

Delegated Report

Planning Application

Planning Application No: 20230961

Location: Salem Yard, Salem Place, Northfleet, Gravesend

Description: Erection of a detached two bedroom bungalow.

Applicant: Mr Gary Robinson

Site Visit Date: 29 September 2023

Submitted Documents/Plans

Application form

Drawing no. 03 (site location plan)

Drawing no. 04A (proposed plans)

Drawing no. 05A (existing and proposed block plans)

Drawing no. SYN/1504/1 (site survey plan)

Cover letter

Design and Access/Planning Statement

Cover letter confirming use

Phase I Geo Environmental Desk Study and Preliminary Risk Assessment

Appendix B Environmental Information Search

Relevant Planning History

20160980	Erection of a detached two bedroom bungalow.	Permitted	13.03.2017
19770539	Use of premises for servicing and repair of touring caravans	Refused	01.09.1977

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS07 – Employment, Economy and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design & Development Principles

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network

- P3 – Vehicle Parking Standards.

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

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. This requires that in regard to housing development, planning permission should be granted unless:

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

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

- Habitats sites (and those sites listed in NPPF paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and

Consultations, Publicity and Representations

Consultees

Environment Agency

We have no objection to the proposed development, subject to the following condition(s) being included on any permission granted.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Contamination

Condition:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason:

There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

Drainage

Condition:

No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Informative

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Advice to applicant

Note to applicant

Planning advice service

Should you wish us to review any technical documents or want further advice to meet the requirements of the conditions recommended, we may do this as part of our charged for planning advice service.

Further engagement will provide you with the opportunity to discuss and gain our views on potential options to overcome our objection with us, before formally submitting further information as part of your planning application/ certainty of our position as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost estimate, please contact us at kslplanning@environment-agency.gov.uk.

Note to LPA

Condition Wording

If you wish to amend the wording of our requested conditions or if you wish to merge them with other Local Planning Authority conditions, please contact us to discuss the revised wording.

Decision notice

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

KCC Highways

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

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which

project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

GBC Private Sector Housing

Thank you for your recent consultation request in regard to the above-mentioned proposal.

We can confirm Private Sector Housing have no comments to relay in relation to our housing legislations and regulations. We believe the proposed scheme is currently outside of our remit with Planning requirements and Building Regulations taking precedence.

GBC Environmental Protection

I note that this is a re-submission of an application that was granted in 2017 but the works never started. The same Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment has been submitted. This dates back to 2016 and in that respect requires updating as regulations and guidance relating to potentially contaminated land have changed since then. This can be dealt with by way of a condition.

To address this and other matters, the following conditions and informatives are recommended.

Land Contamination:

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the

Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

Code of Practice on Construction and Demolition: Please apply as appropriate

Smoke Control Informative: The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

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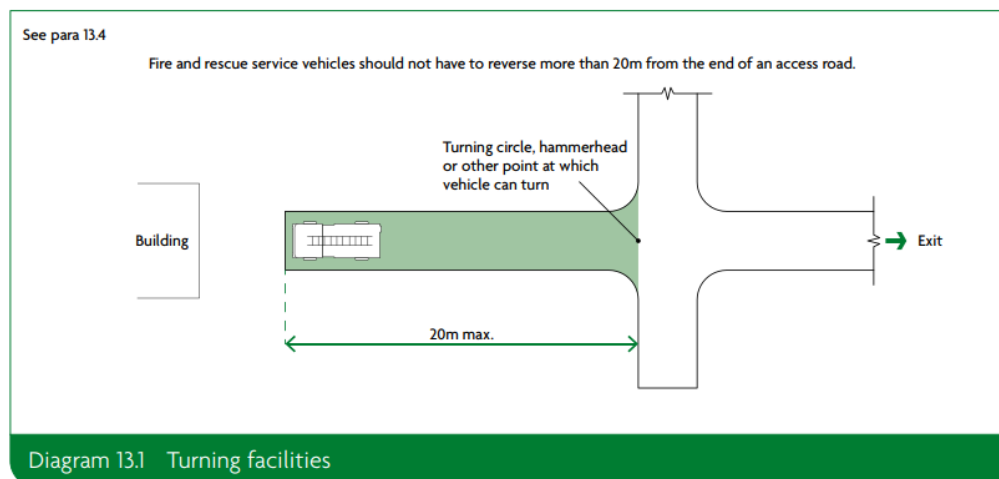
Highways Officer

In its current form I consider the proposal unacceptable, there is no on-site turning provision for visiting delivery vehicles or fire engines without moving potentially parked vehicles. The applicant needs to retain

more of the hardstanding to provide an independent turning area and prove its viability by a tracked/swept path drawing for a fire engine. Extract from Building Regulations below.

13.3 Access routes and hardstandings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.



ONLINE VERSION

B5

Table 13.1 Typical fire and rescue service vehicle access route specification

Appliance type	Minimum width of road between kerbs (m)	Minimum width of gateways (m)	Minimum turning circle between kerbs (m)	Minimum turning circle between walls (m)	Minimum clearance height (m)	Minimum carrying capacity (tonnes)
Pump	3.7	3.1	16.8	19.2	3.7	12.5
High reach	3.7	3.1	26.0	29.0	4.0	17.0

NOTES:

1. Fire appliances are not standardised. The building control body may, in consultation with the local fire and rescue service, use other dimensions.
2. The roadbase can be designed to 12.5 tonne capacity. Structures such as bridges should have the full 17-tonne capacity. The weight of high reach appliances is distributed over a number of axles, so infrequent use of a route designed to accommodate 12.5 tonnes should not cause damage.

To comply with parking guidance, one secure cycle parking space should be provided per bedroom.

Neighbouring properties

The application has been advertised by site notice and individual letters to 37 neighbouring properties. Two letters of objection have been received raising the following concerns:

- Access
- Delivery of building materials
- Lack of visitors parking
- Noise and dirt during construction

- Overlooking and loss of light

Officer's Analysis

Proposal

This application seeks planning permission for the erection of a detached two bedroom bungalow. The bungalow will be approx. 12m wide, 7.2m deep and 3.86m high with a hipped roof. Internally it would have a lounge/kitchen/diner, two bedrooms and a bathroom. It would have a private garden of approx. 50sqm and 6m in depth. There will be one off road parking space.

Background

Permission was granted under reference 20160980 for the erection of a bungalow. The submission is identical to that which was approved.

Housing Need

In regard to housing need, Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 8 of the National Planning Policy Framework and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the National Planning Policy Framework Para 11(d) unless:

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

The proposed development for a net increase of '1' no. dwelling would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded minimal weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2023) and in particular paragraph 130 and 134 - of the NPPF (2023) which requires development to be add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers. The proposed development is considered acceptable as discussed below.

Principle of Development

The application site is located within the urban area of Northfleet covered by Policy CS02 of the Gravesham Core Strategy 2014 which supports the principle of residential development within the urban area.

Housing mix

Policy CS14 states that the council will expect new housing development to provide a range of dwelling types and size. The proposal is for one dwelling only with two bedrooms. This is in keeping with the surrounding area and provides a bungalow in an area where there are predominantly two storey dwellings. No objection is raised.

Density

Policy CS15 states that all new housing will be developed to a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. In the urban area new residential development will be expected to achieve a minimum density of 40 dwellings per

hectare. The density of the proposed site will be approx. 50 dwellings per hectare and the surrounding terrace to the northeast is approx. 76dph. The proposed density accords with this policy and therefore no objection is raised.

Existing Use

The applicant's agent has submitted a covering letter that states that, although the lawful use of the site is commercial storage (B8), the site has had no commercial use for the last 12 years. The buildings are in a poor state of repair and require demolishing. For this reason nobody has been employed at the site for this period and there are no facilities for employees. There was no power to the site before the current owner acquired the land and installed a temporary electrical supply.

Aerial photographs would support the use of the site as B8 (storage):

2022:



2020:



2013:



Policy CS07 states that development resulting in the loss of B class employment floorspace will not be supported unless otherwise allowed for by policies set out in the Core Strategy or where:

- the proposal will deliver at least an equivalent number of new jobs on-site or elsewhere within the Borough and the proposed use is consistent with other policies set out in this plan; or
- the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5); or
- the existing premises have an unacceptable environmental impact on the area within which they are situated and this is incapable of reasonable mitigation or the environmental benefit that would arise from the existing use stopping would outweigh the potential loss in employment.

Within the 2016 application it was stated that the proposal resulted in the loss of B2 use and that it had not been used as B2 for some time. It was accepted that a marketing exercise was not required as a residential use was more appropriate for the site than a B2 use. Now a further 7 years have passed, and it would appear that a B8 (storage) use is more recent for the site, it would be even less appropriate to require a marketing exercise to be carried out.

It was considered in 2016 that, on balance, the historic yard with no facilities for employees is no longer fit for purpose and the loss of B8 in this instance is acceptable as it will be replaced by a more acceptable use for the area.

Design, Character and Appearance

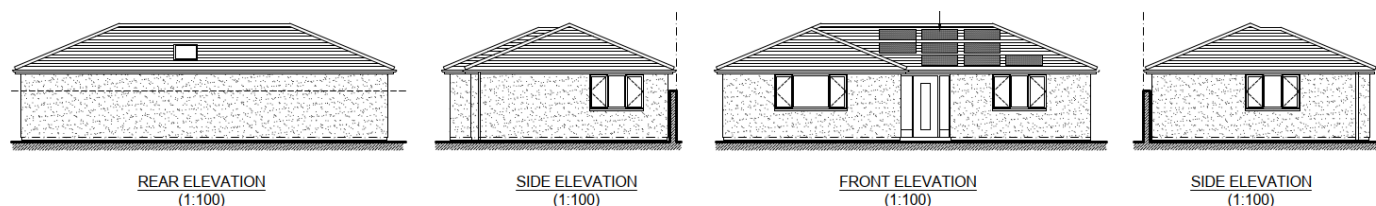
The application site (Salem Yard) is a rectangular plot of land of an area of 0.188 hectares (0.46 acres) being approx. 22m long by 9.5m wide.

It is located at the end of Salem Place Northfleet and is currently a vacant commercial yard containing some old structures. Some other buildings on the site have been removed perhaps in recent years and some trees and vegetation have also been removed. The site is enclosed by two metre high brick and blockwork walls. A public alleyway adjoins the site on the south side linking Salem Place with Dover Road and it adjoins the rear garden (on its eastern boundary) of a three storey property which is in use as flats.

Salem Place contains a terrace of 7no. two storey Victorian dwellings on the west side and a car park on the west side that provides car parking for the occupants of a two storey block of more modern flats at 8-17 Shepherd Street. Salem Place also provides access to rear garaging for some properties on the east side of Springhead Road.

Salem Place is a narrow road of a carriageway width of 3m and narrow footways.

The proposed dwelling is shown below:



The proposed bungalow has little architectural merit however, the street scene contains a mix of buildings and structures with a variety of roof types. A bungalow of this design would not appear out of character. As the building has been approved previously and there have been no material changes to policy or the surrounding area, no objection is raised to design in relation to this application either.

The proposed dwelling therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2023.

Amenity of Future Occupiers

The internal floorspace of the proposed dwelling is approx. 70sqm which meets the Technical Space Standards for a two bedroom, four person dwelling. The internal floorspace of the bedrooms also meets these standards for double bedrooms. All the habitable rooms contain windows however it is noted these have poor outlook as the lounge and second bedroom face a 2m high brick wall. This arrangement was accepted in the previous application and, as there has been no change to policy since then, is accepted in this application.

The proposed garden does not meet the adopted standards for garden size in terms of depth but does exceed the standards in terms of area. This was accepted in the previous application and no objection is raised.

In terms of overlooking, there is approx. 10m between the rear windows of no. 19 Dover Road which falls far short of the 26m required between habitable room windows and private amenity space, however, this was not raised as an issue in the previous application and would therefore be unreasonable to object on this basis now.

Neighbouring Amenity

As the proposed dwelling will be single storey surrounded by walls there will be no loss of privacy to any neighbouring property. Likewise there will be no loss of outlook as the roof will not project significantly higher than the existing walls and the nearest property is no. 17 which has single storey projections closest to the site.

Due to the path of the sun and the single storey nature of the building there will be no loss of sunlight or daylight to any neighbouring property.

Ecology and Biodiversity

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites

which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £314.05 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have not paid towards the mitigation.

The applicants have paid the contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development accords with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Refuse Arrangements

Policy CS19 of the Gravesham Core Strategy 2014 requires new development to incorporate facilities for the storage and recycling of waste. As Salmen Place is an adopted road there are no issue with regards to future occupiers having o move wheelie bins a sufficient distance to be collected.

Parking and Highways

Whilst it is noted there are no on-site turning provisions for visiting delivery vehicles or fire engines without moving potentially parked vehicles this is an existing situation. It is also something that was not raised as a concern in the previous application. Within the previous application it was determined that the former B use class would have more of an impact than a residential use in terms of vehicle movements.

As the site is at the end of Salem Place and an existing access to the site will be retained this will be acceptable. The height of the walls adjacent to the access will be the subject of a planning condition for boundary treatment.

Pedestrian access along Salem Place is provided and there is street lighting which provides a safe access for residents at night.

There is no conflict with local and national planning policy in regard to highway issues.

Conclusion

On balance, and given there has been an approval for an identical scheme on the site that has lapsed, the proposed dwelling accords with the abovementioned polices and is recommended for approval.

Recommendation:

Permit

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	08 November 2023	Dated:	9th November 2023

