



Delegated Report

Major Planning Application

Planning Application No: 20230757

Location: Manor Hotel Hever Court Road Gravesend Kent

Description: Redevelopment of the site for a residential development comprising 12 new houses with associated access, private amenity space, vehicle parking provision, refuse and cycle storage.

Applicant: Best Western Manor Hotel

Site Visit Date: 3rd October 2023

Submitted Documents/Plans

Planning Application Form;
Site Location Plan;
Drawing No. 22-1420-27 – As Proposed House Plans;
Drawing No. 22-1420-22H – As proposed Block Plan Ground;
Drawing No. 22-1420-28 – As Proposed House Plans;
Drawing No. 22-1420-25A – Elevations and Section;
Drawing No. 22-1420-23G – As Proposed Block Plan First Floor;
Drawing No. 22-1420-20B – As Existing Block Plan;
Drawing No. 22-1420-24G – As Proposed Block Plan Roof Level;
Drawing No. 22-1420-21J – As Proposed Block Plan;
Supporting Document – Air Quality Assessment (16th June 2023);
Supporting Document – Residential Noise Assessment;
Supporting Document – Preliminary Ecological Appraisal;
Supporting Document – Energy Strategy (April 2023);
Supporting Document – Surface Water Drainage Strategy (May 2023);
Supporting Document – Design and Access Statement;
Supporting Document – Planning Statement;
Supporting Document – Planning and Design Statement; and
Supporting Document – Transport Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230756	External alterations and reduction in car parking from 100 spaces to 20 spaces.	Under Consideration	
20200105	Redevelopment of existing overspill car parking area situated to the east of existing hotel to provide a B8 storage facility	Permission	12.06.2020
20200104	Minor external alterations to existing hotel including reduction in car parking area.	Permission	12.06.2020
19880793	**AMENDED APPLICATION/REVISED DESCRIPTION**Erect. of part 2 & part 3 storey	Permission	08.05.1989

	building to provide 47 no guest rooms, 9no 1-bed apartments, 4no 2-bed apartments with anc. facilities; layout of assoc. car parking incorp. erection of s/s shelter; formation of vehicular access onto Hever Court Road.		
19870991	Details of the erection of a part single storey and part two storey hotel building to provide 28 no bedrooms staff accommodation conference rooms restaurant and ancillary facilities laying out of 2 no coach parking spaces and 77 no car parking spaces	Approval of Details	08.07.1988
19861029	Details of part single and part two storey hotel building to provide 28 no bedrooms with ensuite bathrooms staff accommodation functions room restaurant and ancillary facilities laying out of 2 coach parking spaces and 77 car parking spaces pursuant to co	Approval of Details	06.04.1987
19860158	Outline application for the erection of part single and part two storey hotel building to provide 28 bedrooms with ensuite bathroom staff accommodation functions room restaurant and ancillary facilities laying out of 2 coach parking spaces and 70 car parking spaces and formation of a vehicular access onto Hever Court Road.	Permission	08.09.1986
19800316	Erection of six detached bungalows with garages	Refused Appeal Dismissed	25.07.1980
19760173	For the erection of two dwellings	Refused	29.10.1976

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS09 – Culture and Tourism
- CS10 – Physical and Social Infrastructure
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

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

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core

Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 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
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Kent Design Guide (SPG 5 published December 2005, adopted July 2006)

Consultations, Publicity and Representations

Consultees

External

KCC Biodiversity

We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided. Key vegetation appears to be proposed for retention on review of plans. This will avoid and minimise impacts to biodiversity.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise the condition and informative below are included.

Ecological Enhancements

Within six months of works commencement, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include the enhancements detailed within Section 4 of the submitted Preliminary Ecological Appraisal report by Arbtech. The approved measures will be implemented and retained thereafter.

Breeding Bird Informative

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

N.B.: It should be noted that some birds are capable of nesting outside of these times, especially where weather conditions are favourable. Birds such as feral pigeon, wood pigeon and barn owl have been recorded nesting in every month of the year. Care when removing bird nesting habitat may therefore be required at all times of year, with attention paid to the nesting habits of the species that could make use of the site and weather conditions at the time of clearance.

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

North Kent Sites

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

KCC Heritage

The application site lies within an area of archaeological interest with evidence for human activity from prehistoric periods to the present day. The site lies adjacent to the line of the Roman Watling Street with the potential for below ground archaeological remains associated with the road and adjacent activity of Romano-British and subsequent date. To understand the archaeological potential of the site and to ensure the appropriate mitigation of any impacts I recommend the following condition is placed on any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and*
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.*

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

National Highways

Referring to the consultation on a planning application dated 3 October 2023 referenced above, in the vicinity of the A2 near Singlewell, Gravesend that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

~~a) offer no objection (see reasons at Annex A);~~

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);

~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~

~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

KCC Highways and Transportation

This application is supported by a Transport Statement (TS) produced by Vectos and dated June 2023. It is considered that the TS is robust in its approach and conclusions. I accept that the result of this proposal in terms of traffic generation and impact on the local highway network would not be significant when compared with the existing generation from the existing hotel development.

It is demonstrated that the proposed parking provision for the revised hotel is sufficient to accommodate the proposed smaller hotel and for the proposed housing blocks, the parking standards being a maximum provision for an "edge of centre" location. The proposed development is in a relatively sustainable location with bus services available nearby and facilities such as primary schools, surgery etc. available within a reasonable walking / cycling distance.

I therefore raise no highway objection to this application provided the following conditions are applied to any consent granted:

1 Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

2 Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing. Parking spaces shall be a minimum of 5.0m x 2.5m except when adjacent to a wall / hedge when they should be 2.7m wide.

3 All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

Informative: It is important to note that planning 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 planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, 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 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 formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. 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.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that 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.

Kent Police Designing Out Crime

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We request a condition for this site to follow SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways to have secure side gates, which are lockable from both sides, located flush to the front building line.
2. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse. Undercroft areas can attract crime and therefore, should be finished in a light colour and be well lit. In addition, undercroft areas require access control to discourage crime. Automatic gates or roller shutters should be certificated to one of the following standards: LPS1175 Issue 7.2:2014 Security Rating 1, LPS 1175 Issue 8:2018 Security Rating 1 (A1), STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. If car ports are unavoidable, we recommend they be lit and painted in a light colour to optimize surveillance opportunities. For car parks, we recommend the Safer Parking Scheme, which follows CPTED guidance from both the police and the British Parking Association.
3. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and

standards.

4. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors and individual flat entrance doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please note PAS 24 is a minimum-security standard, and communal doors may require a higher standard, such as STS or LPS.
5. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
6. We advise on the use of ground/ wall SBD or sold secure anchors within a cycle storage area/ sheds of dwellings to deter bicycle theft.
7. Mail delivery to meet SBD TS008 with a fire guard are strongly recommended for dwellings. For buildings with multiple occupants we recommend TS009 standards. Please note we strongly advise against trade buttons, if mail is to be delivered inside a lobby there must be an airlock/ access-controlled door to prevent access further into the building for anyone other than residents.
8. Site Permeability. The design and layout must ensure routes are well-designed to create safer accessible neighbourhoods with maximum natural surveillance but avoid excessive permeability often linked to increased crime rates. Alleyways between dwellings should be avoided and garden service paths should serve no more than 4 units. They should be gated to 1.8m at their start or as far forward to the building line as possible. No recesses or hidden areas should be created by the garden service paths.
9. Defensible spaces. Corner properties require well established boundaries to avoid desire lines across front gardens. This can be provided by using hedges or knee rails/ fences, for example.
10. Blank Walls. It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces. This type of elevation tends to attract graffiti, inappropriate loitering, and ball games. The provision of a 1m buffer zone using either a 1.2 – 1.4m railing or a 1m mature height hedge with high thorn content should address those issues.
11. Open space. Open space areas must be well lit and boundaries must be clearly defined to avoid conflict or ball games causing nuisance. For any LAP or LEAP, we recommend fencing at a minimum height of 1.2m and vandal resistant play equipment. Consideration should be given to a single dedicated entry and exit point to enable adult control/supervision.
12. The bin storage areas should be fenced with a locked gate to avoid unauthorised use. The bin store should be lit and locked to secure it from unauthorised use. If applying for SBD, the bin stores must meet SBD Homes 2019 specifications. Access control on inner and outer doorsets may be required if it is possible to bypass main entrance access-controlled area. If not applying for SBD, then it is good practice.

If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

KCC Public Rights of Way

I can confirm that I do not have any objections to the above planning application at the above site. Public Right of Way Footpath NG16 lays to the west of the proposed development, and I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

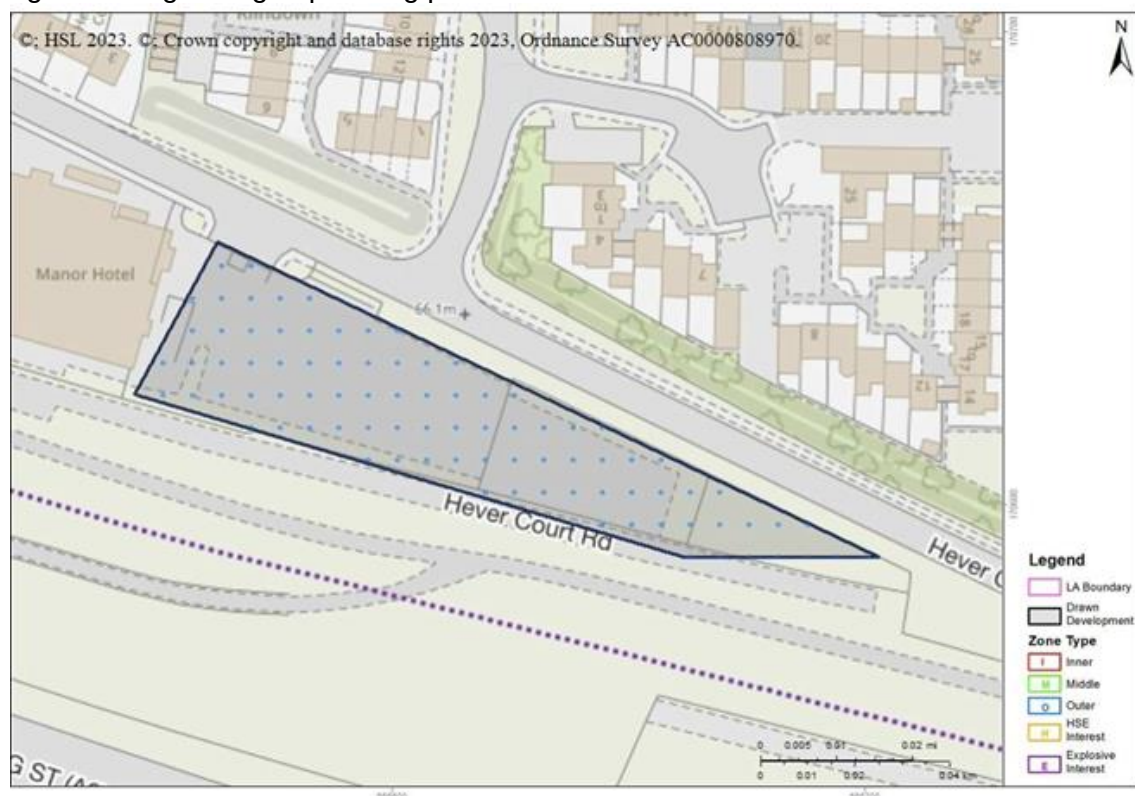
This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Health and Safety Executive

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Gravesham District (B).

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.



Breakdown:

Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? 3 to 30 inclusive
Is the dwelling unit density greater than 40 units per hectare? No



Pipelines

- 7094_1366 National Grid Gas PLC

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

Internal

GBC – Waste & Recycling

I have reviewed the above planning application and I have the following comments.

- I need confirmation that there is sufficient space for a refuse vehicle to manoeuvre in the turning head at the end of the close.
- I am happy with the location and provision for the refuse and recycling bins.

Housing Strategy & Enabling Lead

Thank you for consulting me on the above application.

I note that the application is for 12 houses. Policy CS16 (LPCS), affordable housing, required at a provision of 30% on sites in the urban area proposing 15 or more dwellings, is therefore not applicable to this application.

GBC – Environmental Protection Team

Air quality

The Air Quality Assessment (AQA) dated 16th June 2023 by Redmore Environmental has been reviewed. The methodology and findings are accepted. The AQA has looked at the impact of air quality on future residents in terms of their exposure to poor air quality, operational phase impact from residents travelling to/from the proposed housing and also the construction phase impacts.

The report concludes that in terms of residential exposure, the dispersion modelling undertaken has shown that levels of pollutants are below the Air Quality Objectives. I would agree, and this concurs with results/data obtained in air quality monitoring undertaken. In addition, operational phase impact due to resident's vehicle exhaust emissions is not likely to be significant to local air quality due to the anticipated number of vehicle movements (as detailed in the Transport Statement by Vectos).

Potential construction phase impacts due to fugitive dust emissions could be an issue but can be controlled/minimised by good construction practices (given in Table 174 of the AQA), following IAQM guidance and an appropriate Construction Environmental Management Plan.

Noise

The Residential Noise Assessment dated 11/04/2023 by Noval Acoustics is accepted in terms of methodology and conclusions. On site noise monitoring has been undertaken at the Manor Hotel and SoundPlan noise modelling has been used to predict noise levels at the various facades/areas of the proposed dwellings. In terms of internal noise, levels are predicted to exceed those given in BS8233:2014 with windows open for ventilation. To mitigate this and achieve the required internal noise levels a glazing specification and whole house mechanical ventilation system has been proposed (see sections 4. 2 and 5.2 of the report). This can be dealt with by an appropriately worded condition to be agreed.

The applicant is advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed. In addition, noise from the MVHR system must not result in an increase in internal noise levels such that levels in BS8233 are exceeded.

The external garden amenity areas are predicted to have noise levels well above (+12dB) the recommended criteria given in BS8233. Section 6 refers to a study having been undertaken to reduce noise levels but advises that the outcome was that a significant increase in height to the perimeter fence would be needed to provide any acoustic benefit. Although Appendix C shows a 2.5m acoustic fence, no noise reduction information has been provided and it is not clear whether the fencing is to be installed or not. This needs to be clarified with the applicant/their consultant.

It is appreciated that winter gardens have been proposed and these will just comply with the upper guideline level for external amenity areas of 55dB(A) contained in BS8233 with windows open. However, these areas are small and do not provide traditional garden use/space, so should not be considered as an alternative to the external amenity areas.

I therefore have concerns that suitable external amenity areas can be provided that are compliant with the relevant noise standards and this needs to be investigated further. The noise report itself states that 'should the client wish to provide further attenuation in the external garden areas it is recommended that the gardens are relocated to the north of the building facades...'.

Contaminated Land

A contaminated land watching brief condition is recommended due to the current use of the land as a car park (fuel/oil leakages/spillages and also polycyclic aromatic hydrocarbons (PAHs) associated with tarmac).

To address the above and other matters, the following conditions (excluding noise) and informatives are recommended.

Watching Brief:

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Code of Practice on Construction and Demolition:

Please apply as appropriate to minimise the impact of the groundworks and construction on nearby dwellings.

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.

GBC – Highways Officer

This application is intrinsically linked to application 20230756 for alterations to the hotel, without that being approved, this application should not be permitted. Currently I believe the Hotel proposal would provide insufficient car parking and the only way to provide more is to reduce the scale of this proposal.

The Transport Statement is generally acceptable, but I would take issue with the car parking provision which requires more detailed analysis as I believe the approach taken to be wrong.

First the adopted car parking standards are dated and should not be used, the National Planning Policy Framework states.

108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

Kent County Council did revise its residential parking standards in 2008, but these still retained maximum provision for town centre and edge of centre locations but set minimum requirements for suburban and rural areas. Unfortunately, it did not change the other uses car parking guidance which was still a maximum. As

can be seen from the above quote maximum standards should not be used anywhere unless there is a special purpose. Therefore maximum standards for car parking in this area does not comply with the NPPF.

Kent County Council have drafted revised vehicle parking standards, but it is accepted these currently have no weight as they have not been adopted by any Council. However, for comparison they are repeated below with the requirements of SPG4 (the adopted standard) and Interim Guide Note 3 the revised residential parking requirement, and still the adopted requirement for Kent County Council

c	SPG4	Interim Guidance Note 3	Kent County Council Draft
	Maximum	Minimum	Subject to discussion
1 bedroom dwelling	1	1	1 Space per unit
2 bedroom dwelling	2	1	1 Space per unit
3 bedroom dwelling	2	1.5	2 Spaces per unit
4+ bedroom dwelling	3	2	2 Spaces per unit
Hotel Staff	1 per 2 staff	N/A	1 per 2 staff
Hotel Guest	1 per bedroom	N/A	1 per bedroom

As can be seen there is some variation in the provision for housing stock, but the only change in terms of the Hotel is maximum becomes an initial absolute figure but is open to discussion. However, the hotel application is separate application.

The development consists of eight two bedroom houses and three, four bedroom properties. Using the Interim Guidance Note 3 requirements, this equates to 14 space minimum plus 20% visitor provision which would be 2.4 spaces. This gives a minimum requirement of 16 spaces. However due to the tandem parking this would have to be increased to 18 spaces permitting each 3 bedroom property to have 2 parking spaces. This is a reduction of six spaces from the proposal which could potentially be shared with the hotel and resolve in part the shortfall there if more details regarding staffing and occupation levels are provided to support this.

In terms of details parking space P10 and P23 should be widened to 2.7 metres as they are adjacent to an enclosing boundary and parking spaces P11 and P12 require to be extended by chamfered ends to provide manoeuvring areas.

Given the location of the local bus stops and the busy nature of Hever Court Road particularly during peak hours a pedestrian refuge island between the hotel entrance and Miskin Way on Hever Court Road would be desirable in the interests of road safety and encouraging active/sustainable travel, this would be subject to a discussion and agreement with Kent County Council as Highway Authority.

Neighbouring properties

Consultation was by way of the displaying of a site notice and individual letters sent to 9 surrounding properties with an overall expiry date of 27 October 2023. No comments have been made.

Officer's Analysis

Proposal

This application is for the redevelopment of the site for a residential development comprising 12 new houses with associated access, private amenity space, vehicle parking provision, refuse and cycle storage.

The application site forms part of the existing car park located to the east of the hotel.

Existing Block Plan

Proposed Block Plan



Site History and Context

The site (0.10 hectare in area) consists of a large section of the hotel car park with access from Hever Court Road. The far eastern corner of the site is landscaped.

The site is located within the urban area of Gravesend with the A2 running parallel to the south of the site. With a wide frontage facing onto a large straight stretch of Hever Court Road, the site is highly visible from the surrounding area. Mature and substantial landscaping screens the residential development to the north from view.

View of Site Looking East



The area is predominantly residential in character, with Best Western Manor Hotel, Premier Inn and The George Public House, a Grade II Listed Building located to the west.

Generally the surrounding properties to the north are modest two storey pitch roof terrace blocks of similar design. Materials are a mixture of red or buff brick and tile hung with white UPVC windows and doors. Further north on Cobsdene are some smaller flatted developments. Along Hever Court Road itself, there are no properties fronting the road to the east of the site. To the west there are two storey pitch roof terrace properties set back from the road with landscaped gardens and off road parking on the north side of the road. This arrangement is carried on further down Hever Court Road to the west. The southern side of Hever Court Road is the Premier Inn and The George Public House with larger detached residential dwellings further to the west.

Application Site



In terms of site history, this is quite extensive, however with the majority of proposals from 1986 onwards relate to the running and improvements of and to the hotel which was given permission in September 1986. Prior to this permission, 2no. applications for single residential properties (App. Refs. 19800316 and 19760713) were refused, with one being dismissed on appeal.

The most recent being 19800316 was for the erection of six detached bungalows with garages, and was refused for the following reasons:

1. The proposed development would constitute an undesirable extension of the existing development and would be detrimental to rural amenity in an area which is outside any area allocated for development on the North West Kent Town Map.
2. The site by virtue of its location, restricted depth and road frontages on 2 sides is unsuitable for residential development particularly having regard to its proximity to the heavily trafficked trunk road, where noise and disturbance would be caused to the residents of the dwellings by sustained traffic noise, fumes and dust.
3. The proposal, if permitted, would be likely to generate additional traffic onto Hever Court Road to the detriment of road safety.
4. The development would result in the loss of an open area of ground which acts as a transitional zone between existing and residential development and open countryside to the south of the A2, to the detriment of the character of the surrounding area.

The application was also dismissed at appeal with the Inspector stating:

5. *In my view the size and location of the appeal site make it inherently unsuitable for residential development. On side of it adjoins a very busy trunk road, with recorded flow of 58,000 vehicles in a 16 hour period, and the other long frontage adjoins Hever Court Road which links substantial part of the built-up area of Gravesend with the trunk road, and also serves a number of housing developments in the vicinity. This is also therefore a busy road, and flows of 2,568 vehicles in a 16 hour period were recorded in 1976. In addition to these 2 sources of noise and disturbance the third side of the site adjoins a large car park serving The George public house. I note that an*

application to develop a similar site to the west of The George was dismissed on appeal in 1971, the Inspector concluding that “because of its location, restricted depth and the road frontages of 2 sides, the site is unsuitable for residential development, particularly having regard to its proximity to the heavily trafficked trunk road, where nuisance and disturbance would be caused to the residents of the dwellings by sustained traffic noise, fumes and dust.” I accept that in this case measures would be taken to reduce levels of noise within the site and within the dwellings themselves, but I consider that the noise levels within the site would still be unacceptably high. Having regard to the views express in Circular 10.73, I consider that there must be a presumption against residential development on the site.

The arrangement of the site, together with its surroundings such as the A2 immediately to the south and the busy Hever Court Road to the north, remain the same and therefore still relevant in this case. However the impact of the A2 on residential amenities would now be greater from 1980 due to the increase in the speed and number of cars using the trunk road, and the presence of the Manor Hotel and related car park directly to the west.

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 March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council’s current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham’s Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 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)
- 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 '12' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

The key issues to be considered are as follows:

- Principle of Development
- Design, Character and appearance
- Sustainability
- Amenity (Future Occupiers and neighbours)
- Refuse Storage and Collection Arrangements
- Highways
- Flood Risk and Surface Water Drainage
- Contaminated Land
- Gas Pipelines
- Archaeology
- Air Quality and Noise
- Ecology and Biodiversity
- Heritage
- Planning Obligations/Affordable Housing

Principle of Development

The site is within the urban boundary of Gravesend which is covered by Policy CS02 of Gravesend Core Strategy (LPCS) which supports the principle of residential development within the urban area of Gravesend and rural settlements inset from the Green Belt. The proposed development should look to achieve a minimum density of 40 dwelling per hectare which would meet the target of Policy CS15 (LPCS).

Policy CS14 (LPCS) at 5.10.9 states that the Council will expect new housing to provide a range of dwelling types and sizes which take into account the existing character of the area and Policy CS15 (LPCS) at paragraph 5.11.7 states that the development should have regard to the character and location of the area.

At a national level, Section 11 of the NPPF (2023) makes it clear that planning decisions should promote an effective use of land in meeting the need for homes and promote and support the development of under-utilised land and buildings.

However, the location of the site is severely constrained by the following:

- Part of the site is within the AQMA (A2)
- Traffic noise from A2 and Hever Court Road
- Isolated nature of the site.

As previously established and as highlighted within the site history section of this report, the application site is considered to be unsuitable for residential development due to the proximity of the site to the A2 to the south and the busy Hever Court Road. Whilst internal noise levels could be mitigated, the living conditions of future occupants would be severely compromised by noise from the adjacent roads when using their private amenity space and the inability to open windows without noise and pollution having a detrimental impact. Therefore the position of the local authority has not altered, and would have a further objection to the residential proposals due to the increase of cars on the road since the previous residential proposals were assessed.

As such the principle of residential development on this site would be contrary to Policy CS19 (LPCS) and paragraph 130 of the NPPF (2023).

Design, Character and Appearance

When considering the design of this proposal, it needs to be considered against the relevant local and national planning policy. Policy CS15 (LPCS) states that sites will be developed at a variety of densities depending on the sites location and accessibility to public transport. Furthermore, development needs to be delivered at a density that achieves good design and does not compromise the character of the area.

Policy CS19 (LPCS) states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. The NPPF (2023) 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.

At a national level, the NPPF (2023) Section 12 states development should create high quality buildings and places which will function well and add to the overall quality of the area for the lifetime of the development.

In terms of density, the proposal seeks 12 units consisting of 2no. terrace blocks of 4no. two storey, two bed single residential dwellings with winter gardens and 1no. terrace block of 4no. three storey three bed single residential dwellings with winter gardens. Within the urban area there is a target of 40 dwellings per hectare or more, whilst in the rural area a lower density of 30 dwellings per hectare or more is accepted. The application site and proposal would result in a density of 120 dwellings per hectare. Where the proposal is of a single tenure, the units are evenly spread over the site, however they do not allow for private parking or adequate private amenity space and only provide winter gardens for family sized dwellings. Looking to the surrounding area and the spatial layout, the closest residential properties are located to the north which are predominantly family sized dwellings consisting of two storey terrace properties with rear private gardens and parking is by way of surface parking areas and garage en-bloc to the rear and a generous amount of on street parking on the surrounding roads. In addition, the properties are set back from the road with grassed amenity areas, with trees and landscaping, creating an open and more visually attractive appearance. Whilst the proposed site layout has incorporated some landscaping to the site boundaries, there is a severe lack of soft landscaping within the site, together with a lack of private amenity space. As such, the proposed site layout would be out of character with the wider area. In addition, whilst the site is in close proximity to main roads, it is separated from the surrounding residential areas and appears quite isolated. Taking all of this into consideration, it is considered that the proposal would not accord with Policy CS15 (LPCS).

In terms of property design, whilst the proposed blocks are two and three storey terrace properties which is not entirely inconsistent with the residential dwellings to the north, the design of the properties have not incorporated any features from either the surrounding residential dwellings or the adjacent hotel. The dwellings would have a more contemporary design that does not integrate in their surroundings. The lack of private gardens and only the provision of winter gardens for family sized dwellings is also out of

character and would not provide adequate amenity space. The lack of any open space for residents, together with the isolated nature of the site would not mitigate the lack of private space.

Overall, it is considered that the proposed development would be out of character with the surrounding development in terms of type, design and layout. The proposed buildings have not been designed to reflect the existing streetscape and character of the wider area and would result in a cramped and hard surfaced dominated development which would have a detrimental impact on the character, appearance or the quality of the area. The development would therefore accord with Policies CS19 (LPCS) and Section 12 of the NPPF (2023).

Sustainability

Policies CS01 (LPCS) requires the Council to take a positive approach that reflects the presumption in favour of Sustainable development contained within the Core Strategy and the NPPF (2023).

Policy CS02 (LPCS) requires development to prioritise the redevelopment and recycling of underused, derelict and previously developed land in the urban area. Development within the Green Belt is supported where it is compatible with national policies for protection of the Green Belt and policies within the adopted Local Plan Core Strategy.

Policy CS18 (LPCS) sets out that new development should aim to reduce the overall carbon footprint of on development.

Policy CS19 (LPCS) requires (where relevant) that new development will provide carbon reduction and provision for low carbon and renewable imagery, minimising energy consumption and water use.

At a national level, the NPPF (2023) states in paragraph 8 that achieving sustainable development means improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Paragraph 105 of the NPPF (2023) states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

Gravesham Borough Council recognises the importance of sustainability and on 25 June 2019 at its full Council meeting declared a climate emergency and this includes the target to make the borough Carbon Neutral by 2030.

Whilst the site is located in close proximity to access roads and public transport, it is isolated in its location due to be bounded to the north and south of the A2 trunk road and the busy Hever Court Road. The majority of residential dwellings in the immediate area are located to the north of Hever Court Road. In addition, the site is predominately hard surfaced with some token landscaping to the site boundaries. The proposal is for family sized dwelling and there is a distinct lack of private or shared amenity spaces.

In addition, while it is acknowledged that much of the site is a hard surfaced car park, a redevelopment of the site would create an opportunity to improve the environment and biodiversity.

In summary, the proposed development is located within the urban area and does have both road and public transport connections, however the site itself is considered to be an isolated development with little private or public amenity space and a distinct lack of biodiversity. It is hard surfaced dominated with no private parking or garden areas with the exception of winter gardens and it is considered that future residents would rely on their own transportation.

The proposed development is therefore considered to not be sustainable form of development that has not been designed to minimise the impact on climate and would not result in a biodiversity net gain. As such there the development would be contrary to Policies CS01, CS02, CS18 and CS19 (LPCS) and Section 2 of the NPPF (2023).

Amenity (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'. On 25 March 2015, the Government issued a written ministerial statement which introduced new technical housing standards in England.

Block A and B

Block A and B are 2no. terrace blocks consisting of two storey 2-bed 4-person dwellings of the same footprint and layout.

The national standard for a property of this size is 79sqm and all the dwellings have a gross internal floor area (GIA) of 82.61sqm which would exceed the minimum.

All of the individual rooms would exceed the national standard and all habitable rooms have access to a good level of outlook and natural light.

Each property would have a private winter garden area measuring 8.29sqm. The Gravesham Residential Layout Guidelines (2015) requires a dwelling with 1-2 bedrooms to have a minimum garden size of 37.2sqm and a minimum depth from rear wall of the house of 7.6m. As such, the proposed winter gardens are considered to provide inadequate private amenity space, especially for a family sized dwelling and with no shared amenity space to mitigate this shortfall. It is also highlighted that there are no public parks within walking distance of the site.

Block C

Block C is single terrace block consisting of three storey 3-bed 4-person dwellings of the same footprint and layout.

The national standard for a property of this size is 108sqm and all the dwellings have a gross internal floor area (GIA) of 112.18sqm which would exceed the minimum.

All of the individual rooms would exceed the national standard and all habitable rooms have access to a good level of outlook and natural light.

Each property would have a private winter garden area measuring 8.55sqm. The Gravesham Residential Layout Guidelines (2015) requires a dwelling with 3 bedrooms to have a minimum garden size of 60sqm and a minimum depth from rear wall of the house of 10m. As such, the proposed winter gardens are considered to provide inadequate private amenity space, especially for a family sized dwelling and with no shared amenity space to mitigate this shortfall.

Taking into consideration all of the above, it is considered that the development would provide inadequate private amenity space for future residents and due to the lack of any shared amenity space and not being within close proximity to any local parks, it would not provide a good level of residential accommodation and would be contrary to the advice laid out in the Residential Layout Guidelines and would be contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Amenity (Neighbours)

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 130 of the NPPF (2023) requires development to have a high standard of amenity for existing users (In this case surrounding properties).

There are no residential dwelling within close proximity of the site that would be impacted by the proposal. To the west of the site is the Manor Hote which would be separated by the retained car park. As such, it is considered that the proposal would not have any adverse impact on the amenities of any neighbouring properties.

The proposed development is set sufficiently away from any neighbouring properties to not result in any overlooking or overshadowing and would accord with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Refuse Storage and Collection Arrangements

Policy CS19 (LPCS) requires new development to incorporate facilities for the storage and recycling of wasted generated further clarification is provided in Planning Guidance on Waste Collection Requirements (2019). In order to ensure this proposal complies with Policy CS19 (LPCS) Gravesham Waste and Recycling department have been consulted.

The supporting planning and transport statements confirm that communal refuse stores will be provided to serve the residential development and will use the new layout and existing access that is currently use for the hotel. The swept paths within the transport statement show sufficient space for of the development manoeuvre space for the refuse vehicle and GBC Waster Services have confirmed the location and provision of refuse and recycling bins is sufficient.

In summary with regard to refuse arrangements, there is no objection and it is considered the proposal complies with Policy CS19 (LPCS) in this regard.

Highways

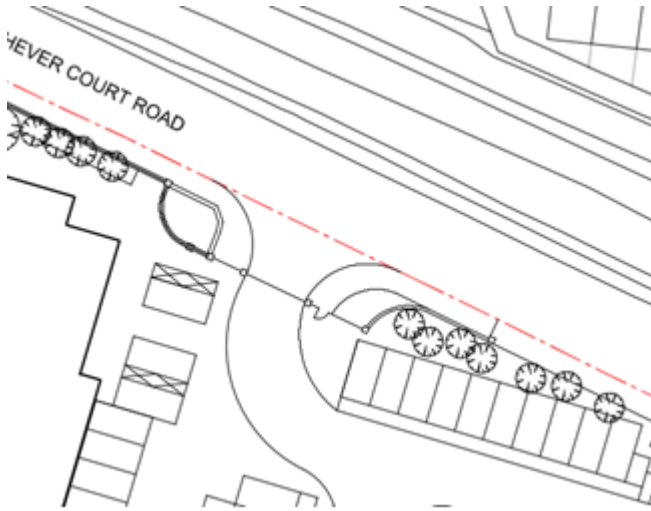
The proposed development needs to be considered against Policy CS11 (LPCS) which states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities. This is also reflected by Saved Policy T1 (LPFR) which requires proposed development to be adequately served by the highway network and Saved Policy P3 (LPFR) which sets out highways parking standards for development.

At a national level the NPPF (2023) states at paragraph 105, significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF (2023) goes on to state development should only be prevented or refused on transport grounds where the cumulative impact of development is severe.

Proposed Highway Layout & Arrangements

Vehicular and pedestrian access for the development would be via the existing entrance from Hever Court Road. Any changes to the adopted highway would need to be subject to Section 278 / Section 38 Agreements to be approved by KCC Highways.

Proposed Visibility Splay



Whilst the proposal would result in an intensification of the access, the section of Hever Court Road is straight with clear views to the east and west. This together with the proposed visibility splay is considered acceptable.

Traffic Generation

The supporting transport statement states that the development proposals result in only a negligible net increase in traffic movements, with a reduction in all of the morning hours between 0700 and 1000, and a maximum increase of 3 two-way trips in an evening peak hour between 1600 and 1900. This level of traffic is not expected to have any perceivable impact on the operation of the local highway network. In addition, the data collected from the ATC adjacent to the site on Hever Court Road does not indicate any congestion issues based on the existing traffic volumes. It is therefore considered that the shared site access junction will operate safely and within capacity.

The GBC Highways Officer raises no objection with the details with the transport statement.

Parking Provision

The proposed development seeks to provide 24no. unallocated parking spaces to serve the 12no. new dwellings and 16 of these would be located to the front of the site and 8 in the middle.

The proposed adopted car parking standards are dated and should not be used, the National Planning Policy Framework states.

108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

The development consists of eight two bedroom houses and three, four bedroom properties. Using the Interim Guidance Note 3 requirements, this equates to 14 space minimum plus 20% visitor provision which would be 2.4 spaces. This gives a minimum requirement of 16 spaces. However due to the tandem parking this would have to be increased to 18 spaces permitting each 3 bedroom property to have 2 parking spaces. This is a reduction of six spaces from the proposal which could potentially be shared with the hotel and resolve in part the shortfall there if more details regarding staffing and occupation levels are provided to support this.

Parking space P10 and P23 are not sufficient and would need to be widened to 2.7 metres as they are

adjacent to an enclosing boundary and parking spaces P11 and P12 require to be extended by chamfered ends to provide manoeuvring areas, in order to make them acceptable.

In addition, no electric vehicle charging has been provided as part of the proposal.

If the proposal were being supported, the amendments and additional provisions required could be addressed or secured via condition prior to occupation.

Cycle Storage

Cycle storage is shown on the proposed block plan located to the edges of the development and are quite secluded.

In summary, whilst KCC have no objection to the highways layout of the site, the use of tandem parking, along with isolated cycling stores provides a poor layout for future occupiers.

Furthermore, the 20200105 planning application for the redevelopment of existing overspill car parking area situated to the east of existing hotel to provide a B8 storage facility, retained 49 parking spaces including 2 disabled spaces and 2 van bays, which was considered acceptable. As part of this current proposal, this would be further reduced to just 20 spaces which questions if this would be sufficient parking retained for the hotel and undermines the use of the hotel.

Overall it is considered that the proposed parking layout for the residential development and retained parking for the hotel are inadequate and would be contrary to Policies CS07 and CS11 (LPCS).

Flood Risk and Surface Water Drainage

Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. Kent County Council (KCC) is the Lead Local Flood Authority. The application site lies within Ground Source Protection Zone 3 and is not within a flood zone.

A Surface Water Drainage Strategy was submitted with the application and concluded that the entire Manot Hotel site is already managed via a soakaway and it is considered that use of the minimum viable rate is cautionary and true infiltration rates are likely to be higher. The SuDS system has been designed to accommodate all surface water runoff generated by post development impermeable surfacing during the 1 in 100yr plus (40%) Climate Change event. As such, the SuDS system also has capacity to accommodate all runoff generated by the 1 in 30yr plus (35%) Climate Change rainfall event with no exceedance.

In addition to the permeable paving, there is the potential to incorporate raingardens within the proposals (considered an optional addition in this strategy). Should raingardens be included within the final design proposals the overall SuDS schemes will provide an attenuation storage capacity greater than what is required by policy.

No objections have been raised and therefore in summary it is not considered that the proposal would not conflict with Policy CS18 (LPCS) in regard to drainage matters.

Contaminated Land

Policy CS19 (LPCS) indicates that new development will be located, designed and constructed to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination.

Paragraph 174 of the NPPF (2023) indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Due to the current use of the land as a car park (fuel/oil leakages/spillages and also polycyclic aromatic hydrocarbons (PAHs) associated with tarmac), a contaminated land watching brief condition is recommended, should the development be supported.

Subject to a watching brief condition being imposed, no objection to the proposal subject to the above suggested condition and the proposal complies with Policy CS19 (LPCS) and Paragraph 174 of the NPPF (2023).

Gas Pipelines

The proposed development is within the Consultation Distance of a major hazard pipeline, and as such it would be necessary for the pipeline operator to be consulted before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists and will not be altered by the outcome of any consultation that may have been undertaken with the pipeline operator.

Archaeology

Policy CS20 (LPCS) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

Saved Policy TC7 (LPFR) 1994 indicates that planning permission may be refused without adequate assessment of the archaeological implications in areas of archaeological potential.

At a national level paragraph 189 of the NPPF (2023) advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest (evidence of past human activity), local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The site lies adjacent to the line of the Roman Watling Street with the potential for below ground archaeological remains associated with the road and adjacent activity of Romano-British and subsequent date.

Considering the archaeological potential of the site and possible past impacts on archaeology, if the proposal were to be supported, the inclusion of a planning condition relating to field evaluation for archaeology would be recommended.

Subject to the inclusion of the relevant archaeological condition, it is considered the proposal complies with Policy CS20 (LPCS), Saved Policy TC7 (LPFR) and Paragraph 194 of the NPPF (2023).

Air Quality and Noise

The Air Quality Assessment (AQA) dated 16th June 2023 by Redmore Environmental has been reviewed by GBC's Environmental Protection team and find that the methodology and findings are accepted. The AQA has looked at the impact of air quality on future residents in terms of their exposure to poor air quality, operational phase impact from residents travelling to/from the proposed housing and also the construction phase impacts.

The report concludes that in terms of residential exposure, the dispersion modelling undertaken has shown that levels of pollutants are below the Air Quality Objectives, and there are no objections to these findings.

In addition, operational phase impact due to resident's vehicle exhaust emissions is not likely to be significant to local air quality due to the anticipated number of vehicle movements (as detailed in the Transport Statement by Vectos).

In terms of noise, the internal noise levels could be mitigated by double glazing and mechanical ventilation, however the external garden amenity areas are predicted to have noise levels well above (+12dB) the recommended criteria given in BS8233, which are considered wholly unacceptable.

As such the proposal would provide unacceptable living conditions for future occupiers, be contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Ecology and Biodiversity

Paragraph 179 and 182 of the NPPF (2023) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural England Commission Rural Communities (NERC) Act (2006) and the Environmental Act (2021).

Policy CS12 (LPCS) indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.

The KCC Biodiversity Officer was satisfied that sufficient information has been provided suggested conditions should the proposals be supported to ensure that biodiversity is maintained and enhanced.

Appropriate Assessment

The Habitats Directive protects certain species of plants and animals that are particularly vulnerable and requires a Habitats Regulations Assessment (HRA) to be undertaken by a competent public body, such as a local planning authority where any development has the potential to have an impact on a European protected site. The process of HRA involves an initial 'Screening' stage followed by an Appropriate Assessment (AA) if proposals are likely to have a significant (adverse) impact on a protected site - in this case the Thames Estuary and Marshes Special Protection Area of SPA (termed Natura 2000 site).

In the light of any such assessment, the Borough Council may only grant planning permission if it has been ascertained that the proposed development will not, either on its own or in-combination with other plans and projects, have an Adverse Effect on the Integrity (AEIOI) of such a site, unless there is no feasible alternative or imperative reasons of overriding public interest apply.

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

The Thames Estuary and Marshes Special Protection Area (SPA) is classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Local Planning Authority has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £314.05 per dwelling). This approach is approved by Natural England for all new residential developments. For every planning application for a new dwelling (including new flats), the tariff contributions are secured through a Section 106 legal agreement or unilateral undertaking or if there are no other financial contributions this is secured through a contribution agreement. Where a developer is unwilling to make the SAMMS payment, sufficient evidence is required to be supplied to enable the Council to undertake an Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.

The tariff has previously been accepted effectively in lieu of an Appropriate Assessment (AA). However, in a recent Court of Justice European Union (CJEU) ruling this approach was not considered to be valid, as the CJEU considered the first stage to be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. In this respect, the CJEU judgement made a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an Appropriate Assessment and that mitigation measures cannot be taken into account at the screening stage.

At the time of completing the assessment of the proposal, no legal fees or Unilateral Undertaking have been received, therefore the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 181 and 182) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Heritage

Policy CS20 (LPCS) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset’s conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

To the west of the site is The George Public House which is a Grade II Listed Building. The site is located some distance away and is separated by the existing Manor Hotel and The Premier Inn, both of which are modern structures, together with modern residential properties located on the northern side of Hever Court Road.

Taking into consideration the surrounding built form and the distance from the listed building to the development site, there would be no detrimental impact on the Grade II Listed Building and there are no objections in this regard.

Planning Obligations/Affordable Housing

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 (2023), 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 Economic Development, together with Gravesham Leisure Services have been consulted but no response has been received. Developer contributions would be required for this development and if the proposals were to be supported, these contributions would be confirmed prior to determination.

Affordable Housing

The Borough Council's position on affordable housing, as set out in Policy CS16 (LPCS) is that affordable housing will be required at a provision of 30% on sites in the urban area proposing 15 or more dwellings or on sites of 0.5 hectares or more. Policy CS16 (LPCS) seeks a broad mix of 70% rented and 30% shared ownership (negotiable), although the tenure mix should meet local needs and achieve a viable, sustainable and socially inclusive development.

The proposed development for 12 new residential properties on a site less than 0.5 hectares, falls below the threshold for affordable housing and therefore would not be required.

Conclusion and Recommendation

It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 (LPCS) must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF (2023).

The proposed development for a net increase of 12no. dwelling units (in this case 12 houses) would offer a modest contribution towards meeting this local need and delivery and, accordingly, adds moderate weight in support of the application.

However, notwithstanding this a balanced approach has to be taken and it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2023) and established local policy taken as a whole.

In this case the balance is tilted towards refusal for the following reasons:

1. By virtue of the application site being bounded by the A2 trunk road to the south and the main Hever Court Road to the north, it is considered that the site is unsuitable for residential development due to the impact on the living conditions of future occupants being severely compromised by noise from the adjacent roads when using their private amenity space and the inability to open windows without noise and pollution having a detrimental impact. As such the principle of residential development on this site would be contrary to Policy CS19 (LPCS) and paragraph 130 of the NPPF (2023).
2. The design of the proposed properties have not taken features from the surrounding residential dwellings, or the adjacent hotels and are of a more contemporary design that would be at odds with the streetscene and the character of the area as a whole. In addition, the properties do not benefit from private parking or amenity spaces which is out of character with the existing built form considering the existing pattern of development and the character of the predominantly residential area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 130 of the National Planning Policy Framework (2023) which states 'developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'.
3. The proposed properties fail to offer sufficient private amenity space to the detriment of future occupants and the enjoyment of these dwellings contrary to Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2023.
4. By virtue of the sites location in close proximity to the A2 trunk road and the main Hever Court Road, the living conditions of future occupants would be severely compromised by noise from the adjacent roads when using their private amenity space and the inability to open windows without noise having a detrimental impact. The development would therefore be contrary to Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2023.
5. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 181 and 182) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	19th December 2023	Dated:	19th December 2023