



Delegated Report

Planning Application

Application no: 20220300

Location: Land Adjacent to Gingerbread Cottage Northfleet Green Gravesend DA13 9PT

Description: Change of use of land and workshop from residential curtilage to commercial B2 workshop with ancillary access and parking including the erection of an additional workshop.

Applicant: Mr A. Castle

Site Visit Date: 28 April 2022; 27 July 2022

Description of the Application Site and Surroundings

Gingerbread Cottage (formerly 2 The Cottages) Northfleet Green is a two storey, significantly extended/enlarged semi-detached dwelling on the north side of Northfleet Green Road Northfleet Green. Originally late 19th century, very small farmworkers cottages, 1 and 2 The Cottages were converted into and in use as a single dwelling unit at least since the early 1970's and perhaps even earlier but subsequently the dwelling was split back into two units with a retrospective planning permission granted in 2015.

Gingerbread Cottage has a tiled roof and with scalloped barge boards to the flank and an exterior that comprises a rendered and painted ground floor and a tiled first floor. There is a small lean-to rear extension. A former triple garage at the side of the dwelling that was linked to the ground floor of the dwelling was converted into additional living accommodation for the dwelling after 2010 with bays added and it has been further enlarged at the side. The frontage of the site is hard surfaced and used for car parking for the residential occupants.



Gingerbread Cottage has a large outbuilding immediately rear of the lean-to addition and an outbuilding within the rear garden towards the west side. There is an open swimming pool in the rear garden.

Also, there is a large metal outbuilding (workshop) to the rear of the conifer hedge at the foot of the current rear garden but at the time it was built was within the original dwelling curtilage. The area where the existing workshop building is located including the forecourt in front of the building has a concrete surface. There is a vehicle hoist in front of the workshop building on the concrete hardstanding. The workshop building is a profile metal building with roof lights and with a monopitch roof a maximum 3.75m high and with a lower section on the southern side at 2.5m high. It is 10.9m wide by a maximum 10.25m long.

The building is within and linked to an 'L' shaped strip of land (yard) the remainder of which is hard/rough surfaced and fenced off by timber close board fencing from the dwelling garden. There is timber fencing on the western and northern boundaries of the site that enclose the site to the open fields.

The yard contains a variety of vehicles including some commercial vans. The building and yard appear to date (according to Google Earth aerial images) from September 2013, but the workshop building was extended in circa 2014/2015 and was the subject of an application for a Lawful Development Certificate in 2015.

Below: Existing Workshop Building



Below: Yard area and parked vehicles



The existing commercial use is apparently operated by family members and appears to trade under the name SJ Vehicle Solutions. It is indicated that there are currently 3 full time employees at the premises.

The existing workshop building has an internal floor area of 75m². It is indicated that the commercial area has a site area of 0.1 hectares.

A low picket timber fence to the frontage of the site was replaced by a 1.8m high solid block and timber fence in 2015 and there are timber gates to the entrances to both Gingerbread House and 1 The Cottage and a 1.8m high timber close boarded fence separating the front gardens of the adjoining dwellings.

There is also now a more recent 2.4m high timber fence (shown on a revised layout drawing submitted with the current planning application as a sound fence) that has been erected at the foot of the applicant's residential garden and next to a conifer screen.

No 1 The Cottage has a single storey side extension under a pitched roof and a conservatory added to that extension at the side and a large flat roofed addition at the rear.

The site is within relatively flat open countryside within a sporadic scattering of dwellings and is within a Green Belt area outside of any settlement or village. The dwellings are crossed by overhead National Grid electricity lines.

Northfleet Green Road is a narrow and winding metalled road with poor forward visibility and only occasional passing places. It connects to the west with New Barn Road.

Planning History

Ref No	Description and Site	Decision	Date
19730326 (TH3/73/326)	Alterations and extension	Permission	18.03.1974
19791075	Erection of detached double garage at the side	Permission	19.12.1979
19850602	Erection of extension to existing garage to form triple garage	Permission	09.09.1985
19900780	Erection of single storey extension to form enlarged triple garage.	Permission	17.12.1990
19940411	Application for lawful development certificate for continued use land for the parking and operating of tour coaches.	Certificate Refused	16.08.1994
19940661	Application for lawful development certificate for use of land for the parking, maintenance and repair of a maximum of three tour coaches, used and operated by the residential occupiers.	Certificate Granted	16.06.1995
19990310	Erection of a conservatory at the rear.	Permission	25.06.1999
20080158	Application for Lawful Development Certificate for the existing infill extension being used as a cinema room.	Certificate Granted	19.03.2008
20080979	Conversion of the garage into habitable rooms.	Permission	24.02.2009
20150815	Retention of a pair of semi-detached dwellings (<i>Subdivision of existing detached dwelling into two original semi-detached cottages</i>)	Permission	29.09.2015
20151029	Retention of infill close boarded timber panels and gates to front boundary wall.	Permission	04.12.2015
20151059	Application for a Lawful Development Certificate in respect of the existing workshop and hard standing in rear of garden.	Certificate Granted	03.12.2015
20180237	Prior notification for the proposed change of use of the light industrial unit (Class B1(c)) to residential dwelling (C3).	Inappropriate procedure and planning permission is required	15.05.2018
20220300	<i>This Application</i>		

The Development

This planning application is for the change of use of land and workshop from residential curtilage to commercial Use Class B2 (general industrial) workshop with ancillary access and parking including the erection of an additional workshop.

Submitted Plans and Documents, as revised

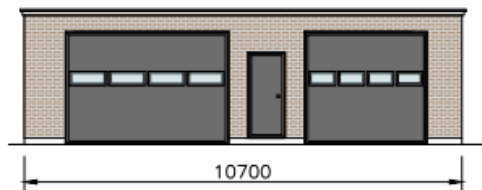
Drawing No 220302 001 Rev B: Location Plan, Existing and Proposed Block Plan

Drawing No 220302 002 Rev B: Proposed Plan and Elevations

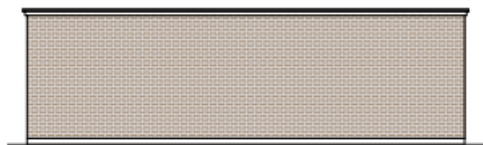
Details of the Development

The New Workshop

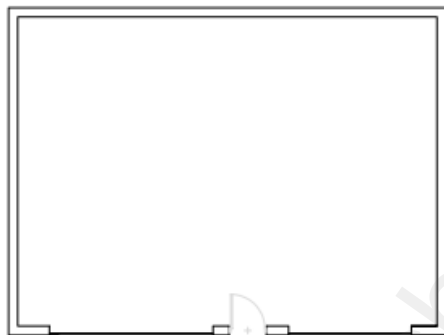
The additional workshop as proposed is a single storey flat roofed building. Externally the building has a width as proposed of 10.7m, a depth of 8.0m and a height of 3.3m. It has an internal floor area of 85m². The walls and roof of the building are indicated as being of coloured profile cladding. It will be located within the northwest corner of the site.



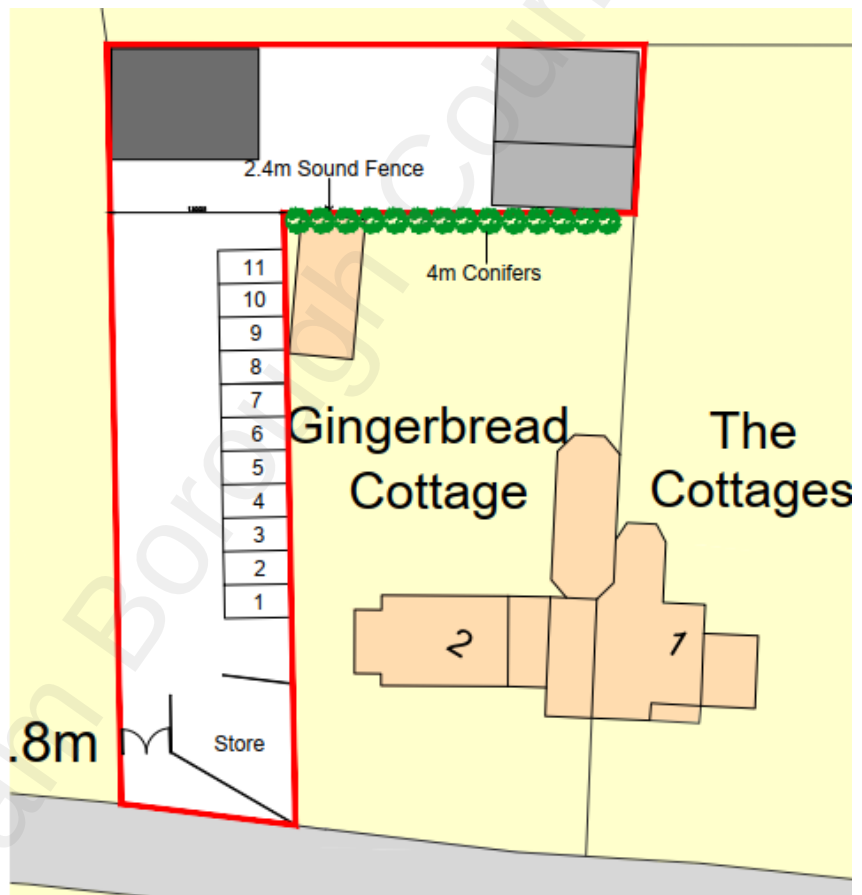
Proposed Front Elevation



Proposed Rear Elevation



Proposed Floor Plan



Proposed Block Plan 1:500

It is proposed that the development would result in an increase of 3 full time employees taking the number employed on the site to 6 persons.

The Change of Use

It is indicated in the application form that the change of use (*from residential curtilage to commercial B2 workshop*) started on 11 March 2019.

The submitted Planning Statement says:

Whilst the existing workshop benefits from a lawful development it is alleged that the access land is agricultural land and did not fall with the curtilage of Gingerbread Cottage.

The applicants planning statement suggests that the permission on the site under reference 20150815 that relates to the retention of the site as a pair of semi-detached dwellings included the land (now used as access and parking on the west side of the garden area of Gingerbread Cottage) as being within the residential curtilage of the properties.

The statement says:

I am satisfied that the lawful use of that piece of land is not AGRICULTURAL but part of the residential curtilage of Gingerbread Cottage. In my view the lawful use of the land is residential and was being used as a vehicular access to the garage workshop to the rear of Gingerbread Cottage that was also included within the curtilage. There is in my view no doubt about the lawful use of this piece of land and its inclusion within the residential curtilage of Gingerbread Cottage as granted by permission 2015081.

The statement also refers to the further application 20151059 which was an application for a Certificate of Proposed Lawful Use for the garage workshop and hardstanding in rear of garden of 2 The Cottages.

The Planning Statement says:

*The decision notice refers to **'the use, operation or matter described in the first schedule'** but this only refers to a garage workshop and hardstanding but makes no comment about its use for a commercial or business use and the decision only refers to Class E & F of Part 1 to Schedule 2 of the GPDO 2015 which clearly only relates to residential use. However, the Council granted a Certificate of Lawful Use as a commercial enterprise in June 1995 (19940661). This has continued ever since and is now lawful by the passage of time.*

Notwithstanding the fact the building and land has been separated from Gingerbread Cottage all that is needed is a change of use from residential curtilage land to a separate planning unit as Commercial B2 Workshop with ancillary access and parking area including the erection of a further commercial workshop.

It is noted that the Planning Statement does not refer to the appropriateness or otherwise of the change of use in relation to national or local planning policy, particularly in relation to Green Belt policy.

The applicant's agent has subsequently advised by email on 28 July 2022:

As you know this site has a long history as a commercial repairs workshop and has always generated significant vehicular movements...Whilst there will be an intensification of the use it is anticipated that the new workshop will be used in conjunction with the existing business.

...The business has existed for many years and was formerly in the rear garden of one of the residential units. It was 'split' away many years ago and certainly from before the 2015 retrospective application to subdivide the cottages, which were at the time owned by the applicant and his family. I am advised that the business use was separated 6 years before the dwelling subdivision. You noted the new sound attenuating fence erected by the applicant as requested by the new tenant of the cottage.

...The site used to be used for the repair of coaches but is now limited to vans and private vehicles. Less significant vehicular movement on Northfleet Green Road. You will have noted that the original internal fencing has now been removed and would ensure the turning of the fire tender.

Development Plan and other related 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. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.¹ 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 currently comprises:

¹ See the Judgement in the Court of Appeal on R(on the application of William Corbett) and The Cornwall Council and others [2020] EWCA Civ 508 at <https://www.bailii.org/ew/cases/EWCA/Civ/2020/508.pdf>

- *The Gravesham Local Plan Core Strategy and Policies Map (September 2014).*
- *Remaining Saved Policies in the Gravesham Local Plan First Review (November 1994), and*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 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 relevant neighbourhood plans. Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

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 that 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 is shown as being within a **Green Belt area** (Policy CS02), outside of any rural settlement in the Gravesham Local Plan Policies Map.

The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance to this planning application:

Core Strategy Policy CS01: Sustainable Development
 Core Strategy Policy CS02: Scale and Distribution of Development
 Core Strategy Policy CS07: Economy, Employment and Skills
 Core Strategy Policy CS11: Transport
 Core Strategy Policy CS12: Green Infrastructure
 Core Strategy Policy CS18: Climate Change
 Core Strategy Policy CS19: Development and Design Principles
 Core Strategy Policy CS20: Heritage and the Historic Environment

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.

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 proposal:

Policy TC7: Other Archaeological Sites.
 Policy T1: Impact of Development on the Highway Network.
 Policy T2: Channel traffic to the Primary and District Distributor Network
 Policy T3: Development not well related to the Primary and District Distributor Network
 Policy T4: Development outside the Built-Up Area
 Policy T5: New Accesses onto Highway Network.
 Policy P3: Vehicle Parking Standards.

Review of Local Plan

Paragraph 33 of the NPPF (2021) 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) generally conform with the National Planning Policy Framework (2021), 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 planning 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 GB 5 Extensions, Replacement Buildings and Ancillary Development in the Green Belt
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 GI 5: Landscape Character
Proposed Policy GI 6: Biodiversity
Proposed Policy AM 2: Contaminated Land
Proposed Policy AM5: Noise and Vibration

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) July 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 or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

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

Section 2, Paragraphs 7 - 14: Achieving sustainable development
Section 4, Paragraphs 38 - 59: Decision Making
Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport
Section 12, Paragraphs 126 - 136: Achieving well-designed places
Section 13, Paragraphs 137 - 151: Protecting Green Belt land
Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

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 indicates that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

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 proposal:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006).
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006).
- Vehicle Accesses on Classified Highways (SPG6 November 1992).
- Gravesham Landscape Character Assessment, May 2009 (a technical document which underpins Policy CS12 of the Gravesham Local Plan Core Strategy);

Consultations, Publicity and Representations

Consultations - Internal

GBC Planning Policy

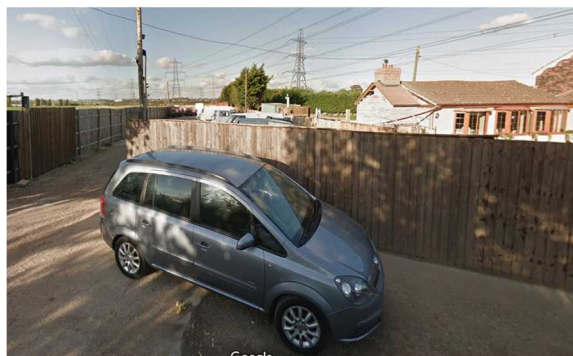
No comments received

GBC Highways Development Management Officer

This is a complex application given the previous history of the site and adjoining land.

Application 20151059 is noted and its decision notice, which relates to the lawful development of the workshop at the end of the garden at Gingerbread Cottage, however it appears that access to the highway was not included in the application as the link was not included in the red line site boundary. From a highway view I take this to mean the workshop is ancillary to the occupation of the main dwelling as access can only be gained through the garden. The fact that the adjacent land may have been (and still is) in the same ownership does not mean there is a secure access, as the land could be legitimately sold without any planning consequences. This application would rectify the original omission.

Application 20220300 rectifies the original omission of the access to the workshop and introduces a new workshop. Looking at Google Street View images the access is already heavily used with car parking which extends outside of the proposed parking bays.



Above: Google Street View October 2016



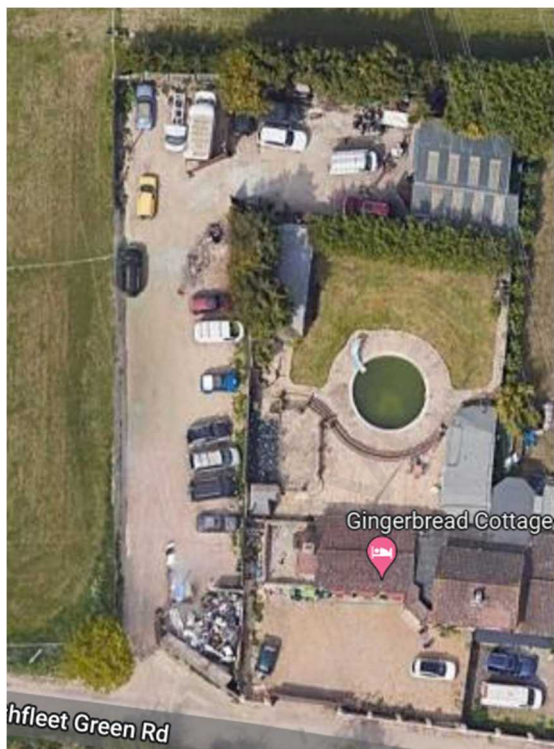
Above: Google Street View October 2016 - Enlargement



Above: Google Street View May 2018



Above: Google Street View April 2022



Across: Google Satellite image March 2020

From the available evidence, any intensification of use could place the site under car parking stress resulting in vehicles overflowing on to Northfleet Green Road, a single-track country lane subject to the national speed limit of 60mph.

In addition, a change of use of the existing workshop from residential curtilage to commercial B2 workshop and new unit at this site in a location that cannot be considered sustainable is not appropriate and the highway network (single track carriageways without formal passing bays) is not ideal for the large vehicles that may have to serve it.

I therefore recommend refusal,

(1) The site cannot be considered sustainable as any workforce would have to commute to site without the benefit of public transport and the use of cycles is unlikely due to the nature of the road and the lack of street lighting and no obvious facilities being provided at the development to allow someone to wash, or shower having ridden to work.

(2) The area of land identified as the access and parking area is already showing parking stress and this extends into the area identified for the new workshop. Any intensification is liable to aggravate the situation with potential overspill on to Northfleet Green Road a single-track highway that is subject to 60mph and does not have any street lighting. Therefore, any on street parking would be a hazard.

GBC - Head of Regulatory Services (Environmental Protection)

This service does not support this application, as it is considered to be sited inappropriately adjacent to residential homes. The change of use of land and workshop from residential curtilage to commercial B2 workshop raises concerns, with regards to impact on these residential properties from noise, smoke, dust, odour and drainage, which may not be easily controlled with statutory nuisance powers. Very limited information was provided with this application and therefore it has been difficult to make specific comments. In order to be able to make specific comments this service requests that the following matters are dealt with prior to determination, with the information being provided to this service so that formal comments can be made.

Noise

Whilst there are only a few residential properties nearby, noise nuisance can still negatively impact on these and nearby businesses, therefore the noise output of the units still needs to be a consideration. If both the existing unit and the new unit are operated simultaneously then the noise generated will be aggregated, therefore both need to be considered as part of the application when it comes to potential noise nuisance.

Due to concerns over the impact of the noise from the change of use of land and workshop from residential curtilage to commercial B2 workshop, on residential properties in the locality. In accordance with the council's local list of validation requirements, prior to determination, a noise impact assessment is carried out in accordance with BS4142:2014 and submitted to the Local Planning Authority for consideration and approval. The assessment must also consider vehicle activity in relation to the use of the site. The report should demonstrate that the rating noise, of any plant and machinery inclusive of any corrections for tonality, etc. will not exceed the existing LA90 background level at the nearest noise sensitive receptors as outlined above when measured and assessed in accordance with BS4142:2014. Any mitigation measures recommended in the assessment in order to meet the above criteria as agreed by the LPA shall be implemented prior to first use and maintained for the lifetime of the permitted development/use.

Drainage Comment

No information has been provided about the foul water drainage proposed to be installed for this development. There is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal. There appears to be mains drainage approximately ten metres to the west of the site.

This site does not appear to be suitable for the installation of an appropriate non mains drainage system. This service has concerns that the type of wastewater from the development is inappropriate for the use of a septic tank system and would be better suited to a combined small wastewater treatment works and septic tank system, however the applicant is advised to contact the environment agency with regards to this matter.

Prior to determination the applicant must confirm the type of drainage to be utilised providing full details. If non-mains drainage is to be pursued, the applicant will need to demonstrate why this is not practicable in this specific case. Full details will be required, including size, location and maintenance regimes. Due consideration should be given to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report prepared by a suitably qualified and competent person and must be submitted with the application for it to be registered.

Proposals must be able to meet the Environment Agency's General Binding Rules, which can be found at <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>, or, where the proposals are unable to meet the general binding rules the scheme must be capable of meeting the requirements of a specific discharge consent upon application to the Environment Agency.

Please note that the Local Planning Authority will note the submission of this information where provided but will not comment on its technical accuracy or provided technical guidance to the applicant. Any further guidance should be obtained from the Environment Agency as the UK regulator for the pollution of surface or ground waters and discharge consents.

Odour/Fumes

We are also concerned about the potential for a nuisance to be caused by the odour arising from the proposed use. Any use that may cause odour should be controlled by the use of an appropriate extraction system. In order to be satisfied that it would be unlikely to cause a nuisance, details of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions should be submitted to and approved in writing by the Local Planning Authority, prior to determination or confirmation must be provided that no odorous activities will be carried out on site and that an extraction system will not be necessary. Any approved scheme shall then be installed prior to operation in accordance with the approved details.

Contaminated Land 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.

Disposal of Commercial Waste

The burning of commercial waste must not be carried out on site, alternative appropriate methods for the disposal of waste must be implemented.

Smoke Nuisance Informative

Although the proposed development is not situated in a smoke control area, in order to prevent nuisance to the neighbourhood, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 should be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders should 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 with their fireplaces/appliance. For further information, including confirmation that an appliance and/or fuel is suitable, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Code of Practice on Construction and Demolition

Please apply

Ward Councillors

No comments received

Consultations - External

KCC Highways and Transportation

The proposals will result in an intensification in use of the existing access and additional details are required as to the types and size of vehicles that will need to access the site. Although a Planning Statement has been submitted, this does not provide any supporting information regarding the number of overall vehicle movements expected.

Clarification is also needed as to the number of parking spaces proposed and to explain the parking management of the site. The application form states that the number of employees will increase from 3 to 6 and the number of parking spaces will increase from 5 to 15.

This has not been shown on the submitted plans and all parking spaces should be detailed on a revised plan. All parking should be accommodated within the site, as there should be no overspill of vehicles onto Northfleet Green Road, which is unsuitable for on street parking.

The applicant should note that when further plans are submitted, all parking spaces should measure 5m in length x 2.5m in width, increasing to 2.7m if they are abutting a wall, fence or soft landscaping. There should be a turning provision behind each space of 6m. Any large vehicles will also require adequate turning room within the site, which should be demonstrated on the revised plan.

It is difficult to make a robust assessment of the highway impact of this application until these further details have been provided. I would therefore request a holding objection to this application until the above points are addressed and further drawings are submitted.

KCC Heritage and Conservation

There is a record of an outfarm barn on the site of the extant cottages and a structure is recorded in broadly the same location on the Tithe map of the mid-19th century. It is possible that the barn was converted into two cottages, or it was taken down and the pair of cottages built, as you say, in the later 19th century.

The area has general background archaeological potential but given the degree of change at the site and the relatively small scale of the proposed structure, I do not think that the proposals would have a significant archaeological impact and would have no archaeological objection.

Kent Fire and Rescue Service

Please confirm that the access road to the proposed development has a minimum width of 3.7m, and no less than 3.1m in width at any pinch point on route so our appliance can access the building site. The road base (hard standing) must also meet the minimum weight load capacity requirement for our appliances.

Please confirm that due to the estimated length of travel distance on the access road and the dead-end conditions, there are adequate turning facilities available for the appliance with a minimum radius of 16.8m. Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Southern Water

Advises on the location of public foul sewer. Comments that:

- The 150 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Advises that there is private communication pipe within the site.

Requests that if consent is granted, the following condition is attached to the planning permission:

The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

Environment Agency

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

Dartford Borough Council

The Borough Council would wish to raise no objection to the proposals.

The Council consider that it is for Gravesham Borough Council as the relevant Local Planning Authority to consider an application of this scale within the Green Belt having regard to their own planning policies and, in this case, against Green Belt policy set out within the National Planning Policy Framework.

UK Power Networks

No comments received

National Grid UK

No comments received

Publicity and Representations

The application was publicised by individual notification to 9 surrounding properties and by a site notice and press notice as development not in accordance with the development plan and under Article 15.

The expiry date for neighbour publicity was 20 May 2022. No representations have been received

Planning Analysis and Appraisal

Introduction and Planning History Background

This planning application is for the change of use of land and workshop from residential curtilage to commercial B2 workshop with ancillary access and parking including the erection of an additional workshop. Effectively this is a part retrospective application as the use for commercial purposes is already now being carried out.

The application site is within a Green Belt area and although the specific site is within and adjacent to the existing dwelling cottage which itself is of a longstanding nature, it is within a general area of relatively flat and open countryside landscape in an area of good quality and intensively farmed agricultural land.

A Lawful Development Certificate (LDC) was granted under application reference number 19940661 to demonstrate that the use of the building, then 1 and 2 The Cottages (of which no 2 is now Gingerbread Cottage) for the repair of coaches and small commercial vehicles (use for B1(c) light industrial) had subsisted since 1984. This LDC related to the front portion of the original residential curtilage of the pair of semi-detached dwellings and did not make any reference to a use of a building but the use of land. It confirmed that the area at the front of the site had a lawful use "for the parking, maintenance and repair of a maximum of three coaches", and that this use was limited "to the parking, maintenance and repair of four coaches used or operated solely by the residential occupiers" of no's 1 and 2 The Cottages, and that "no

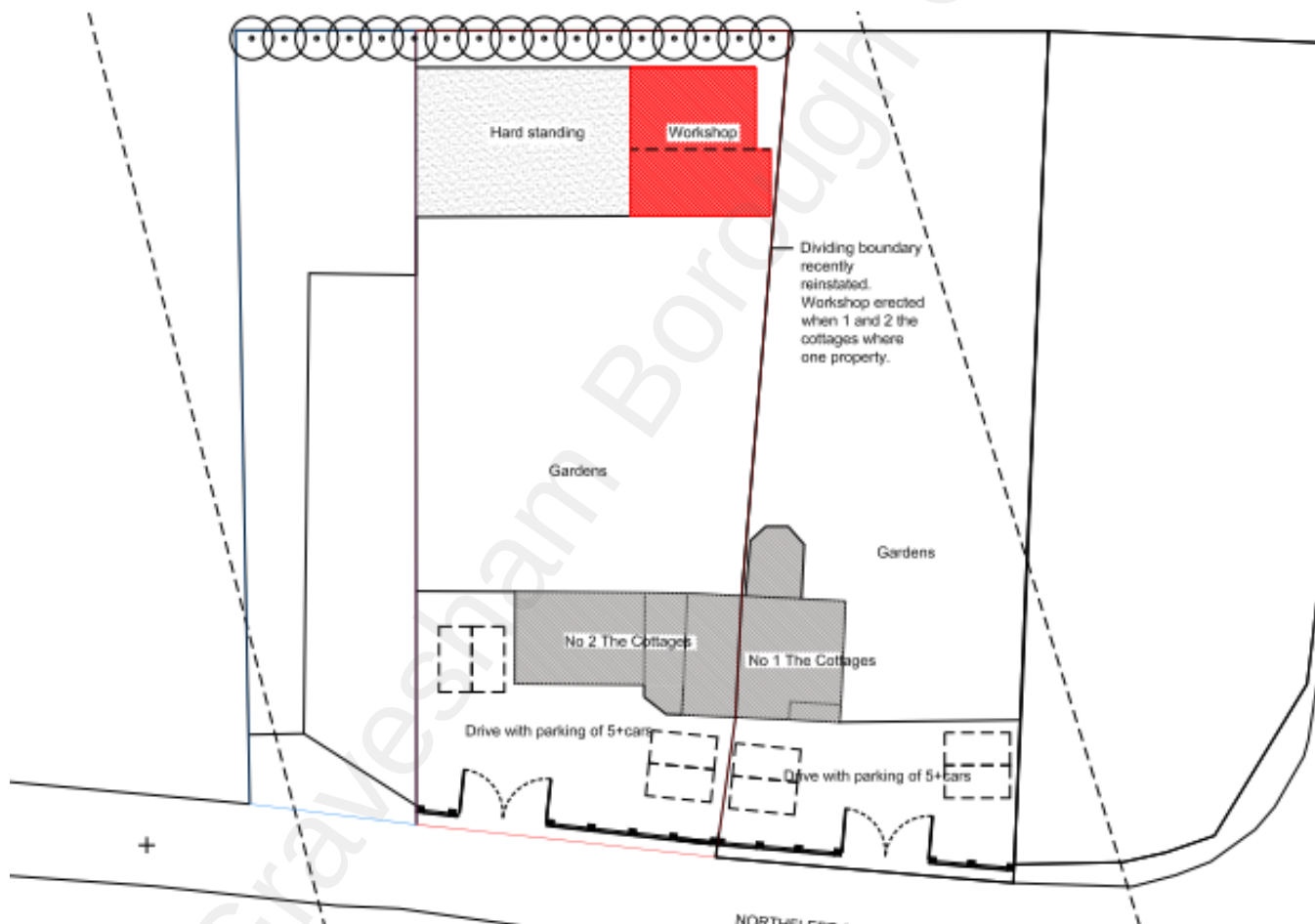
other vehicles shall be parked, maintained or repaired on the said land other than those associated with the residential use of the property”.

The existing workshop building, and the hardstanding area at the rear of the no 2 The Cottage, now Gingerbread Cottage, were originally granted under a Lawful Development Certificate (LDC) in December 2015 and not by way of a planning permission. The applicant apparently started to erect the workshop and hardstanding in 2012 and it was substantially completed in 2014.

It was claimed and agreed at that time that the works retrospectively fell within Class E and F of the Town and Country Planning General Permitted Development Order 2015, as amended (the ‘GPDO’) as development within the curtilage of the existing dwelling, then 2 The Cottages, and now renamed as Gingerbread Cottage, as an incidental building. It could not have been permitted under that legislation if the use of the building was of a commercial business nature.

However, it is clearly evident that what is now taking place on the site is a commercial undertaking and not as a hobby or domestically connected with the residential use of the site.

The plan below as submitted with the LDC application shows the workshop and hardstanding within the red line boundary of the dwelling curtilage/garden but the land to the west (now roughly hard surfaced and being used as parking, access and car storage) as being outside of the curtilage but within the ownership of the applicant (shown by the blue line).



The photographs below were taken by the then planning case officer in September 2015

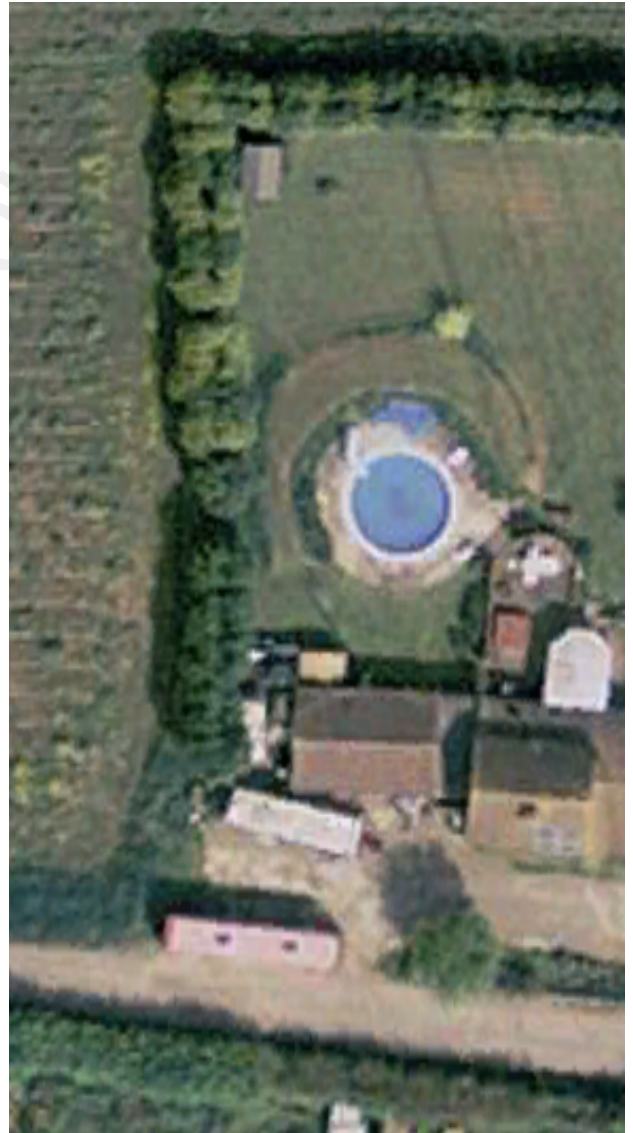
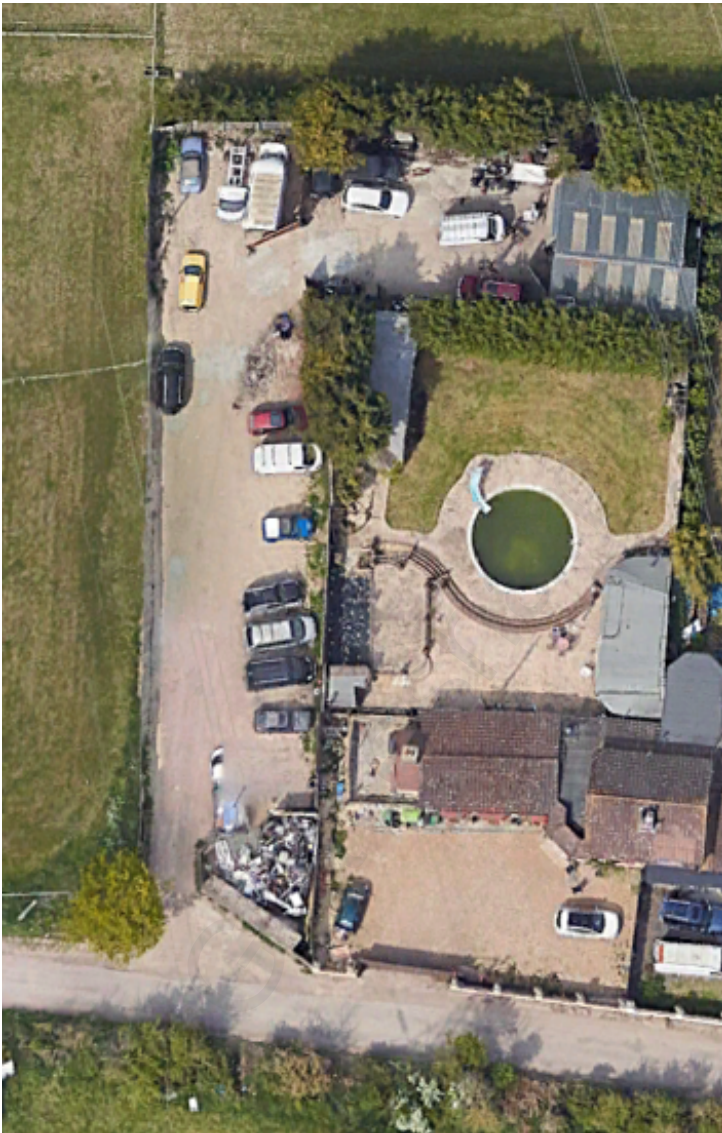


The photographs show that there were some conifer trees within the access area next to the hardstanding in front of the workshop building that have since been removed. There was no vehicle parking within the access road and the area now used for vehicle parking was then enclosed and within the dwelling curtilage.

There also appears (from an interrogation of Google Earth aerial imagery - see below) a minor encroachment of the site westwards over time into agricultural land (or non-residential curtilage land) to the west and beyond an original hedge boundary of the site.

Below: Google Satellite image March 2020

Below: Google Satellite image May 2007



The Main Issues

The principal issues in the consideration of this current planning application are:

- Principle of the Development and whether the proposal would be inappropriate development in the Green Belt, including its effect on openness and the purposes of the Green Belt
- Impact on the Landscape and the Character and Appearance of the Area
- The Impact on the Amenity of Neighbouring Properties
- Traffic Generation, Highway Safety, Access and Parking Issues
- Any Other Material Planning Considerations

Principle of the Development and Appropriateness in the Green Belt

At a local level Policy CS01 (Sustainable Development) of the Gravesham Local Plan Core Strategy (LPCS) indicates that when considering development proposals, the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) and in the Core Strategy.

However, in the NPPF the presumption in favour of sustainable development does not override the application of policies in the Framework that protect areas or assets of particular importance including (as in this case) land designated as Green Belt.

Policy CS02 (Scale and Distribution of Development) is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 states that development will be supported within rural settlements that are inset from the Green Belt and defined in the policies map. Development outside those settlements, i.e., in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Local Plan Core Strategy. This site lies outside the confines of any rural settlement inset from the Green Belt in the Borough and lies within the Green Belt.

Government policy in relation to Green Belts is set out in Section 13 (Protecting Green Belt land) of the National Planning Policy Framework (NPPF). The NPPF indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 137 of the NPPF 2021).

Paragraph 147 of the NPPF 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (Paragraph 148).

Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt (paragraph 149 of the NPPF 2021), though there are exceptions to this. The development does not fall within the closed list in paragraph 149 (a to g) of the NPPF (namely buildings for agriculture or forestry, appropriate facilities for outdoor sport, extension/alteration of a building or replacement of a building of the same use/size amongst other things) and therefore is inappropriate development.

Part of the development, the subject of this planning application, relates to the change of use of the land and is part retrospective.

Paragraph 150 of the NPPF 2021 sets out that material changes in the use of land can be appropriate development in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. However, the examples in paragraph 150 (e) are outdoor sport or recreation or for cemeteries and burial grounds. The development does not fall within such categories of appropriate changes of use.

The development comprises not just built development but the use of the land on a commercial basis for a general industrial (Use Class B2) which is not appropriate in the rural area.

It is considered that this use of the land introduces a significant man-made structure and commercial/industrial activities into this rural location, encroaching over the countryside and adding to the already built-up nature of the site and causing detriment to the openness of the Green Belt and the purpose that this land is included within it.

On this basis, it is considered that the development would not be in line with the requirements of paragraph 150, and would therefore amount to inappropriate development, which is, by definition, harmful to the Green Belt.

As such, the development would be contrary to Policy CS02 of the Gravesham Local Plan Core Strategy 2014 and to paragraphs 149 and 150 of the National Planning Policy Framework (NPPF) 2021.

Impact on Openness and the Purposes of including land within the Green Belt

Paragraph 137 of the National Planning Policy Framework (NPPF) 2021 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.

Paragraph 138 of the NPPF 2021 indicates that the Green Belt serves five purposes of which the most relevant purpose in this case is 138 (c), to assist in safeguarding the countryside from encroachment. At a local level Paragraph 4.2.7 of the Gravesham Local Plan Core Strategy indicates the local planning purposes of the Green Belt and wherein the relevant consideration is to assist in safeguarding the countryside by minimising the expansion of the Borough's rural settlements.

Paragraph 001 of the Planning Practice Guidance on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development - in other words, the visual impact of the proposal may be relevant, as could its volume, its duration and remediability, and the degree of activity levels generated, such as traffic generation. (Reference ID: 64-001-20190722).

There is no specific definition of "openness" in the NPPF, and the concept of what is considered as openness has only really emerged from case law (such as the case of *Timmins and Anor v Gedling Borough Council* [2014]). Effectively, 'openness' is epitomised by the absence of built development (i.e., land that is not built on) and it follows therefore that any new built development is likely to have an adverse impact on the openness of the Green Belt, but whether that impact is greater or lesser on sites where there is already built development will be dependent on an assessment on a case-by-case basis. It is a different concept to "visual impact". Although openness may be considered in a visual sense, the visual impact of a development in the Green Belt may be harmful through the siting, design and materials used. The presence of landscaping or screening may serve to mitigate the visual impact of a development including built development but there might still be an impact on openness.

The development, by its nature, involves a form of inappropriate development at the application site that erodes the openness of the Green Belt.

The site was previously a part of the overall dwelling curtilage, as well as there being a minor encroachment into agricultural land and whilst there has been some parking of cars next to the application site and principally on a hard surfaced area, the extent of development has significantly intensified and will so even more with additional built development as proposed. The commercial uses, and its associated activities along with the proposed additional built development, including the substantial areas of hardstanding results in the site having a much more urban appearance, and clearly affects the spatial and visual amenities of the site. Whilst the site is partially screened from the road by fencing and gates this would not lessen the overall impact on the openness of the Green Belt of a development which is intended to be permanently located there. On the basis of its permanence, there would be no opportunity for remediation and returning the land to its original state. There is a marked difference in the activity levels at the site, and the comings and goings associated with its commercial use in comparison to its existing residential use.

All these factors are considered to significantly and harmfully impact on the openness of the site and the Green Belt within which it sits.

This proposal is contrary to paragraph 137 of the NPPF 2021 by its impact on openness and would also conflict with point (c) of paragraph 138 of the NPPF 2021, which seeks to safeguard the countryside from encroachment. Clearly, this proposal would represent an encroachment of development into the countryside, as the site lies outside any settlement boundary. This also conflicts with Policy CS02 of the Gravesham Local Plan Core Strategy 2014, which only supports development outside settlement

boundaries where it is compatible with national and local policies for protecting the Green Belt and seeks to safeguard the countryside.

Very Special Circumstances

Referring to paragraphs 147 and 148 of the National Planning Policy Framework (NPPF) 2021, inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant's agent has not advanced any very special circumstances in support of the application at all. It is acknowledged that the development would provide benefits in terms of additional employment. It would also have a positive impact upon the wider local economy.

However, these benefits are not considered to be sufficient to provide the very special circumstances necessary to outweigh the harm to the Green Belt. In any case the existing building at the site was only permitted as an incidental building for the residential use and not on a commercial basis.

Impact on the Landscape and the Character and Appearance of the Area

Paragraph 130 of the National Planning Policy Framework (NPPF) 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. At a local level Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment will be taken into account in determining applications. The policy also indicates that there will be no net loss of biodiversity in the Borough and opportunities to enhance, restore, re-create and maintain habitats will be sought.

The application site is within the Istead Arable Farmlands Landscape Character Area in the Gravesham Landscape Character Assessment, May 2009 (a technical document which underpins policy CS12 of the Gravesham Local Plan Core Strategy) where the key characteristics include gently undulating topography with open arable fields, fields divided by tracks, roads and occasional hedgerows, few roads, which are open in character, clusters of properties and farmsteads and large pylons.

The additional building as proposed is of an urban industrial appearance being of metal cladding and whilst this modern design might be appropriate in some locations within the open countryside in connection with agricultural activities, its appearance and scale would result in visual harm to and impact within the wider landscape.

The extent of hardstanding and hard surfaced areas and the associated activities with the commercial use of the site including the extent of parking, and external storage all add to the overall visual harm to and impact within the wider landscape.

Therefore, it must be concluded that the development results in visual harm to and impact within the wider landscape which is located within the Istead Arable Farmlands Landscape Character Area in the Gravesham Landscape Character Assessment, May 2009 and the development would be contrary to Gravesham Local Plan Core Strategy Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles).

The Impact on the Amenity of Neighbouring Properties

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policies seeking to protect amenity and ensure acceptable future living conditions are included in the Gravesham Local Plan Core Strategy.

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.

Paragraph 130 of the NPPF (2021) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

Due to the separation distance between the proposed building and nearby residential properties, there would not be a material loss of amenity in terms of loss of privacy, sunlight/daylight or outlook.

A further and more pertinent issue relates to the impact of noise from the development and its associated operations on the amenity of nearby residents. It is acknowledged that within rural areas some agricultural activities will have a noise impact. However, the issue here relates to noise impacts resulting from the intensification of such activities as well as noise impacts resulting from non-agricultural uses and activities.

In response to the planning consultation GBC Head of Regulatory Services (Environmental Protection) does not support this application, as it is considered to be sited inappropriately adjacent to residential homes. It is stated that the change of use of land and workshop from residential curtilage to commercial B2 workshop raises concerns, with regards to impact on these residential properties from noise, smoke, dust, odour and drainage, which may not be easily controlled with statutory nuisance powers. No noise impact assessment has been submitted with this application.

GBC Head of Regulatory Services (Environmental Protection) are also concerned about the potential for a nuisance to be caused by the odour arising from the development. No details have been provided of how odour generated by the use can be controlled by an appropriate extraction system. It is not considered that this should necessarily simply be dealt with by a planning condition post decision.

Whilst it is noted that there are no neighbour objections to the development in the light of the serious concerns expressed by the GBC Head of Regulatory Services (Environmental Protection) it is considered that the development would be harmful to local amenity and contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 requires new development to safeguard the amenity, and also to Paragraph 130 of the National Planning Policy Framework (NPPF) 2021 that requires development to have a high standard of amenity for existing users.

Traffic Generation, Highway Safety, Access and Parking Issues

At a local level Gravesham Local Plan Core Strategy Policy CS11 (Transport) 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 approach to development is also supported by saved policies in the Gravesham Local Plan First Review Policy T1 (Impact of Development on the Highway Network), Policy T4 (Development outside the Built-Up Area), Policy T5 (New Accesses onto the Highway Network) and Policy P3 (Policy for Vehicle Parking Standards) and in supplementary guidance in the adopted KCC vehicle parking standards (SPG4). The Kent standard for Use Class B2 (general industrial uses) is a single maximum value of 1 space per 50 m² with space for commercial vehicles

At a national level the National Planning Policy Framework (NPPF) in section 9 (Promoting Sustainable Transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. It indicates that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment and development should only be prevented or refused on transport grounds where there is an unacceptable impact on highway safety, or the residual cumulative impact of development is severe (paragraph 111).

No traffic generation information has been submitted with this application by the applicants. Subsequent to the original submission a revised plan was provided showing 11 parking spaces adjacent to the access to

Gingerbread Cottage.

It is noted that KCC Highways and Transportation, as the highway authority, in response to the planning consultation had made a holding objection noting that the proposals will result in an intensification in use of the existing access and additional details were required as to the types and size of vehicles that will need to access the site.

In addition the GBC Highways Development Management Officer recommends refusal on grounds that

- (1) The site cannot be considered sustainable as any workforce would have to commute to site without the benefit of public transport and the use of cycles is unlikely.
- (2) The area of land identified as the access and parking area is already showing parking stress and this extends into the area identified for the new workshop. Any intensification is liable to aggravate the situation with potential overspill on to Northfleet Green Road a single-track highway that is subject to 60mph and does not have any street lighting.

The applicant's agents email correspondence to the Borough Council accepts that there will be an intensification of the use from the development.

Northfleet Green Road is a narrow and winding metalled road with poor forward visibility and only limited passing places.

In light of the above comments, the application has failed to demonstrate that the impact of the development on the local transport network would be acceptable. It would not meet the tests set out in section 9 (Promoting Sustainable Transport) of the NPPF, Policy CS11 of the Gravesham Local Plan Core Strategy or Saved Policies T1, T4 T5 and P3 of the Gravesham Local Plan First Review (November 1994).

Any Other Material Planning Considerations

Archaeology

The KCC Heritage and Conservation officer advises that the area has general background archaeological potential but given the degree of change at the site and the relatively small scale of the proposed structure, the proposals would have a significant archaeological impact.

Fire Access

Kent Fire and Rescue Service had requested additional details in relation to the width of the access road, turning facilities for fire appliances within the site and the ability of the access to meet the minimum weight load capacity requirement for our appliances and provision of emergency access, as required under the Building Regulations 2010. The applicant's agents in response have provided a revised plan that dimensions the width of the access as being 13m although this is reduced to circa 8m where vehicles are shown parked and 3.5m between the entrance gates to the site. No details have been provided on turning, emergency access or the loading capacity of the access but if the Local Planning Authority were minded to grant permission then it is possible that these matters could be addressed through planning conditions.

Drainage

GBC Head of Regulatory Services (Environmental Protection) have expressed some concern at the lack of information about the foul water drainage proposed to be installed for this development, but if the application were to be recommended for permission it is anticipated that this could be dealt with by suitable planning conditions.

Ecology and Biodiversity

It is noted that the development and proposals as submitted result in biodiversity loss contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014. No biodiversity information

or landscaping proposals have been submitted with this application.

Human Rights

The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

Conclusions and Overall Balancing Exercise

In summary it has been shown that the proposal is considered to be inappropriate development in the Green Belt contrary to national and local planning policy. There is not a sufficiently strong case, if at all, of very special circumstances or any other material benefits to outweigh the harm to the Green Belt.

It is considered that the development results in visual harm to and impact within the wider landscape and the development would be contrary to Gravesham Local Plan Core Strategy Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles) and section 12 (Achieving well designed places) of the NPPF.

In addition, the development and proposals as submitted result in biodiversity loss contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014.

Having regard to the concerns expressed by the GBC Head of Regulatory Services (Environmental Protection) it is considered that the development would be harmful to local amenity and contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 requires new development to safeguard the amenity, and also to Paragraph 130 of the National Planning Policy Framework (NPPF) 2021 that requires development to have a high standard of amenity for existing users.

This report also sets out strong concerns with the proposal on the grounds of highway safety and there are objections from Kent Highways and the GBC Highways Development Management Officer on grounds of sustainability, intensification of use and impact on the highway network.

It is considered that the adverse impacts of the development would significantly outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (NPPF) 2021 and established local policy taken as a whole.

As such in this case the balance is tilted towards **REFUSAL** as set out in the analysis section of this report.

Recommendation:

Refusal on the following grounds:

1. The development further urbanises the site adding to the built-up nature of the site and eroding its character, which would be harmful to the openness of the Green Belt and an encroachment of the countryside. As such, the proposal would be inappropriate development in the Green Belt, which would undermine one of the purposes of including land within the Green Belt and would be contrary to Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 and Section 13 (Protecting Green Belt Land) and specifically paragraphs 137, 138, 149 and 150 of the National Planning Policy Framework (NPPF) 2021.

The applicant has not advanced any 'very special circumstances' argument or indeed any convincing justification for the development pursuant to paragraphs 143 and 144 of the NPPF sufficient to overcome the presumption against such inappropriate development.

2. The development results in visual harm to and impact within the wider landscape which is located within the Istead Arable Farmlands Landscape Character Area in the Gravesham Landscape Character Assessment, May 2009 and the development would be contrary to Gravesham Local Plan Core Strategy

Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles) and section 12 (Achieving well designed places) of the National Planning Policy Framework (NPPF) 2021.

In addition, the development and proposals as submitted result in biodiversity loss contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014.

3. The development is inappropriately sited adjacent to residential homes and a commercial Use Class B2 (general industrial use) will impact on these residential properties from noise, smoke, dust, odour and drainage, which may not be easily controlled with statutory nuisance powers. No noise impact has been submitted with the application and no details have been provided of how odour generated by the use can be controlled by an appropriate extraction system.

As such the development would be harmful to local amenity and contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 requires new development to safeguard the amenity, and also to Paragraph 130 of the National Planning Policy Framework (NPPF) 2021 that requires development to have a high standard of amenity for existing users.

4. The proposed development would result in an unacceptable impact on highway safety, due to the potential levels of commercial traffic that would be generated by the development and with the intensified use that would occur and the inadequate access from the site on to Northfleet Green Road. Northfleet Green Road is a narrow and winding metalled road with poor forward visibility and only limited passing places and the development would seriously impact on the local highway network. No sustainable transport measures have been proposed in accordance with local and national policy.

As such the development is considered to be contrary to Section 9, Paragraphs 104 -113, (Promoting Sustainable Transport) of the National Planning Policy Framework (2021), Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy (2014) and Saved Policies T1, T4, T5 and P3 of the Gravesham Local Plan First Review (November 1994).

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Application Form and Certificates

Design, Access and Planning Statement by Barron Edwards dated 14 March 2022

Drawing No 220302 001 Rev B: Location Plan, Existing and Proposed Block Plan

Drawing No 220302 002 Rev B: Proposed Plan and Elevations

Applicant's agent email dated 28 July 2022

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

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.

In this instance however, the application is not in accordance with the Development Plan for the area and cannot be supported. The harm to the openness of the Green Belt, to the character and appearance of the surrounding area, the rural landscape, local residential amenity and to highway safety was considered overriding and could not be overcome by amendments to the submitted scheme or by the imposition of

planning conditions.

Case Officer:	Mr Peter Price	Team Leader:	Faye Hobbs
Signed:		Signed:	
Date:	31 August 2022	Date:	31 August 2022