planning conditions may be required to safeguard occupiers from fumes.

As such, there are no conflicts with Policy CS19 (LPCS) in respect of living conditions, subject to the proposed ensuite windows being obscurely glazed to protect the privacy of guests and air extraction systems installed on rooms within the AQMA.

Neighbouring Amenity

The main properties likely to be affected by the windows within the proposed extension are those within Berkley Crescent, located to the west of the site, which are mixed use buildings. The flank of the proposed outrigger would be approximately 9.5m away from the flank of the closest property on Berkley Crescent (No. 9). However, due to the angle of the Berkley Crescent properties, none of the windows to the proposed letting rooms would directly face windows within the rear of Berkley Crescent. Moreover, this is a built up area with buildings in close proximity to each other and the proposal is not considered to cause any significant loss of privacy.

The proposed extension would be constructed alongside existing two and three storey buildings, at Berkley Crescent, to the rear of properties fronting Milton Road, and off Bentley Street to the east of the site. Given the nature and scale of the surrounding buildings, the proposed outrigger extension will not result in any loss of light or overshadowing to neighbouring properties. The twelve proposed letting rooms would not be likely to cause any significant environmental impacts.

Overall, the proposals would comply with Policy CS19 (LPCS) or Section 12 (NPPF) in respect of neighbouring amenities.

Parking and Highways

The site is in an edge of town centre location and therefore no car parking is required for the proposed development. Gravesham's Highways Officer requested that, if the application were supported, secure cycle storage is provided. This could be secured by planning condition.

Overall, there is no conflict with Policy CS11 (Transport) (LPCS), saved policy P3 (LPFR) or Gravesham's adopted parking standards (SPG4) (2006).

Any Other Material Planning Considerations

Refuse - Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste. It is unclear from the plans provided where the bin store is located or the allocation of bins. However, it is considered that the public house would have adequate space within a bin store, and therefore it is not sufficient to refuse the application on the lack of detail. As such, if the application were to be supported, details of the refuse storage and collection strategy would be conditioned.

Air Quality - WAITING FOR EP confirmation

Noise - The application site is located on Milton Road which is a busy arterial road into and out of the town centre. Moreover, the noise generated by the use of the public house could result in nuisance for occupiers of the letting rooms. As such, Gravesham's Environmental Protection Team (Regulatory Services) has recommended that, if the application was to be supported, a condition to ensure that a noise impact assessment is submitted, and an informative relating to the code of practice on construction and demolition are attached.

Drainage and Sewage – Gravesham's Environmental Protection Team (Regulatory Services) have requested that prior to any planning permission that written confirmation from Southern Water is provided to the Local Planning Authority, in order to confirm that the foul sewage from the development can be removed by means of the mains drainage. This has not been provided as part of this application, however is not considered sufficient grounds to refuse the application as planning conditions could ensure that confirmation is provided prior to the commencement of any development works.

Smoke Control - The application site is located with a smoke control area, and therefore if permission were forthcoming an informative would be attached to any decision notice detailing regulations.

Contaminated Land - There is no objection on the basis of contaminated land. Gravesham's Environmental Protection Team (Regulatory Services) has recommended that, if the application was to be supported, a condition ensuring that a watching brief is undertaken during construction.

Ecology and Biodiversity (Bird Mitigation) - The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds 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 £275.88 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for hotel accommodation within 6km of the SPA/Ramsar site of £275.88 per 5 new hotel bedrooms. It is acknowledged that the applicant has paid the SAMMs contribution in previous applications, however the current proposal has doubled the number of hotel bedrooms and the tariff has increased.

Therefore, the applicant has failed to secure the contribution for SAMMs and this application does not comply with the requirements of the Habitat Regulations, as well as Section 15 (specifically paragraphs 180 and 181) of the NPPF and Policy CS12 (LPCS).

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

The proposal would result in a grossly disproportionate addition to building, which by virtue of its scale, height, and bulk in relation to existing neighbouring extensions, would adversely affect the setting of the adjacent Grade II Listed Buildings, and fail to make a positive contribution to the character and appearance

of the Harmer Street Conservation Area. The proposal would therefore fail to comply with the requirements of Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), and paragraphs 130, 190, 197, 199, 200 and 203 of the National Planning Policy Framework (2021).

Furthermore, the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations, Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework (2021) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

Recommendation

Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	21 st November 2022	Dated:	21 November 2022