



Delegated Report

Major Planning Application

Application No:	20220431
Location:	Former Site Of Fox And Hounds PH, 26 - 27 London Road, Northfleet, Gravesend, Kent, DA11 9JH
Description:	Erection of a 4-storey building attached to No.25 London Road to provide 2no. 2-bedroom and 7no. 1-bedroom flats; and, erection of a 2-storey detached block to provide 2no. 2-bedroom and 2no. 1-bedroom flats with associated parking, amenity space and waste storage at Fox and Hounds, 26-27 London Road, Gravesend DA11 9JH.
Applicant:	Mr Singh, Fleet Capital Ltd
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form - dated 07/04/2022;
- Supplementary Information - Lansett Consulting Noise Report reference LC-12-0091-RP1/March 2013;
- Drawing no. 001 - Rev. A - Site Location Plan with Existing and Proposed Block Plans;
- Drawing no. 003 - Rev. A - Proposed Block Plan;
- Drawing no. LR1-19-P2 - Rev. 1 - Proposed Elevations and Floor Plans (Block A);
- Drawing no. LR1-19-P3 - Proposed Sections, Detail, Block Plan and Waste Storage;
- Drawing no. LR1-19-P4 - Rev. 1 - Proposed Elevations and Floor Plans (Block B), with Street Views.
- ~~Drawing no. LR1-19-P1 - Site Layout and Location Plans - SUPERSEDED;~~
- ~~Drawing no. LR1-19-P2 - Proposed Elevations and Floor Plans (Block A) - SUPERSEDED;~~
- ~~Drawing no. LR1-19-P4 - Proposed Elevations and Floor Plans (Block B), with Street Views - SUPERSEDED.~~

Plan Note

The Proposed Block Plan (scale - 1:200) as shown in Drawing no. LR1-19-P3 is incorrect and should not be considered an accurate representation of the redline boundary. Therefore, this is to be excluded from the approved plans and superseded by the Proposed Block Plan (scale - 1:200) shown in Drawing no. 003 - Rev. A.

This will be included as an informative on the decision notice.

Relevant Planning History

Reference	Description	Decision	Decision Date
20191149	Application for a minor material amendment to planning permission reference no. 20180916 for the erection of a four storey building attached to 25 London Road to	PERMITTED	17.03.2020

	provide 2no. 2 bedroom and 7no. 1 bedroom self-contained flats; and, erection of a two storey detached block to provide 2no. 2 bedroom and 2no. 1 bedroom self-contained flats with associated parking, amenity space and waste storage; to allow blocks A and B being reduced in width, amendment to their siting, the ridge height of block B being increased by 350mm to accommodate habitable space within the roof space and alterations to the parking and amenity layout to the rear.		
20180916	Erection of a four storey building attached to 25 London Road to provide 2no. 2 bedroom and 7no. 1 bedroom self-contained flats; and, erection of a two storey detached block to provide 2no. 2 bedroom and 2no. 1 bedroom self-contained flats with associated parking, amenity space and waste storage.	PERMITTED	06.03.2019
20130298	Proposed demolition and erection of two blocks of 21 one and two bedroom self contained flats comprising one three/four storey building and one two storey building together with amenity space, car parking, access and other ancillary development.	PERMITTED	11.11.2016
20041142	Demolition of public house and adjacent dwelling and erection of a three storey building attached to no.25 London Road, to provide nine, one bedroom self-contained flats, laying out of nine car parking spaces and erection of a refuse store.	PERMITTED	02.03.2005

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T1 - Impact of Development on the Highway Network
- T5 - New Accesses onto Highway Network

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 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)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

External Consultees

Environmental Agency - We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

Please refer to the attached 'When to consult the Environment Agency' document for guidance on when to consult us.

Please note: If the application at a later stage proposes the use of non-mains drainage, we will need to be re-consulted.

Non planning consents - Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

If you feel we should assess this planning application in more detail due to local issues/opportunities please email KSLPLANNING@environment-agency.gov.uk

Southern Water - The attached plan shows that the proposed development will lie over an existing public foul sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- The 100 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

Kent Fire & Rescue Service - I have examined the plan drawings and the associated report on 16th May 2022 detailing the proposed building works.

County of Kent Act 1981: Fire Service Access - I make the following observations in an advisory capacity regarding those matters which may require consideration to comply with the Building Regulations: Part B- Fire Safety.

Access for the Fire and Rescue Service - I can confirm that on this occasion it is my opinion that the access requirements for the Fire and Rescue Service have been met at this stage.

If you require any further advice, please contact this office. Please be aware that the Building Safety office hours are 09:00-17:00 Monday to Friday.

KCC Economic Development – The Economic Development comments are attached as Appendix 1.

KCC - Flood Water Management - Thank you for your consultation on the above referenced planning application.

Unfortunately, no surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

At a minimum, a drainage strategy submission must comprise:

- A location plan
- A site layout
- A drainage proposal schematic or sketch
- A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
- Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)
- Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic
- Drainage strategy summary form (from our Drainage and Planning Policy Statement)
- Consideration of key questions and / or local authority planning policy requirements.

Our Drainage and Planning Policy Statement sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development and should be referred to for further details about our submission requirements. This is available to download at: www.kent.gov.uk

KCC Highways - This application looks very similar to the previous two formerly submitted – 20180916 and 20191149 - both on the same site I can therefore raise no highway objection to the proposals provided the following Conditions are applied to any consent granted:

1. The provision and maintenance of 2.0 metre x 2.0 metre pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
2. Parking spaces should not be allocated to specific units in order to maintain flexibility in numbers.

Please advise the applicant that any works to the vehicle crossing within the highway will require the separate consent of KCC Highways.

Internal Consultees

GBC - Leisure & Resilience Manager - Please find some revised comments below from the Leisure Team - Communities Directorate, in relation to; erection of a 4-storey building attached to No.25 London Road to provide 2no. 2-bedroom and 7no. 1-bedroom flats; and, erection of a 2-storey detached block to provide 2no. 2-bedroom and 2no. 1-bedroom flats with associated parking, amenity space and waste storage.

Policy CS13 and the NPPF recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Due to the constrained nature of the site it would not be expected for the developer to provide formal and informal leisure provision on site, but it is reasonable to expect the applicant to offset the impact of its development on existing leisure facilities within the area.

The approach promoted by officers is to secure a financial contribution towards the upgrading and development of existing local sporting and recreational facilities located within a reasonable distance of the application site, such that it will be directly related to the development and will contribute to offsetting the impact of the increased population.

Based on all the assessment data currently available including, the Open Space, Sport & Recreation Assessment compiled by Knight Kavanagh & Page in 2016; there is a need for major capital improvements to play equipment across the borough of which the number of total sites available within Gravesham is remarkably less when compared to other areas. This includes Rosherville Recreation Ground and/or Fountains Walk play area, which would be in line with Corporate Plan priorities for improvements to play facilities across the borough at existing sites.

Using Sport England Sports Facility Calculator (SFC) as a guide for associated costs, based on the anticipated maximum number of residents generated from the revised development (i.e. approx. 32 residents based on 2.4 residents per dwelling), the SFC gives an indicative figure of approximately £14,485 towards a series of general leisure facility types towards projects within this locality.

GBC - Environmental Protection (Regulatory Services) - The following to be considered:

Code of Practice on Construction and Demolition - Please apply

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.

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.

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

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).

Electric Vehicle Charging Point(s) - This Service would wish to see the inclusion of suitable electric vehicle charging facilities at the proposed dwellings in support of the Council's commitment to become carbon neutral by 2030.

GBC - Waste & Recycling Manager - I have reviewed the refuse storage element of this planning application and feel the provision provided is not sufficient as I did when the previous application was submitted.

The plans detail, one bin storage area which would accommodate two 1100 ltr bins. The Council's requirements are as follows

- Refuse - 1 x 1,100ltr bin per 6 flats
- Recycling - 1 x 1,100ltr bin per 6 flats with special recycling lid
- Food Waste - 1 x 140ltr bin per 10 flats with an individual 5ltr caddy per flat

In total the development will have 13 flats so I would expect the following bin capacity to be provided.

- Refuse - 2 x 1100ltr bins
- Recycling - 2 x 1100ltr bins
- Food Waste - 1 x 140ltr bin with an individual 5ltr caddy per flat

Developers are required to pay for the provision of all bins required for a development.

Collections from sites will not occur until containers are in place. It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints in regard to non-collection due to the fault of the developer will be passed onto to the developer for response.

Gravesham Borough Council operates a fortnightly collection of refuse and recycling and a weekly collection of food waste.

I can confirm that I am happy with the location of the bin store however the immediate area outside the bin store should be level with the road, should not include an incline and the installation of a drop kerb where necessary is mandatory. Car parking spaces should not be allocated immediately in front of the access to the bin store.

It is recommended that bin stores are fitted with a lock which is accessed via a key or a key code pad.

GBC - Highways Officer - Thirteen flats provided with thirteen parking and cycle spaces so conforms with policy, however the proposed access does give concern. This appears to be a relocation and requires 2m x 2m pedestrian visibility splays either side to provide suitable warning of an approaching pedestrian. This is not achieved and as such I would recommend refusal on highway safety grounds, particularly given the changes in the Highway Code where pedestrians are given priority.

Local Ward Councillors – The Ward Councillor raised no objection to the development, but queried the following:

- Waste - segregation and collection of the recycling/food waste
- Sustainability - what is the sustainability strategy of this development, with the Council's commitment to net zero.

Neighbouring properties

A notice was displayed on site 25th April 2022.

In addition, thirteen surrounding properties were consulted and no representations were received. The consultation period expired 27th May 2022.

Officer's Analysis

Site Description

The application site is the former Fox and Hounds public house, located on the southern side of London Road on a corner plot with Rural Vale. The site is attached to a row of 5 terraced properties fronting London Road that form part of the overall site.

Proposed Development

This application proposes the erection of two buildings (4 storey and 2 storey) to provide no.13 flats with associated parking, amenity space and waste storage. The flats will be made up of 1-bedroom units (9) and 2-bedroom units (4). This application is a resubmission of a permission granted by the Local Planning Authority in 2020 (ref. 20191149).

The proposed buildings are described as Block A and Block B. The buildings will be finished in facing brickwork and perforated brickwork and a tied roof, with modern windows and glazed balconies. The development will have a modern external appearance and contemporary design.



The Blocks will have a gross external footprint(s) of 175.6m² (A) and 111.1m² (B) and will have the following dimensions:

Block A (north)

- Depth - 20.58m
- Width - 11.85m
- Height (max) - 10.9m
- Height (eave) - 8.02m

Block B (south)

- Depth - 8.5m
- Width - 13.05m
- Height (max) - 8.15m
- Height (eave) - 5.35m

**Principle of Development**

The site is defined on the Policies Map of the LPCS as lying within the urban area. Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. The proposed development would comply with the requirements of Policy CS15 (LPCS), which expects development to achieve a minimum density of 40 dwellings per hectare within the urban area. Moreover, the surrounding area is principally residential use and permission has been granted multiple times in the past for residential development on this site (20041142 / 20130298 / 20180916). As such, there is no objection to the broad principle of residential development within this location subject to it meeting the detailed requirements of government and development plan policy.

The principle considerations in the assessment of this application are:

- Housing Need
- Density of Development
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations
 - Affordable Housing, Planning Obligations and Development Viability
 - Ecology and Biodiversity (Bird Mitigation)
 - Sustainable Urban Drainage
 - Sustainable Development
 - Refuse Arrangements
 - Contaminated Land
 - Noise
 - Financial Benefits

Housing Need

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated), 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) (2021). 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 (2021) paragraph 182)
- 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); 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 125(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 '13' residential units would offer a minimal but important 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 NPPF (2021) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Policy CS02 (Scale and Distribution of Development) (LPCS) prioritises development in the urban area as a sustainable location for development by bringing forward a range of suitable sites on other parts of the urban area for residential. The application site lies within the urban area of Gravesend and is not subject to any specific local planning policies or constraints that restrict the principle of development, other than general policies that seek to protect the character of the area and the amenity of existing and future residents.

It is considered that local adopted Policies CS14 (Housing Type and Design), CS15 (Housing Density) and CS19 (Development and Design Principles) (LPCS) together provide an assessment framework in line with the guidance provided by paragraph 71 of the NPPF (2021). The proposal shall be assessed against these policies in the following section reviewing the character and appearance of the scheme.

Density of Development

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area.

Policy CS15 (LPCS) requires that all new housing will be developed at a density, which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, new residential development within the urban area will be expected to achieve a minimum density of 40 dwellings per hectare. It is clear that whilst Policy CS15 (LPCS) seeks to achieve this minimum density, this should not be at the expense of compromising the character of the surrounding area.

Based on the site area of the site the density of the development would be circa 152 dwelling units per hectare thus substantially over the target minimum density. Although the density calculation might suggest overdevelopment of the site, which might not be in character with the surrounding area, there are other issues that also need to be considered. The site is also within an edge of town centre location and therefore density calculations would be expected to show higher density.

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. The NPPF (2021) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

It also states that permission should be refused for development for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The proposed scheme is unchanged from the approved design of the previous minor material amendment application (ref. 20191149), which was determined under the current planning policy context. Although the NPPF(2021) has been amended since 2019, these amendments have not changed the design principles set out in Section 12. Therefore, the proposal is considered to be good design in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

However, the report for the previous application raised concern with the glazed balconies and clutter being unsightly, recommending that a condition relating to the details of the proposed balconies was sought. This is considered relevant for this application as the balcony details are limited and therefore a similar condition will be attached to the decision notice.

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The flats within the proposal are a mixed in terms of size and, according to the submitted documents, will be inhabited by different number of persons. The national housing standard guidance provides minimum gross floor areas for units, breaking down the number of bedrooms and bed spaces (persons). These figures have been compared to the proposed units and are shown in the tables below:

Flat	Proposed Floor Space	Amenity Space	National Space Standard (m²)
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Block A (unit type)			
<i>Flat 1 - duplex (2b / 3p)</i>	74.7m ²	7.8m ²	70m ²
<i>Flat 2 - duplex (2b / 4p)</i>	91m ²	13.1m ²	79m ²
<i>Flat 3 - duplex (1b / 2p)</i>	59.5m ²	4m ²	58m ²
<i>Flat 4 - duplex (1b / 2p)</i>	64.5m ²	6.5m ²	58m ²
<i>Flat 5 - (1b / 1p)</i>	42m ²	4.1m ²	39m ²
<i>Flat 6 - (1b / 1p)</i>	48.3m ²	4.1m ²	39m ²
<i>Flat 7 - duplex (1b / 2p)</i>	57m ²	/	58m ²
<i>Flat 8 - (1b / 1p)</i>	42m ²	4.1m ²	39m ²
<i>Flat 9 - (1b / 1p)</i>	48.3m ²	4.1m ²	39m ²

Table 1 - Block A Unit Sizes

Flat	Proposed Floor Space	Amenity Space	National Space Standard (m²)
Block B (unit type)			
<i>Flat 1 - (1b / 1p)</i>	43.8m ²	/	39m ²
<i>Flat 2 - duplex (1b / 1p)</i>	43.8m ²	/	39m ²
<i>Flat 3 - duplex (2b / 3p)</i>	70.5m ²	4.1m ²	70m ²
<i>Flat 4 - duplex (2b / 3p)</i>	70.5m ²	4.1m ²	70m ²

Table 2 - Block B Unit Sizes

As shown above, if the flats are assessed at maximum capacity all units comply with the recommendations within the National Space Standards. Therefore, it is suggested that the units would provide acceptable accommodation and safeguards the amenity of future occupiers.

All the flats within Block A and Block B comply with the national space standards and all rooms within the flats are in accordance with the minimum floor areas of Gravesham's RLG.

In summary it is considered that dwellings will provide acceptable living conditions for future occupiers and thus comply with the Council's Residential Layout Guidelines (and National Space Standards) and therefore the proposal complies with CS19 (LPCS) and Section 12 of the NPPF (2021).

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 127 of the NPPF (2021) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

Block A

This part of the scheme fully respects the building line of the adjoining properties fronting London Road. On the west elevation of Block A there are no windows proposed at second floor and one secondary window at first floor. As this is a secondary window this will be conditioned to be obscure glazed and fixed shut. There will be no loss of light or overshadowing to the existing properties to the west.

Block B

Block B respects the building line of Rural Vale and will not have any adverse impact on the amenity of the surrounding properties.

The proposed car parking to the rear of the development is not directly adjacent to any of the surrounding properties and the majority of the parking is to the western boundary of the site and beyond that is a former chalk pit with Rosherville Way. The parking of vehicles/vehicle movements will have no adverse impact on the amenity of surrounding properties.

Overall, having fully considered the impact on surrounding properties it is concluded that the proposed massing of the development will not have an adverse impact on the surrounding properties to warrant a refusal or request a reduction in the development. Therefore, the proposal complies with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Parking and Highways

The proposed development will create a new vehicular access onto Rural Vale and will provide no.13 parking spaces, which is in accordance with Gravesham's adopted parking standards (SPG 4) (2006). The proposed access has raised concern from GBC Highways and KCC Highways with the pedestrian visibility splays for vehicles exiting the site.

It is noted that highway guidance requires 2m x 2m pedestrian visibility splays to be provided on either side of an access, which the layout does not achieve. However, the proposed access has not changed since the previous permissions (20191149 / 20180916) where similar concerns were raised and permission granted. Nevertheless, to mitigate vehicle speed entering and egressing from the parking area a hard landscaping condition will be attached to the decision notice and will require speed reducing strategy for vehicles approaching the junction and footway.

In summary it is considered that this scheme would provide acceptable levels of parking for future occupiers, including secure bike storage and the arrangements have been modified to ensure sufficient access is provided for Gravesham Refuse collections.

Lastly, comment was received from GBC Environmental Health (Regulatory Services) regarding the installation of electric vehicle charging points, which would also address concerns from the Local Ward Councillor on the Council's net zero commitment. However, the delivery of EV charging points is covered by Building Regulations and there will be no need to cover this with planning conditions.

Any Other Material Planning Considerations

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism that we as a Council, often use to secure financial contributions or other forms of mitigation such as affordable housing from developers, make a development proposal acceptable in planning terms.

In order for the Local Planning Authority to request financial contributions on behalf of third parties any contributions will need to meet all of the tests listed below:

- (A) necessary to make the development acceptable in planning terms;
- (B) directly related to the development; and
- (C) fairly and reasonably related in scale and kind to the development.

Developer Contributions

It is important to ensure that sufficient infrastructure is provided to meet the needs of new residents, employees and businesses in the Borough. As recognised in the NPPF (2021), the provision of new infrastructure is an important part of new development and the Council has worked with local service providers to identify their infrastructure needs over the plan period. Policy CS10 (LPCS) states that where new development generates a need for new infrastructure, developers will have to provide or contribute towards such provision, subject to viability consideration.

KCC have requested the following contributions.

Proposed Heads of Terms

Obligation	Total Amount	Trigger
Financial contribution for Libraries	£720.85	Prior to commencement.
Financial contribution for Community Learning	£213.46	Prior to commencement.
Financial contribution for Youth Services	£851.50	Prior to commencement.
Financial contribution for Social Services	£1,909.44	Prior to commencement.
Total	£3,698.25	

In regard to Libraries, Community Learning, Youth Services and Social Services KCC have confirmed acceptable site specific schemes and no further clarification is required.

Gravesham Leisure Services

Policy CS13 (LPCS) and the NPPF (2021) recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. As also outlined by Sport England, consideration should be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Due to the constrained nature of this development, it would not be expected that the developer would provide types of formal and informal leisure provision at site, but it is reasonable to expect the applicant to offset the impact of its development on existing leisure facilities in the area being the provision of 3G artificial pitches, indoor bowls facilities, sports halls improvement and swimming pools.

Taking into consideration the development's location within the borough and real time need/deficiencies on the ground, the development needs to make a financial contribution of £14,485 towards a series of general leisure facility types towards projects within this locality. This figure has been accepted by the applicant and complies with local and national planning policy.

Total Requests

The applicant has agreed to all of the above requests and the contributions have been secured through a S.106 agreement.

Obligation	Sum
Kent County Council	£3,698.25
Gravesham Leisure Services	£14,485

Bird Wise North Kent SAMMS	£3586.44
Total Figure:	£21,769.69

Note - for SAMMS see Ecology and Biodiversity (Bird Mitigation) below

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 each new dwelling unit within 6km of the SPA/Ramsar site of £275.88 per new dwelling unit (total - £3586.44).

The proposed payment of £3586.44 would be secured as part of the S.106 agreement. A link to the Council's website where there is justification for the tariff is shown below:

<https://www.gravesham.gov.uk/heritage-conservation/nature-conservation/2>

Sustainable Urban Drainage

Policy CS18 of Gravesham Local Plan Core Strategy (2014) sets out the requirements for dealing with sustainable drainage and surface water run-off. The application as submitted makes no reference to either of these requirements and the agent will be required to provide a Sustainable Urban Drainage Strategy (SUDS) for the site which should include the following design principles.

- Pervious pavements/road surface to allow water to drain through the surface;
- Filter Drains; and
- Rainwater catchment

In order to deal with the above a condition will be required to deal with Sustainable Urban Drainage Strategy (SUDS) for the site. The applicant has agreed a pre-commencement condition to deal with SUDS which overcomes the concerns raised by the lead local flood authority (KCC).

Southern Water raise no objection but require a condition along the lines of "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development." This condition has been included as pre-commencement and the agent has agreed to this.

Sustainable Development

Gravesham Borough Council's net zero targets are a key consideration in new developments and a core principle within Policy CS18 (LPCS). The applications does not include any details of sustainable energy sources or materials, which was raised as a concern by a Local Ward Councillor. However, the proposed scheme is relatively small scale and therefore Building Regulations would cover the sustainability requirements of the development under Part S, without planning conditions being required.

Refuse Arrangements

Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.

The proposed bin store is located in an acceptable location on the southern side of the access, adjacent to Block B. Gravesham's Waste Manager has registered no objection but has commented that the quantity of bins is an under provision for the number of residents and has requested that the ground level in front of the store is level with the road. There will be conditions attached to the permission requiring details of the bin store to be submitted and approved in writing by the Local Planning Authority. In addition, an informative regarding additional information relating to waste will be attached to the decision notice.

Contaminated Land

The previously permitted application (ref. 20180916) was supported by a 'Phase 1 Desk Study Report' produced by STM Environmental (06/2018), which reviewed the history and environmental setting of the site. This would remain relevant for this application, however in order to safeguard against contamination, Gravesham's Environmental Protection Team (Regulatory Services) have requested that a watching brief condition is attached to the decision notice.

Noise

Gravesham's Environmental Protection Team (Regulatory Services) did not raise any noise issues with the proposed development. However, in comments on previous applications a noise assessment was submitted in support of the development, which is not the case in this application. Therefore, in the interest of safeguard the amenity of future occupiers a condition ensuring that a post-installation noise impact assessment that complies with compliance with the maximum values set out in Table 1 of BS8233:2014 and The World Health Organisation 'Guidelines for Community Noise', is submitted and approved in writing by the Local Planning Authority will be attached to the decision notice.

Financial Benefits

It is noted that financial benefits will accrue to the area if permission is granted. The Government wishes to ensure that the decision making process for planning applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this instance the proposed new residential units would generate the New Homes Bonus and Council Tax receipts.

Conclusion

The proposed development would comply with local and national planning policy and subject to the suggested conditions within this report and the signing of the S.106 agreement this proposal can be supported.

Suggested Conditions

Standard Conditions

- Time Limit

- Approved plans

Pre-commencement

- Code of Construction
- Sustainable Surface Water Drainage
- Southern Water
- Contamination

Above ground level

- Materials/samples

Pre-occupation conditions

- Hard Landscaping Scheme
- Soft Landscaping Scheme
- Car Parking Spaces
- Dropped Kerb
- Noise Mitigation Measures
- Security Arrangements
- External Lighting
- Refuse Store Details
- Bicycle Storage Details
- Visibility Splays

Other/On-going conditions

- Watching Brief
- External Fixtures
- Gates

The Agent has agreed all pre-commencement conditions

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	20 th June 2023	Dated:	21st June 2023