

Delegated Report

Planning Application

Planning Application No: 20241161

Location: St Josephs Convent Of Mercy, Hillside Drive, Gravesend DA12 1NY

Description: Change of use of surplus convent buildings into two 6-bedroom townhouses, demolition of existing single-storey extensions to the west and construction of a 2-bedroom attached chalet bungalow, reorganisation of the convent car park and alterations to create a front entrance, erection of two single-storey bays to the rear elevation, dividing up the existing garden, and forming a new driveway to access the gardens to the rear.

Applicant: Sister A O'Connell, Sisters Of Mercy

Site Visit Date: 9 January 2024

Submitted Documents/Plans

Application form
Covering Letter
BNG Calculations
Transport Statement by Stantec
Biodiversity Net Gain by Lizard
Ecological Impact Assessment by Lizard
Planning Statement by CB Wright and Associates
Design and Access Statement
Arboricultural Report by Sylvanarb
Tree Survey Plan
Tree Protection Plan
Drawing no. 5287/PLI/105 rev D (proposed site plan)
Drawing no. 5287/PL/114 (existing roof plan)
Drawing no. 5287/PL/103 (existing site plan)
Drawing no. 5287/PL/113 (existing second floor plan)
Drawing no. 5287/PL/102 rev A (proposed block plan)
Drawing no. 5287/PL/101 (existing block plan)
Drawing no. 5287/PL/100 (proposed location plan)
Drawing no. 5287/PL/116 (existing section)
Drawing no. 5287/PL/112 (existing first floor plan)
Drawing no. 5287/PL/120 (proposed basement plan)
Drawing no. 5287/PL/124 rev A (proposed roof plan)
Drawing no. 5285/PL/121 rev A (proposed ground floor plan)
Drawing no. 5285/PL/122 (proposed first floor plan)
Drawing no. 5287/PL/127 rev A (proposed cross section)
Drawing no. 5285/PL/123 (proposed second floor plan)
Drawing no. 5287/PL/117 (existing cross section)
Drawing no. 5287/PL/126 (proposed section and cross section)
Drawing no. 5287/PL/125 rev A (proposed elevations)
Drawing no. 5287/PL/115 (existing elevations)

Drawing no. 5287/PL/110 (existing lower ground floor)
 Drawing no. 5287/PL/104 (existing site plan, detail of Hillside Drive)
 Drawing no. 5287/PL/111 (existing ground floor plan)

Relevant Planning History

20240726	Application for Variation of Conditions 2, 3 and 4 attached to planning permission reference number 20231319 for Alterations to the convent to include; proposed installation of new entrance at Theydon, closing of the party wall between Theydon and Hillside, extension to the staircase, alterations to the existing 1950s block to include cladding, re-glazing and re-roofing. Addition of a first floor to the chapel with roof lights and re-ordering of rooms and new lift; Amendment to materials. Removal of the brise soleil, rooflights to chapel and 1st floor.	Permitted	01.10.2024
20231319	Alterations to the convent to include; proposed installation of new entrance at Theydon, closing of the party wall between Theydon and Hillside, extension to the staircase, alterations to the existing 1950s block to include cladding, re-glazing and re-roofing. Addition of a first floor to the chapel with roof lights and re-ordering of rooms and new lift.	Permitted	01.03.2024

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- Core Strategy Policy CS01: Sustainable Development
- Core Strategy Policy CS02: Scale and Distribution of Development
- Core Strategy Policy CS10: Physical and Social Infrastructure
- Core Strategy Policy CS11: Transport
- Core Strategy Policy CS12: Green Infrastructure
- Core Strategy Policy CS14: Housing Type and Size
- Core Strategy Policy CS15: Housing Density
- Core Strategy Policy CS18: Climate Change
- Core Strategy Policy CS19: Development and Design Principles

Gravesham Local Plan: First Review (1994)

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

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as

necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – 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);
- Design for Gravesham: Design Code (2024);
- SPG 4 - KCC Parking Standards (2006);

Consultations, Publicity and Representations

Consultees

KCC Biodiversity

We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided.

Under the Environment Act 2021, all planning applications for development (unless exempt^{1,2}) must deliver at least a 10% biodiversity net gain. This mandatory 10% biodiversity net gain is provided through the provision of habitats and does not require the provision of habitat features such as bird boxes, bat boxes, hedgehog highways etc. The provision of such habitat features may be required to meet necessary protected and/or priority species mitigation/compensation, and/or to contribute to biodiversity enhancements³ as per the NPPF 2024 and to help meet the public authority biodiversity duty⁴.

We highlight that paragraph 187 of the NPPF 2024 states: “Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehog...”

As such, to meet the necessary policy and legislative requirements, if planning permission is granted, we advise the conditions in Appendix 1 are included.

Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

Ecological Impact Assessment

The ecological impact assessment submitted as part of this application indicates that there are the following ecological constraints or potential constraints on-site with regards to protected and priority species:

- An on-site building supports a day roost for two common pipistrelle bats;
- There is habitat suitable for foraging and commuting bats, badgers, breeding birds, hedgehogs.

Mandatory 10% Biodiversity Net Gain

Under the National Planning Policy Framework 2024, proposals achieving a biodiversity net gain with no specific percentage target should be viewed favourably⁵. Under the Environment Act 2021, all planning applications for development (unless exempt^{6,7}) must deliver at least a 10% biodiversity net gain. Unless exempt, every planning permission granted pursuant to an application is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

We highlight that local policy may expect a higher than 10% biodiversity net gain and that 'significant'⁸ on-site habitat gains, and off-site habitats created/enhanced to achieve biodiversity net gain will need to be secured for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant⁹.

Having reviewed submitted information, we consider this application to fall under mandatory biodiversity net gain.

Detailed advice regarding biodiversity net gain requirements and submitted information is provided in Appendix 1, a summary is provided below.

Having reviewed the submitted information, we consider that the applicant has provided the minimum information required prior to determination.

We have provided suggested condition wording should planning permission be granted, in Appendix 2.

If planning permission is granted, the statutory biodiversity gain condition (and its reason for imposition) should not be included on decision notices. Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the biodiversity net gain information which needs to be included on non-exempted decision notices. The Planning Practice Guidance (Paragraph: 026 Reference ID: 74-026-20240214)¹⁰ provides a link to a document with suggested paragraphs for Biodiversity Gain Information to fulfil these requirements.

North Kent Sites

The development includes proposals for new dwellings within the zone of influence (ZOI) (6km) of the Thames Estuary and Marshes Special Protection Area and its associated Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Gravesham Borough Council must consider the impact the proposal will have on these designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework (NPPF) 2024.

Gravesham Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be carried out as part of this application.

The Conservation of Habitats and Species Regulations 2017 Regulation 63 (3) also indicates that for

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs): "The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies." The local planning authority (the "Competent Authority") must therefore consult with and take into consideration Natural England's advice in determining the application. The local planning authority also needs to be confident that proposals will not adversely affect these sites in line with the NPPF 2024¹¹. For this type of development, it is possible to obtain an autogenerated Natural England advice letter which we have attached to the email accompanying this advice note.

The responsibility for carrying out a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment lies with the Competent Authority, Gravesham Borough Council.

1 Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)

2 The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (legislation.gov.uk)

3 Enhancement refers to providing net benefits for biodiversity over and above requirements for avoidance, mitigation and compensation.

4 Complying with the biodiversity duty - GOV.UK

5 Appeal decisions (Planning Inspectorate (2022)). Appeal Decisions APP/Y3940/W/21/3278256, APP/Y3940/Q/21/3278923, APP/Y3940/W/21/3282365) have clarified that:

- "Paragraph 174 [now 187] of the Framework [the NPPF encourages applicants to], ... seek a net gain in biodiversity without identifying a specific percentage..."

- The relevant Core Strategy may "...seek a net gain in biodiversity without identifying a specific percentage..."; and

- "A net gain of just 1% would be policy compliant...."

6 Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)

7 The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (legislation.gov.uk)

8 Make on-site biodiversity gains as a developer - GOV.UK (www.gov.uk)

9 Paragraph 14(2) of Schedule 7A Town and Country Planning Act 1990

10 Biodiversity net gain - GOV.UK (www.gov.uk)

Suggested conditions were appended to KCCs response and can be found online.

In addition to this further clarification was sought regarding their comments and they responded to say that additional monitoring conditions are not required in this instance as the combination of habitat types and areas proposed do not warrant it. (The suggested condition wording is an error and should be removed).

The applicant has confirmed that that would be able to fulfil the standard BNG condition by purchasing off site habitat units.

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 :-

This application is supported by a Transport Statement produced by Hydrock Consultants Ltd. dated 4th December 2024. It is considered to address all the necessary highway related issues resulting from this proposed development and is considered to be robust in it's content.

Hillside Road is a private road and the proposed development is at a considerable distance from the public highway therefore it's direct impact on the latter is limited. The parking provision complies with the current Kent Parking Standards.

The site is located in a relatively sustainable location within walking / cycling distance of the town centre and its facilities, including bus and rail services.

It is important to note that this proposal is a change of use and it is demonstrated in the TS that the traffic generation is low and considerably less than the potential generation from the existing use should it be fully occupied.

My only concern is the access junction onto Old Road East where existing brick pillars reduce the width

of Hillside Road to 3.76m which is insufficient for two vehicles to pass and could result in a vehicle stopping on Old Road East whilst awaiting another vehicle to emerge. Whilst I would prefer the central pillar to be removed from a highway safety perspective, I accept that traffic flows are very low on Hillside Road and traffic generation from the proposed development is considerably less than the existing use. It would therefore be difficult to justify a refusal on highway safety grounds unless the pillar is removed.

Visibility splays at the junction with Old Road East should be provided as 45m x 2.0m and this should be conditioned.

Overall, given the fact that it is a private road over which the highway authority has no jurisdiction and that traffic generation is lower than that potentially generated by the existing use, I raise no objection on highway grounds to this application provided the following Conditions are applied to any consent granted:

- 1 Provision and maintenance of 4.5 metres x 2.0 metres x 45 metres visibility splays at the access with no obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, prior to use of the site commencing.
- 2 Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- 3 Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- 4 Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site.
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
 - (c) Timing of deliveries, avoiding network and school peaks where possible.
 - (d) Provision of wheel washing facilities.
 - (e) Measures to prevent the discharge of surface water onto the highway.
 - (f) Temporary traffic management / signage.

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

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

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

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

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

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

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

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

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

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

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

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

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

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

KCC Heritage

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

Southern Water

Existing Southern Water Assets

Please see the attached extract from Southern Water records showing the approximate position of our existing sewer and water main assets in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Insufficient Information provided

From reviewing the proposed drawings, we have been unable to detect the proposed means of disposal of foul drainage from the site. Therefore, Southern Water are unable to comment fully on this Planning Consultation until such time as the relevant information is provided.

Proposed soakaways

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of

soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

Kent Fire and Rescue

No comments to make.

GBC Environmental Protection

Although there is no objection to this application, the following is to be considered:

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.

Code of Practice on Construction and Demolition

Please apply as appropriate to minimise the impact on nearby residential premises.

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

Drainage/sewerage informative

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

Asbestos informative

Owing to the likelihood of the existing building containing asbestos products, the applicant should be informed to contact the Health and Safety Executive (HSE) for advice on the submission of a suitable method statement for removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator. This is in the interests of safeguarding the amenities of the surrounding area and safety.

GBC Private Sector Housing

No comment.

Neighbouring properties

The application has been advertised by site notice and individual letters to 44 dwellings. 15 letters of objection have been received (3 from the same person) raising the following concerns:

- Would like the convent to address the existing leaning boundary wall (this is not a material planning consideration)
- Noise from building works/builders/scaffolders
- The two bedroom bungalow is overdevelopment and out of character of 3-4 bedroom houses
- Not consistent with the character and appearance of the area
- Space would be better used as a garage for the two properties
- There is no guarantee the bungalow will be used by the sisters when the remaining convent becomes too large
- No other property has a driveway to access their rear gardens and this proposal threatens this uniqueness. A new driveway reduces greenspace and increases carbon emissions and pollution
- The bungalow parking seems excessive
- An 18% increase in traffic will increase risks to pedestrians and cyclists, elderly sisters and other residents
- Narrow road and increased congestion
- Emergency access
- Parking pressure
- Strain on utilities and services
- Strain on drainage
- Change in character of private road
- Reduction of green space and biodiversity
- Heavy vehicle traffic, inconvenient to neighbour, damaging road etc
- Loss of privacy from the bungalow
- Overlooking
- Loss of value to property (not a material planning consideration)
- Hillside Drive has a unique 'countryside' character
- The pillar is constantly damaged by vehicles and its upkeep is the responsibility of the residents
- The road and its upkeep is also the responsibility of the residents
- Discrepancies with ownership and access rights (not a planning issue)
- The bungalow is overdevelopment, the property is not consistent with the character and size of other properties
- The bungalow is an incongruous form of development; its driveway to the rear is out of character
- Disturbance from the bungalow driveway

Officer's Analysis

Proposal

This planning application seeks a change of use of surplus convent buildings into two 6-bedroom townhouses, demolition of existing single-storey extensions to the west and construction of a 2-bedroom attached chalet bungalow, reorganisation of the convent car park and alterations to create a front entrance, erection of two single-storey bays to the rear elevation, dividing up the existing garden, and forming a new driveway to access the gardens to the rear.

The plan below shows the proposed layout:



The plan below shows the proposed front elevation:



The plan below shows the proposed rear elevation:



Housing Need

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

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

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 years.

Given the Council’s current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham’s Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a 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 paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
- and areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (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 ‘3’ residential units would offer a minimum 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 (2024) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

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

Principle of Development

The principle issues for consideration with this pre-application are as follows:

- Principle of Development
- Layout/Design
- Living conditions for future occupiers
- Impact on amenity of surrounding properties
- Developer Contributions/SAMMS
- Biodiversity
- Highway issues

Principle

Policy CS14 encourages a mix of dwellings providing that the type of dwelling takes into account the existing character of the area. The proposed development will result in two no. six bedroom dwellings which are, in the main larger than the majority of neighbouring dwellings with regards to the number of bedrooms. They are, however, shown to be family dwellings which are in keeping with the surrounding area. A number of objections have been received regarding the proposed two bedroom bungalow stating it is out of character with the area and is overdevelopment. Whilst there are no two bedroom dwellings in close proximity to the convent it is noted that policy does state there should be a mix of dwelling types provided it does not harm the character of the area. It is not considered that a two bedroom chalet style bungalow would significantly harm the character of the area and will provide much needed housing. On balance, it is not considered to be sufficiently out of character to warrant a refusal on this basis alone and contributes to the Borough's housing supply. The design of the bungalow is discussed below.

Policy CS15 relates to housing density. Given that the property was converted to houses before being converted back to one house used as a convent, the relatively higher density than surrounding properties is not considered to be a concern. The proposed density is lower than the 40 dwellings per hectare as required by this policy but this is considered acceptable given the unique situation of the site and the character of the surrounding area.

The principle of converting the convent is therefore considered acceptable.

Design, Character and Appearance

The application site is a large building that was once one dwelling built in 1865 and then converted into three dwellings by 1940. The whole building is now used as a convent. The site is accessed via a private road and is situated in large grounds. The existing building is an attractive three storey property with pitched roofs and tall chimneys. There have been some unsympathetic additions to the building over the years such as the flat roof, three storey building to the southeastern elevation and the single storey extensions to the northwestern elevations. To the front and rear are large garden areas mostly laid to grass with some trees and varying boundary treatment.

The character of the area is mixed in term of design of dwelling however they are mostly detached with hipped roofs. The site is surrounded by two storey dwellings from 1900s to the southwest and c.1980 houses to the east. The conversion into two large dwellings will result in changes to the windows, a new entrance to 'Rydal' and an infilling of the valley that currently exists between the front and rear pitch. It will also involve the loss of the existing northwestern side extension and its replacement with a bungalow.

The existing side extension projects approx. 9.6m to the side and is 5.5m high with a tiled roof lantern. The proposed bungalow will be approx. 7m wide and 5.8m high with a front and rear dormer. The proposed

bungalow does not contain any features that relate to the host building however it will replace an assortment of additions that exist to this side and create a more cohesive development in one building. The design of the proposed bungalow could be improved to relate better to the host building however, on balance, given that the bungalow improves on the current situation, reduces the sprawl of development to this elevation, sets the building further away from the neighbour and provides an additional dwelling, the design is considered acceptable. To the rear of the bungalow will be a patio area and parking.

Objections to the rear parking have been received due to being out of character with other properties that have parking to the front. Whilst the arrangement does differ from other houses it is not considered to cause a detrimental impact on the character and appearance of the area and therefore complies with adopted policies.

The plans also show an infill of the valley within the roof. This will create an almost flat roof between the two ridges at the front and rear. The plans show the roof to finish below the front ridge tile where weep holes will then be needed to allow water to run down the front roof slope. This will solve the issues of the current roof which is difficult to maintain and prone to leaking whilst also ensuring the flat roof is not readily visible from the ground of wider area and will only be visible from above. On balance, this solution for the roof is acceptable in design terms.

The building dates back to 1865 and therefore contains historic features and could be described as a non-designated heritage asset.

The side extensions are a mix of 20th century extensions and a converted garage. The roof lantern on top is leaning and the building is currently used for laundry. It does state in the design and access statement that the sisters wish to retain ownership of this bungalow and rent it until the convent becomes too large for them and then they will move into it but for the short term it will be let. The tenure of this building is not a material planning consideration but is mentioned due to the objections received.

In terms of the changes to the windows, which will be replaced with double glazed timber windows, no objection is raised as they will reflect the late 19th century style of the building. There will be a new entrance to 'Rydal' and no objections are raised to this.

The proposed additions to the building to allow the conversion are considered to accord with Policy CS19 of the Gravesham Core Strategy 2014 and paragraph 135 of the National Planning Policy Framework 2024.

Amenity

Future Occupiers

Hillside:

All bedrooms meet the residential standards for doubles and contain sufficient outlook and daylight. The floor area of the entire building far exceeds the national space standards and the rear garden exceeds the adopted local residential standards.

Rydal:

All bedrooms meet the residential standards for doubles and contain sufficient outlook and daylight. The floor area of the entire building far exceeds the national space standards and the rear garden exceeds the adopted local residential standards.

Bungalow:

Both bedrooms meet the residential standards for doubles and contain sufficient outlook and daylight. The floor area of the bungalow equates to approx. 90sqm which exceeds the required 79sqm by the national space standards. The rear garden exceeds the adopted local residential standards.

Neighbouring Amenity

In terms of neighbouring amenity, the use of the building is currently residential accommodation and this will not change. In previous years there would have been up to 50 sisters living at the convent, which is more than the amount of people expected to live in the resultant three dwellings and therefore no concerns are raised with regards to noise and disturbance from the proposed use.

The closest neighbour is 'The Bungalow' (no. 9) to the west of the site. This property is approx. 4.4m away from the shared boundary and will be approx. 8m away from the proposed new bungalow. There is one window proposed in the flank wall facing this property which will be high level (it will have a floor to cill height of 1.7m) and therefore offers no outlook, just daylight. All other windows to the main building in the flank wall are shown to contain obscure glass and a condition is recommended to ensure this.

The side window in the proposed bungalow is positioned 4.6m back from the front elevation and therefore does not face the flank wall of the neighbouring property which is set much further back from the road. The rear dormer window faces down the garden to the rear and, due to the oblique angle and presence of boundary treatment, will result in no additional overlooking to this neighbour over and above mutual overlooking that is commonplace in residential areas. No. 9 has one door and two windows facing onto the application site at ground floor and two rooflights at first floor. The window and door serve a kitchen which also has a window in the front elevation and the remaining window serves a dining room which also has a window in the rear. The rooflights serve a bathroom and a bedroom (the bedroom also has a main window to the rear). None of these windows are sole windows to habitable rooms. Notwithstanding this, the built form of the proposed bungalow will be further away than the current building and therefore there will be no loss of privacy or daylight to this neighbour. The sun rises in the east and sets in the west. Due to the orientation of the properties, the reduction in width of the building and the height of the existing main building there will be no additional loss of sunlight to this neighbour.

Nos. 4 and 5 Hillside Drive are over 21m away from the application site and new bungalow and therefore will suffer no loss of amenity in terms of outlook, privacy, sunlight or daylight. All other neighbouring properties are further than 21m away. Concerns have been raised with regards to unsafe boundary treatment however this is a civil issue and not a material planning consideration.

Objections have been received regarding noise during the construction period. A condition relating to construction is recommended to ensure that building works are undertaken during reasonable hours.

Subject to relevant conditions, the proposed development accords with Policy CS19 of the Gravesham Core Strategy 2014 and paragraph 135f of the National Planning Policy Framework 2024 with regards to amenity.

Ecology and Biodiversity

SAMMS

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 £328.27 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.

The applicants have paid towards the strategic mitigation measures within Special Protection Areas, and therefore the development complies with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Ecology

Under the Environment Act 2021, all planning applications for development must deliver at least a 10% biodiversity net gain. This mandatory 10% biodiversity net gain is provided through the provision of habitats and does not require the provision of habitat features such as bird boxes, bat boxes, hedgehog highways etc. The provision of such habitat features may be required to meet necessary protected and/or priority species mitigation/compensation, and/or to contribute to biodiversity enhancements as per the NPPF 2024 and to help meet the public authority biodiversity duty.

Paragraph 187 of the NPPF 2024 states: "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehog..." A condition is recommended in this regard.

The ecological impact assessment submitted as part of this application indicates that there are the following ecological constraints or potential constraints on-site with regards to protected and priority species:

- An on-site building supports a day roost for two common pipistrelle bats;
- There is habitat suitable for foraging and commuting bats, badgers, breeding birds, hedgehogs.

Biodiversity Net Gain

Under the National Planning Policy Framework 2024, proposals achieving a biodiversity net gain with no specific percentage target should be viewed favourably. Under the Environment Act 2021, all planning applications for development (unless exempt) must deliver at least a 10% biodiversity net gain. Unless exempt, every planning permission granted pursuant to an application is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

Local policy may expect a higher than 10% biodiversity net gain and 'significant' on-site habitat gains, and off-site habitats created/enhanced to achieve biodiversity net gain will need to be secured for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant. Sufficient information has been provided with the application.

Subject to relevant conditions the application accords with Policy CS12 of the Gravesham Core Strategy 2014 and paragraph 187 of the National Planning Policy Framework 2024.

Parking and Highways

The application is supported by a Transport Statement produced by Hydrock Consultants Ltd. dated 4th December 2024. It is considered to address all the necessary highway related issues resulting from this proposed development and is considered to be robust in its content.

Hillside Road is a private road and the proposed development is at a considerable distance from the public highway therefore its direct impact on the latter is limited. The parking provision complies with the current Kent Parking Standards.

The site is located in a relatively sustainable location within walking / cycling distance of the town centre and its facilities, including bus and rail services.

It is important to note that this proposal is a change of use and it is demonstrated in the TS that the traffic generation is low and considerably less than the potential generation from the existing use should it be fully occupied.

The access junction onto Old Road East is a concern where existing brick pillars reduce the width of Hillside Road to 3.76m which is insufficient for two vehicles to pass and could result in a vehicle stopping on Old Road East whilst awaiting another vehicle to emerge. It would be preferable for the central pillar to be removed from a highway safety perspective, however traffic flows are very low on Hillside Road and traffic generation from the proposed development is considerably less than the existing use.

Visibility splays at the junction with Old Road East should be provided as 45m x 2.0m and this should be conditioned. However, this land is not within the control of the applicant and the situation is existing; therefore it would not be possible fully adhere to this condition and would be unreasonable.

Overall, given the fact that it is a private road over which the highway authority has no jurisdiction and that traffic generation is lower than that potentially generated by the existing use, no objection is raised on highway grounds provided the following conditions are applied to any consent granted:

- 1 Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- 2 Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- 3 Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site.
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
 - (c) Timing of deliveries, avoiding network and school peaks where possible.
 - (d) Provision of wheel washing facilities.
 - (e) Measures to prevent the discharge of surface water onto the highway.
 - (f) Temporary traffic management / signage.

Subject to the above conditions no objection is raised on highways grounds and the proposal accords with policy CS11 of the Gravesham Core Strategy 2014 and policies T1 and P3 of the Gravesham Local Plan 1994.

Conclusion

The proposed conversion of part of the existing convent, construction of a bungalow and associate works, subject to appropriate conditions, will have no detrimental impact on the character of the area, amenities, parking and highway safety and therefore accords with the abovementioned policies and is recommended for approval.

Recommendation:

Permit.

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
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Signed:		Signed:	
Dated:	2 July 2025	Dated:	9th July 2025