



Delegated Report

Planning Application

Application no: 20210955

Location: 209 Lower Higham Road Gravesend Kent DA12 2NP

Description: Extension of vehicle crossover and widening of access.

Applicant: Mr Arunas Kulvinskaskas

Site Visit Date: 05 October 2021

Site and Surroundings

The application property is a detached and extended chalet style mid 1950s bungalow on the north side of Lower Higham Road Gravesend.



The existing dwelling has an attached garage at the side and a single width drive in front of the garage with approx. 8m depth to the frontage of the site. The existing access is approx. 3m wide between brick piers and the crossover goes across a footway and grassed verge. There is a hardstanding at right angles to the access drive in front of the dwelling with space for 2 cars.

The remainder of the front garden is grassed and there is a holly tree towards the frontage.

The existing access across the highway verge is broken up, it dips and is subject to ponding. The access driveway dips down to the garage and there is a private drainage chamber next to the access drive behind the front boundary wall (see photos below).



An aerial view from Google Earth is shown below.



Lower Higham Road is a district distributor on the highway network in the Gravesham Local Plan Policies Map and is a C class classified highway (C4) or termed a Schedule 2 road.

Planning History

Planning Applications

Ref No	Description and Site	Decision	Date
19500214	Proposed erection of a bungalow	Permission	26.10.1950
19500214A	Proposed erection of a detached bungalow and garage	Permission	09.06.1955
20051000	Erection of a conservatory at the rear; single storey side extension to form utility room; construction of a new roof to bungalow incorporating three dormer windows in the front and three dormer windows in the rear roof slopes and conversion of the roof space into three bedrooms and bathroom.	Permission	10.01.2006
20211043	Single storey rear extension with a depth of 5.00 metres, maximum height of 3.00 metres and eaves	Prior Approval not required	17.08.2021

	height of 2.82 metres.		
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Pre-Application Enquiries

PRE20210315: Extend Existing Dropped Kerb. Planning permission required

Proposal

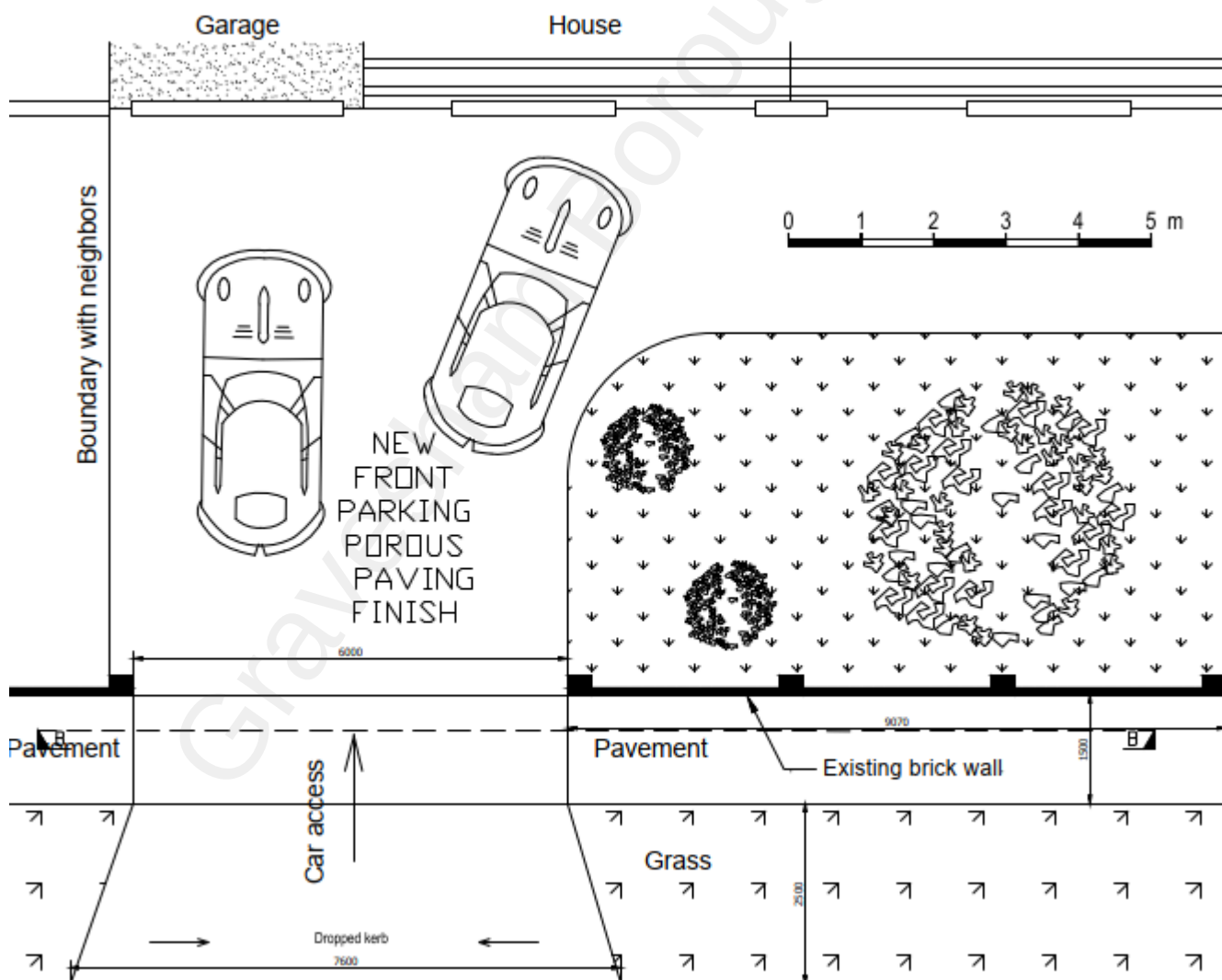
This application is described as being for extension of vehicle crossover and widening of access

Submitted Plans/Documents

Application Form;
Drawing No 001: Existing front kerb plan;
Drawing No 002: Proposed front kerb plan;
Drawing No 002 Rev A: Elevations A-A as Existing and B-B as Proposed;
Unnumbered red line site location plan dated 07 August 2021;
Unnumbered block plan dated 07 August 2021;
Applicants Photographs;

Details of the Development

The proposal is to extend the width of the access from nearly 3m opening to 6m. It is shown in the plan below.



Development Plan and other Relevant Planning Policies and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

The Development Plan for Gravesham comprises:-

- *The Gravesham Local Plan Core Strategy (September 2014)*
- *Remaining Saved Policies of the Local Plan First Review (1994)*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (2020)*

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance, and, where they exist, neighbourhood plans. There are currently no adopted neighbourhood plans.

Local Planning Guidance

Gravesham Local Plan Core Strategy September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The application site lies within an **urban area** (Policy CS02) and adjacent to a **local distributor** on the highway network (Policies T1-T5) in the Gravesham Local Plan Policies Map.

The following development plan policies are of relevance:

Policy CS01: Sustainable Development
Policy CS02: Scale and Distribution of Development
Policy CS11: Transport
Policy CS18: Climate Change
Policy CS19: Development and Design Principles

Policy CS01 (Sustainable Development) sets out that support will be given to proposals that accord with the development plan. A positive approach to new development will be taken that reflects the presumption in favour of sustainable development set out in the NPPF and the Local Plan Core Strategy.

Policy CS02 (Scale and Distribution of Development) sets out the Council's development strategy which prioritises focussing new development in the urban area and rural settlements inset from the Green Belt.

Policy CS11 (Transport) sets out that new developments should mitigate their impact on the highway and public transport networks as required. As appropriate, transport assessments and travel plans should be provided and implemented to ensure the delivery of travel choice and sustainable opportunities for travel. Sufficient parking in new development will be provided in accordance with adopted parking standards reflecting the availability of alternative means of transport and accessibility to services and facilities.

Policy CS18 (Climate Change) seeks to ensure that Water Framework Directive objectives are secured and that the impact of development on waste water drainage systems is minimised. Surface water run-off from all new development should, as a minimum, have no greater adverse impact than the existing use. It requires the use of Sustainable Drainage Systems where technically and financially feasible. It requires the water efficiency measures to be installed to achieve the equivalent of level 3/4 of the Code for Sustainable Homes (105 litres per person per day)¹

¹ Now equivalent to 110 litres per person per day as required by National Standard – see GBC Housing Standards Policy Statement (2015) at http://www.gravesham.gov.uk/_data/assets/pdf_file/0016/201625/Housing-Standards-Policy-Statement.pdf

Policy CS19 (Development and Design Principles) sets out detailed criteria against which the acceptability or otherwise of proposed development will be evaluated. In particular, it requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene and to the character of the area.

It requires account to be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings and of the wider context including features of townscape and landscape value, which contribute to local character and sense of place. It requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and avoid adverse environmental impacts from pollution.

Proposals should include details of appropriate hard and soft landscaping, protect and where opportunities arise enhance biodiversity and provide appropriate facilities for the storage and disposal of waste.

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994.

A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 215).

Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this application:

Policy T1: Impact of Development on the Highway Network

Policy T5: New Accesses onto Highway Network

Policy P3: Vehicle Parking Standards

Saved Policy T1 requires all development to be served by the highway network.

In relation to vehicular accesses the relevant policy is Saved Policy T5 of the Local Plan.

The preamble to the policy says:

In urban areas, turning movements account for a significant proportion of accidents. On major routes in rural areas, speed becomes an additional factor. New accesses can create further potential hazards, both by increasing the number of turning movements on urban roads and by creating additional potential obstructions on the rural road network. It is particularly important that the main highway network of primary, district and local distributors should remain free of new accesses.

The policy says:

The formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.

Saved Policy P3 indicates that development will be expected to make provision for vehicle parking in accordance with the KCC Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception. All vehicle parking provision should normally be made on the development

site.

Review of Local Plan

Paragraph 33 of the NPPF (2019) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2019), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF, policies in this document may be accorded weight in the decision making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going and are considered as being relevant to the consideration of this application albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy INF 2: Transport Design Principles
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts
Proposed Policy INF 4: New Accesses and Junctions
Proposed Policy INF 5: Electric Vehicle Charging Points

Proposed Policy INF 4: New Accesses and Junctions states:

6.2.34. All new or altered accesses and junctions should be appropriately sited and be of an appropriate scale, having regard to the levels of development, traffic and types of vehicle that are likely to need to use them.

6.2.35. All such accesses and new on-site highways associated with them should unless otherwise justified as an exception:

- Accord with relevant highway design, construction and safety standards applicable at the time, with junctions incorporating visibility splays consistent with their intended use and characteristics of the highway to be accessed;*
- Be provided with sufficient manoeuvring space to allow vehicles to enter and leave the site in forward gear;*
- Ensure vehicles can easily reach the necessary loading, servicing, and parking areas on-site without the need for multiple manoeuvres;*
- Not result in an unacceptable adverse impact on highway safety; and*
- Not result in a severe residual cumulative impact on the operation or the free flow of the highway network.*

6.2.36. The impact of any new access and associated manoeuvring area or roadways on the character of the area, together with the impact of vehicles using those facilities on the amenity of neighbouring properties, will also be material considerations.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) 2021 is a material consideration.

At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11) which means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development such as where land is designated as Green Belt or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The NPPF includes (in paragraph 8) three overarching objectives to achieving sustainable development:

- An economic objective;
- A social objective; and
- An environmental objective.

Numerous sections of the NPPF are directly relevant to the consideration of this development. The following paragraphs are specifically highlighted as being of importance to the consideration of the proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered.

Section 4, Paragraphs 38 - 59: Decision Making

Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Paragraph 110 indicates that in assessing specific applications for development, it should be ensured that:

- (a) Appropriate opportunities to promote sustainable transport modes can be – or have been taken up, given the type of development and its location;
- (b) Safe and suitable access to the site can be achieved for all users; and
- (c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF.

It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things

The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It outlines the six tests.

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this application:

- Adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
- Planning Policy for vehicular accesses to classified highways (SPG 6, November 1992)

In addition to the Local Plan policies, the Council has adopted supplementary guidance **“Planning Policy for vehicular accesses to classified highways”** (Planning Guidance Note No 6).

This gives detailed advice regarding design criteria for vehicular accesses and sets out the circumstances where permission will be granted for new vehicle accesses onto classified roads. It has been the subject of thorough public consultation.

The Council's policy and guidance for controlling the formation of vehicular accesses to classified highways is long established dating from the mid 1970's and reaffirmed in November 1980. It was established as a planning policy through the original Gravesham Local Plan in 1987. The policy guidance was revised in September 1991 following which an explanatory leaflet was produced. In November 1992 the policy guidance was reappraised. The policy guidance was modified only in its interpretation concerning accesses to local distributor routes subject to a 30mph speed limit. This had the effect of deleting on such roads the requirement for the provision of a vehicle turning area within the site to enable vehicles to enter and leave in a forward direction.

The current guidance makes it clear that whilst each application for a new vehicular access to a classified road will be considered on its individual merits, certain standards will apply throughout:-

- There should be a minimum depth of 5.0 metres available from the rear edge of the highway or path, to ensure a car can be parked wholly off the road (increased to 5.5 metres where the driveway leads to a garage door);
- Visibility splays should be provided appropriate to the class of road and the speed of passing traffic. Typical standards are 2 x 2 metres (measured along back of footway) for pedestrians and 2 x 45 metres (measured along kerb line) for vehicles. Where these cannot be provided within the applicant's land-holding, the agreement of a neighbouring landowner may be required to comply;
- There should be sufficient width on the public road to ensure that vehicles may turn in and out safely with no lateral damage or over-running of verges or private property;
- Excessive gradients which would cause dangers to road users in wet/icy conditions should be avoided;
- The access should not create a hazard by virtue of its close proximity to other entrances, road junctions, pedestrian crossings and traffic islands;
- In conservation areas and in the grounds of listed buildings, there will be a presumption against paving over the entire forecourt for the benefit of parking. New proposals should seek to retain at least half of the garden as soft landscaping.

On Schedule 1 roads, the following additional considerations apply:-

- Where an alternative means of vehicle access can be provided which does not affect the main road, a new access to the classified road will normally be refused;
- All applications will be expected to show on-site turning space - typically, this will require a minimum forecourt area of 7.5 metres width and 8 metres depth;
- Exceptional circumstances will be needed to justify the creation of more than one means of access to a single residential property;

- All new entrances will have to have full sight-lines appropriate to the speed of passing traffic and all reasonable steps should be taken to design out any hazards arising from this access. This may entail further work in the highway.

Schedule 1 roads covers all trunk roads, primary and district distributor routes (A and B roads) and those local distributor routes which fall partly or wholly outside a 30mph speed limit.

In the case Lower Higham Road is a local distributor route (C4) subject to a 30mph speed limit and is a schedule 2 category road.

Consultations, Publicity and Representations

Consultations

Internal

GBC Highways Development Management Officer

I have no objections, it will be an improvement on the existing situation as two vehicles will have direct access to the highway.

Ward Councillors

No comments received

External

Kent Highways and Transportation Services

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Please advise the applicant that they will require the separate consent of KCC Highways for the construction of the extended vehicle crossover within the public highway.

INFORMATIVE: 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 where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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 road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

Publicity and Representations

The proposal was publicised by way of a site notice under Article 15 and in addition the owners/occupiers of 7 adjoining dwellings were individually notified. The expiry date for comments was 07 September 2021.

No representations received

Planning Analysis

This application is for a widened access as there is already a vehicle access to the property that serves the existing driveway and garage.

The key considerations in the determination of this planning application are whether the proposed enlarged vehicular access and the associated front garden parking/hardstanding facilities and alterations to the front garden boundary wall are appropriate and acceptable in both in highway safety terms and amenity terms and in relation to adopted policy and guidance, notably Local Plan Core Strategy Policies CS11 and CS19, saved Policy T5, Sections 9 and 12 of the NPPF 2021 and Gravesham Planning Policy for vehicular accesses to classified highways (SPG 6, February 2009).

In addition the assessment should take into account the impact on the local area in terms of character and appearance, any similar planning decisions locally and whether there is or would be any precedent for such development but whilst recognising that all planning applications are considered on their individuals merits.

Highway Issues

The widened access is to be constructed on to a C class classified highway such that there is no requirement for a vehicle turning area (as it is not a schedule 1 road) but general requirements are that there should be a minimum depth of 5.0 metres available from the rear edge of the highway or path (increased to 5.5 metres where the driveway leads to a garage door), visibility splays should be provided appropriate to the class of road and the speed of passing traffic (typically 2 x 2 metres for pedestrians and 2 x 45 metres for vehicles, and there should be sufficient width on the public road to ensure that vehicles may turn in and out safely with no lateral damage or over-running of verges or private property and the access should avoid excessive gradients.

In this case the driveway is already deep enough for cars to clear the highway (footway and verge) but with the additional width this will avoid potential shunting of cars either within the property or potentially on the highway so there is some potential highway gain. The vehicle access is existing and the road width is sufficiently wide such that there would be no conflict of vehicles entering the highway from the opposite side of the road. The front boundary wall is to be rebuilt to include railings on top of a brick wall set between piers but still the same height as existing at one metre which would not harm visibility.

It is noted that there is private drainage chamber within the area of the widened driveway that will need to have a heavy duty cover (see photo below)



There are no highway objections from KCC as the highway authority and therefore there is no objection to the enlarged vehicular access in highway terms subject to conditions relating to the visibility splays, no gates etc.

Character and Appearance

The front garden is currently mainly laid to grass with a low front boundary wall (approximately 1m in height).

The proposal involves additional hardsurfacing of part of the front garden with permeable paving commensurate with the widened access width. No additional landscaping is shown. The enlarged drive and crossover would result in the loss of some highway verge and the width of the enlarged opening is quite wide.

The front boundary wall is to be rebuilt to include railings on top of a brick wall set between piers but still the same height as existing at one metre. It is indicated that the bricks would match the main house colour. It is not considered that this would materially harm local amenity.

Whilst the works as proposed lose some of the character of the area on balance it would not be inconsistent with the other accesses within the locality and not materially harmful to local amenity.

There is a similar width access at 251 Lower Higham Road as shown below.



Other Matters

Surface Water run off

Core Strategy Policy CS18 sets out the requirements for dealing with sustainable drainage and surface water run-off. The existing access driveway is a sloping concrete driveway that does not appear to have any drainage apparatus. No drainage details or details of the block paviors have been submitted to demonstrate that the proposal will not cause surface run off onto the highway with only a reference on the drawing to the use of non-porous paviors. A planning condition is proposed to ensure these details are satisfactory.

Residential Amenity

The proposal will provide convenient onsite parking for the occupants and will have no adverse impact on their amenity and clearly a safer parking solution than the current arrangement.

The boundaries to the neighbouring properties gardens remain intact. As such the proposal will not adversely impact on the amenity of the occupants of the neighbouring properties. No neighbour objections to this effect have been received.

As such the proposal accords with Core Strategy policy CS19 (Development and Design Principles) which seeks to ensure that proposal safeguard the amenity of occupants and those of neighbouring land.

Conclusions and Balancing Exercise

Whilst the access as proposed will result in a very wide entrance into the site it is not considered that this would be harmful to local amenity and the street scene or contrary to policy CS19 of the Gravesham Local Plan Core Strategy. There are no neighbour objections to the development.

There are no highway objections to the proposal from the GBC Highways Development Management Officer or Kent Highways and Transportation Services and the proposals are satisfactory from a highway safety point of view.

It is therefore considered that the proposals can be supported and PERMISSION granted but subject to appropriate conditions.

In the analysis of the planning issues and the subsequent recommendation consideration has been given to the Human Rights Act and it is concluded that any breaches or interference to individual human rights are reasonable and fair.

Recommendation:

PLANNING PERMISSION be **GRANTED** subject to planning conditions, reasons and informatives

CONDITIONS AND REASONS

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following approved plans:

Application Form;
Drawing No 001: Existing front kerb plan;
Drawing No 002: Proposed front kerb plan;
Drawing No 002 Rev A: Elevations A-A as Existing and B-B as Proposed;
Unnumbered red line site location plan dated 07 August 2021;
Unnumbered block plan dated 07 August 2021;
Applicants Photographs;

and pursuant to any condition hereinafter contained and there shall be no deviation therefrom.

Reason: For the avoidance of doubt and in order to ensure the development is implemented on the basis of the scheme as submitted and assessed in the interests of proper planning and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

3. The vehicle access drive within the front garden of the dwelling, as hereby permitted, shall be constructed of porous materials and/or incorporate appropriate drainage; and notwithstanding the provisions of Article 3 of and Part 1 Class F of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the front garden hardstanding/parking area

shall not extend beyond the area as shown in Drawing No 002: Proposed front kerb plan at any time.

Reason: In the interests of visual amenity and highway safety and pursuant to Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review, November 1994.

4. The replacement front boundary wall including the brick piers and railings shall not exceed 1.0m in height and the facing bricks to be used in the front boundary wall shall match those in the existing dwelling as shown in the approved Drawing No 002 Rev A: Elevation B-B as Proposed.

Reason: In the interests of visual amenity and highway safety and pursuant to Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review, November 1994.

5. No gates shall be installed across the enlarged vehicular access and driveway as hereby permitted at any time.

Reason: In the interests of highway safety and to avoid vehicles waiting in the road while gates are opened or closed and pursuant to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review, November 1994.

6. A vehicular crossover in accordance with the Highway Authority's specification and requirements shall be constructed within the highway adjacent to the application site prior to the enlarged vehicular access hereby permitted being first brought into use.

Reason: In the interest of highway safety and pursuant to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review, November 1994.

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION TAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

3 PARTY WALL ACT 1996

Applicants are reminded of their responsibilities under the Party Wall Act 1996. This legislation is not taken into account when determining a planning application and independent advice should be taken in this regard. In the event of application of this legislation requiring change to the permitted scheme, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

The applicants are advised that a separate application will need to be made to KCC Vehicle Crossing Team for a vehicle crossover/dropped kerb

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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 road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

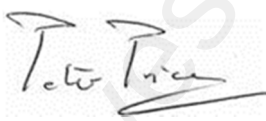
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement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

5 UTILITIES

It should not be automatically assumed that permission will be given for utility services to be placed within the public highway, and early contact should be made with Kent County Council at roadworkswest@kent.gov.uk. This will enable a proper consideration of available options in order that the optimum solution can be determined.

6 DRAINAGE COVER

The applicants are advised that an existing private drainage chamber is located within the area of the widened driveway as hereby permitted and this may therefore require the installation of a heavy duty cover.

Case Officer:	Peter Price	Team Leader:	Faye Hobbs
Signed:		Signed:	
Dated:	06 October 2021	Dated:	06 October 2021

File Location: F: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20210955 - Delegated Report - 209 Lower Higham Road Gravesend - enlarged access