



Delegated Report

Householder Planning Application

Planning Application No: 20240239

Location: Azila Dean Lane Harvel Gravesend

Description: Demolition of existing workshop and garage buildings and erection of replacement garage and new outbuilding.

Applicant: Mr. T Harrar

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form

01 – Site Location Plan and Existing Block Plan

02 – Existing Workshop and Garage/Store

03 – Proposed Block Plan

04 – Proposed Garages Plans and Elevations

05 – Proposed Outbuilding Plans and Elevations

Bat Scoping Survey

Planning, Design and Access Statement

Additional Photographs

Relevant Planning History

Reference	Description	Decision	Decision Date
20240114	Application for Lawful Development Certificate for the proposed erection of 2no. single storey rear extensions.	Certificate Granted	27.03.2024
20231103	Application for a Lawful Development Certificate in respect of the proposed 4m deep single storey rear extension and loft conversion with 8 rooflights.	Certificate Refused	29.11.2023
20200230	Demolish two existing dwellings (Four Acres and Azila) and associated outbuildings, and replace with two single storey dwellings and two garden sheds.	Permitted (not implemented)	04.05.2020
19490080	Replacement of a timber and asbestos bungalow with brick built structure	Permission	06.06.1949

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- C13 – Extensions to dwellings in the Countryside

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 8 – Promoting healthy and safe communities
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- 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); and
- Gravesham Landscape Character Assessment (2009)
- The Kent AONB Management Plan 2021-2026

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

Parish Council

Following discussion by our Planning Applications Working Group; the Council wishes to provide the following response:

We raise no objection to this application.

KCC Biodiversity (Comments received 25/04/24)

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise for this demolition and replacement of workshop and garage buildings in this rural setting.

Habitats and features, including buildings planned for demolition and priority habitat woodland all of which

could support features that could be used by bats and other species, are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. As such, an Ecological Impact Assessment (EcIA) should be undertaken by a suitably qualified ecologist¹, in accordance with good practice guidelines.

The EcIA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any necessary additional surveys undertaken;
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EcIA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of ODPM 06/2005 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

The EcIA will also ensure alignment with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraphs 180 and 186 of the NPPF 2023 biodiversity should be maintained and enhanced through the planning system.

KCC Biodiversity (Updated comments received 17/05/24)

SUMMARY – SUFFICIENT INFORMATION PROVIDED

We have reviewed the bat survey information submitted by the applicant and advise that sufficient ecological information has been provided. We have taken this view as no roost features were found or impacts from demolition to bats were identified in the bat scoping survey (KB Ecology Apr 24). We also viewed additional photos of the surrounding from the agent which showed an apparent hardcore surface widespread around the structures proposed for demolition and rebuild. The hardcore presence indicates a lower likelihood of valuable habitat and protected species presence around the proposed site. We therefore recommend a precautionary mitigation approach.

We would like to highlight there appears to be less vegetation in the photos from the applicant (10/5/24) compared to the Bat Scoping survey. If there has been vegetation clearance works and any habitats previous on site have supported protected/notable species, it is likely that the works have resulted in a breach of wildlife legislation. Any enhancement plans need to consider any losses to habitats and ensure there is a net gain in biodiversity based on the habitats present on site, prior to any vegetation clearance works.

PRECAUTIONARY WORKING MEASURES

The site is adjacent to Strawberry Hill, Pasture & Woodland, Meopham Local Wildlife Site and there is some potential for mobile wildlife to use the site and precautionary working methods are recommended to avoid any harm during clearance and construction phases. All trees/hedgerows within or bordering the proposed development shall be protected during construction in line with standard arboriculture best practice (BS5837:2012). A suggested precautionary mitigation approach suggested condition wording is below;

From commencement of works (including site clearance), to avoid impacts to protected and priority species, retained habitats and the adjacent LWS, the following precautionary mitigation should be implemented:

- 1) The adjacent hedgerow and trees, including their roots, will be protected from damage;
- 2) All temporarily stored building materials (that might act as temporary resting places) will be isolated

within hardstanding areas and raised off the ground, e.g. on pallets.

3) If at any time a protected species is discovered within the works area all works must stop while a suitably qualified ecologist and/or Natural England are consulted. Works will not resume until any required surveys and/or mitigation are completed

4) Backfilling of trenches and other excavations will be undertaken before nightfall, or a ramp will be left to allow any animals to easily exit;

5) All excavations and trenches will be checked each morning throughout the construction period and prior to infilling;

LIGHTING

Nocturnal animals (including bats) are likely to be present foraging around the site and surrounding rural area and any lighting associated with the proposal may have a negative impact. We advise that the condition wording for any external lighting (if granted) requires the following requirements:

- Plan showing location of lighting
- Downward facing
- On a motion sensor
- Follow the recommendations within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'

ENHANCEMENTS

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 that a condition is included requiring an ecological enhancement plan to be submitted. We recommend the following wording:

Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity, plus an establishment and management plan for native planting, will be submitted to, and approved in writing by, the local planning authority. This will include details of native and wildlife-friendly planting, integrated bat and bird bricks and/or durable boxes, and hedgehog holes in any close board fencing. The approved measures will be implemented and retained thereafter.

Appendix 1 provides some generic (non-exhaustive) information regarding the most common enhancements we see proposed. To provide a view regarding the potential ecological benefits of any project, in line with relevant legislation and planning policy, we require sufficient detail to be submitted. Without sufficient detail we are unable to provide an opinion regarding the suitability of any proposed measures. Suitable detail may include the provision of information such as:

- The proposed target species;
- Make and model of any boxes;
- Location information such as height, aspect, surrounding habitat;
- Detailed planting schedules; and
- Relevant management necessary to ensure the habitat is suitable for the target species.

KCC Heritage

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

Kent Downs National Landscape Team

The Kent Downs National Landscape Team has seen a recent uplift in the number of consultations on planning applications. In accordance with the agreed Kent Downs Planning Protocol, which sets out that the

Kent Downs Landscape Team will only have a limited land use planning role and will prioritise its involvement in planning to planning policy matters, we will not normally provide bespoke comments on more minor applications such as this. This does not imply support for, or objection to, the proposal. If our input would be particularly valued in this instance, please get in touch and we endeavour to provide informal advice where our current planning capacity allows.

In determining the application, the local planning authority has a new statutory duty, as set out above, to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape. Further advice on the new duty is provided in Appendix 2 of this letter and in our Interim Advice Note for Local Planning Authorities. The Kent Downs National Landscape Team recommends that to help fulfil the new statutory duty, the Local Planning Authority should ensure that the decision is consistent with relevant national and local planning policy and takes into account the aims, objectives and principles set out in the Kent Downs AONB Management Plan and its associated guidance documents. Further details of these are provided in Appendix 1.

KCC Highways and Transportation

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Neighbouring properties

4no. surrounding properties were consulted and a site notice was displayed. 0 comments were received from members of the public. The final date for submission of comments ended on 3rd May 2024.

Officer's Analysis

Principle of Development

The development would be located in the rural area, in the Green Belt. In such areas, Policy CS02 of the Local Plan Core Strategy (2014), states that development will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.

Therefore, whether the development is acceptable in principle will be dependent on the assessment of all material planning considerations. In this instance the following considerations will be made:

- Impact on the Green Belt
- Design, Character and Appearance
- Impact on the National Landscape
- Neighbouring Amenity
- Ecology

Impact on the Green Belt

National Planning Policy Framework (NPPF)

Paragraphs 152-156 of the NPPF address proposals which would affect the Green Belt. It seeks to ensure that inappropriate development in the Green Belt would not be approved except in very special circumstance.

The relevant exceptions to this policy are as follows:

Paragraph 154(c) identifies 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building', as an exception to this policy.

Paragraph 154(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

Paragraph 154(g) identifies another exception as;

‘limited’ infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority’

Gravesham Local Plan Core Strategy 2014

Core Policy CS02 sets out where development should be distributed in the borough. Preference is given to those urbanised area as sustainable locations. Outside urbanised areas, those rural settlements which are inset from the Green Belt would also be considered acceptable in principle. This site is in a rural area, in the Greenbelt NOT forming part of settlement inset from the Greenbelt. In this context the policy states that developments; ‘will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.’

Saved Policies in the Gravesham Local Plan First Review 1994

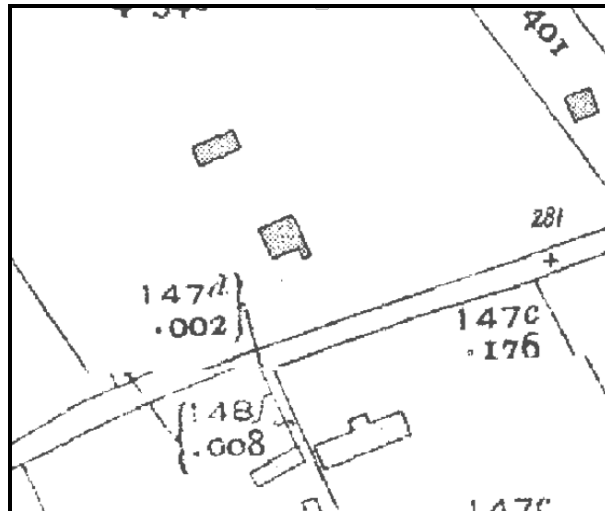
It is appropriate to have regard to saved Local Plan First Review 1994 Policy C13 which relates principally to extensions to dwellings in the countryside, as well as proposals for domestic outbuildings. This policy (part vii) states that domestic outbuildings will be considered on their individual merits, but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling. While criteria (vii) of this policy is not entirely in line with national planning policy, it does provide factors to take into consideration when considering the question of any other harm. This policy limits the increased floorspace to one third of the gross floor area of the original dwelling. However, this policy does pre-date the NPPF, and greater weight should be given where the approach is consistent with paragraph 149 the NPPF 2023. “Original dwelling” for the purpose of Policy C13 means the building in permanent residential use at 1st July 1948.

The proposed erection of a garage or another domestic outbuilding does not fall within any of the categories listed in paragraph 154 of the NPPF (2023). However, it is acknowledged that there is case law, (most notably Sevenoaks District Council v Secretary of State for the Environment and Dawe 1997 and most recently Warwick DC v Secretary of State for Levelling Up, Housing And Communities 2022) which establishes that a domestic outbuilding may be regarded as an extension to a dwelling provided that it forms a ‘normal domestic adjunct’. In considering whether a proposal is considered to be a normal domestic adjunct, consideration is given to location and use in relation to the main dwelling.

If the use of the building would be for domestic purposes related to the main dwellinghouse, this use would be ancillary to the main dwelling and if it should also have a relatively close physical relationship between the proposed garage and the main dwelling (which is likely given the layout and positioning of the dwellinghouse in the plot) the proposed buildings may be considered to be a normal domestic adjunct and as such, would constitute an extension to the dwelling at the application site. The floorspace of such a building would therefore be included within the one third floorspace increase limitation applied by Saved Policy C13. In this case the two buildings proposed are labelled; garage and outbuilding. The Design and Access Statement identifies the buildings as garage and workshop, both as existing and proposed and provides the following table indicated the change in footprint and volume:

	Footprint (GEA) m ²		Volume m ³	
	Existing	Proposed	Existing	Proposed
Workshop	33.89	28	72.82	75.36
Garage	29.66	24.25	77.76	75.1
TOTAL	63.55	52.25	150.58	150.46

The KCC Heritage Maps show that on the 1929-1952 maps, the house was present but the garages were not.



It is however noted that the dwellinghouse had permission to be rebuilt in 1949 and this map may not be reflective of the rebuild. The approved plans under 19490080 do show an outbuilding but it is markedly different in design from the existing garage and workshop and is labelled as 'wash house and coal store'. It also has a pitched roof whereas both the existing buildings have flat roofs.

Again, there is no evidence of the existing buildings on the 1960's google aerial view as below:



In the years following the above image, the area becomes dense with tree coverage and so it is not possible to ascertain whether or not the buildings were present during this period. Some tree clearance appears to have taken place by 2015 and so the buildings are visible on Google Aerial Views at this point. It

is evident from the images in the Bat Survey, that the buildings have fallen into disrepair and so they likely have been present for some time.

In any case, the outbuildings existing are not original and so cannot be included in the calculation. The proposed garage has an internal floor area of 21.6m² and the proposed workshop has an area of 23.5m²; a total of 45.1m². Under planning application 20200230 the officer calculated the floor area of this dwellinghouse to be 83.18m². This would be a 54.2% increase from the original dwellinghouse, which would be above the limited 1/3 increase.

However the numerical calculation forms only a part of the overall assessment. Paragraph 154(d) of the NPPF (2023) states that it may be acceptable to replace a building, provided the new building is in the same use and not materially larger than the one it replaces.

Taking into account the footprint of the existing outbuildings (which appear to have been in situ for some time), the proposed dwellings would result in a decrease of overall footprint of 11.3, with a marginal increase in bulk, due to the more altered roof form which would be more appropriate in the rural setting. It is considered that the impact of the additional residential floorspace on the Green Belt is outweighed by the removal of the existing outbuildings and the more appropriate design.

The proposed development would result in buildings which are not materially larger than those they replace and would be in the same use, complying with paragraph 154 of the NPPF (2023) and, Policy C13 of the Gravesham Local Plan First Review (1994) and Policy CS02 of the Core Strategy Local Plan (2014).

Openness

Paragraph 142 of the NPPF (2023) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence.

Having established that the proposal is appropriate development in the Green Belt it is considered that the location of the replacement outbuildings, would result in neutral impact on the openness of the site as a whole, given its similar size and position. Therefore, there is no conflict with local or national planning policy, in this regard.

Design, Character and Appearance

The proposed buildings would be more appropriate in this area than the existing buildings. They would be in similar positions, with a similar footprint. The proposed garage building would use a low catslide roof to the rear with a gable pitched roof to the front. The building would be weatherboarded and would contain no openings. The proposed workshop would have a short, pitched roof and would also use timber weatherboarding to the walls with corrugated roof sheeting. There would be openings in the workshop but this would be minimal and a reasonable addition for a building in which ventilation may be needed.

On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF (2023) in terms of design, character and appearance.

National Landscape

Section 15 of the NPPF highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 of the Gravesham Local Plan Core Strategy (2014) states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and, that proposals will take account of the Gravesham Landscape Character Assessment.

In May 2009 the Local Planning Authority published the Gravesham Landscape Character Assessment which identified 11 distinct areas within the borough. The application site falls within Harvel Wooded Downs

landscape area.

The Gravesham Landscape Character Assessment demonstrates the qualities which make the landscape area special and underpins Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seek to conserve and enhance its quality.

The introduction of two buildings for residential use, in a residential garden would not intensify the site in such a way that it would impact negatively on the surrounding landscape. Given particularly that the buildings would replace buildings currently in situ, there would be no significant impact on the landscape character.

The proposals therefore comply with the objectives of policies SD2 and SD3 of the Kent Downs AONB Management Plan 2021-2026, policies CS12 and CS19 of the Gravesham Core Strategy 2014 and para. 180 of the National Planning Policy Framework 2023.

Neighbouring Amenity

The buildings are situated some distance away from neighbouring properties, in similar position to the existing outbuildings. The proposed position, scale and design of the replacement buildings would not result in an increased impact on the residential amenity of neighbouring properties.

Ecology

Initially when consulted, KCC Ecology advised that insufficient information had been supplied. Upon request, the planning agent supplied a Bat Survey and KCC Biodiversity provided updated comments which advised that sufficient information had been provided along with additional photographs provided by the planning agent. They noted that it appeared that vegetation removal had taken place and that any enhancement plans would need to consider losses to habitats and the biodiversity net gain would be based on the habitats present on the site, not to any vegetation clearance works. They have not objected, subject to conditions covering; Precautionary Working Measures, Lighting and Biodiversity Enhancements.

Therefore, the development would comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 185 and 186) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Conclusion & Recommendation

The proposed development complies with all relevant national and local planning policies subject to details reserved by planning condition. The recommendation is therefore to approve the application.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	
Signed:		Signed:	
Dated:	20th May 2024	Dated:	