



Delegated Report

Planning Application

Application no: 20211448

Location: 1 Foxbury Manor Old Watling Street Higham Rochester

Description: Application for outline planning permission with all matters reserved and being for the erection of one detached dwelling adjacent to 1 Foxbury Manor.

Applicant: Mrs C Parker

Site Visit Date: 17th January 2022

Submitted Documents/Plans

The application comprises the following documents and plans:

Planning Application Form received 26th November 2021;
Covering Letter received 25th November 2021; and
Drawing No. 21/353/01 Rev B – Proposed Scheme received 30th November 2021.

Relevant Planning History

Application Ref. No.	Description	Status	Date
19860986	Approval of conditions i),iv)v)and ix.	Approval of Details	16.03.1987
19860928	Erection of 2 no two storey detached dwellings each with detached double garage	Permission	19.01.1987
19860552	Outline application for for the erection of 2 no detached dwellings with detached double garages	Permission	09.09.1986
19850527	Outline application for the erection of a detached dwelling house with garage	Permission	05.09.1985

Development Plan

Gravesham Local Plan Core Strategy (September 2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure

- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Design & Development Principles

Paragraph 33 of the National Planning Policy Framework (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 (LPCS) 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 saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994)

- T1 – Impact of development on the highway network
- P3 – Vehicle Parking Standards

National Planning Policy Framework (2021)

- 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 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006)
- Technical Housing Standards - Nationally Described Space Standards (2015) (NDSS)

Consultations, Publicity and Representations

External

KCC - Heritage

The site lies within an area of multi-period archaeological potential adjacent to the line of Roman Watling Street. The proposed development has the potential to impact on below- ground archaeological remains.

If planning permission is granted I recommend that the following condition be applied to any forthcoming consent:

AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

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

Reason: To ensure appropriate assessment of the archaeological implications of any development

proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

KCC - Highways & Transportation

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.

Natural England

No objection subject to securing appropriate mitigation.

Dickens' Country Protection Society

The Society would wish to raise an objection to this application on the grounds that as shown on the indicative plan the site is too small and would result in a cramped form of development out of character with the area. The amount of amenity space for any dwelling is likely to be inadequate.

Higham Parish Council

No comments received.

Health and Safety Executive

No comments received.

National Grid

No comments received.

Internal

GBC - Environmental Protection Team (Regulatory Services)

Please apply the following conditions/informatives:

Conditions

- Contaminated Land Watching Brief
- Code of Practice on Construction and Demolition

Informatives

- Drainage/sewerage

GBC - Highways Officer

This application is a little complex. Any new access would require appropriate sight lines to ensure it is safe, even if the traffic volume is liable to be very slight. Indeed with little risk of collision, local speeds may increase, but with limited traffic it would be difficult if not impossible to determine and appropriate speed. Crashmap does not give any details for accidents in the recent past, except at the junction of Old Watling Street with the A2 roundabout, but several of these are single vehicle and on initial inspection without going in to detail the others may well be rear end crashes.

I cannot determine the highway boundary from observation of the images on Google Street View, but the property boundaries are set back from the edge of carriageway, which suggests there may be a highway verge. The applicant would need to confirm the highway boundary with Kent County Council, proof of ownership does not mean the land is not included within the highway boundary.

Any new access would require sight lines of 43m x 2.4m x 43m as detailed in Manual for Streets as the road appears to be subject to a 30mph speed limit and providing this can be achieved I would have no objections but it goes outside the applicants land ownership. On the information supplied I would have to recommend refusal as sight lines are not shown, although possibly as all matters are reserved it can be a condition.

The applicant should note, vehicle parking standards/guidance are being reviewed, so it would be beneficial to provide four parking spaces, three for a four bedroom dwelling and one for a visitor, as on street parking is not an option in this area. The applicant would also have to provide secure cycle parking for one cycle per bedroom and this should include provision for an adaptive cycle

GBC Licensing (Regulatory Services)

No comment received.

Neighbouring Properties

The application has been advertised by a site notice and individual neighbour letters to 3 properties with an overall consultation expiry date of 13th January 2022. No letters of representation have been received.

The Local Ward Councillors were also consulted.

Officer's Analysis

Site and Surrounding Area

The application site is located within in a rural settlement inset from the Green Belt, as defined on the adopted Gravesham Local Plan Core Strategy policies map.

1 Manor Road is a residential plot consisting of a detached two storey dwelling with detached double garage to the side, with a shared access with the adjacent 2 Foxbury Manor. Both No. 1 and 2 Foxbury Manor sit parallel to Old Watling Street with the rear gardens running to the side of the road. Looking at the planning history, No. 1 and 2, planning permission was granted in 1986 for the erection of 2 no two storey detached dwellings each with detached double garage (Ref. 19860928). Looking at the site plan and satellite view, No. 1 benefits from a larger plot than No. 2.

Site Plan



Satellite View



Old Watling Street is a single track road with no thoroughfare and is characterised by a very mixed size, type and design of residential properties, ranging from large detached dwellings with garages and driveways to a row of 5no. smaller terraced dwellings that have either small hardstandings to the front or on-street parking and as such there is no uniformity within the streetscene or character of the area.

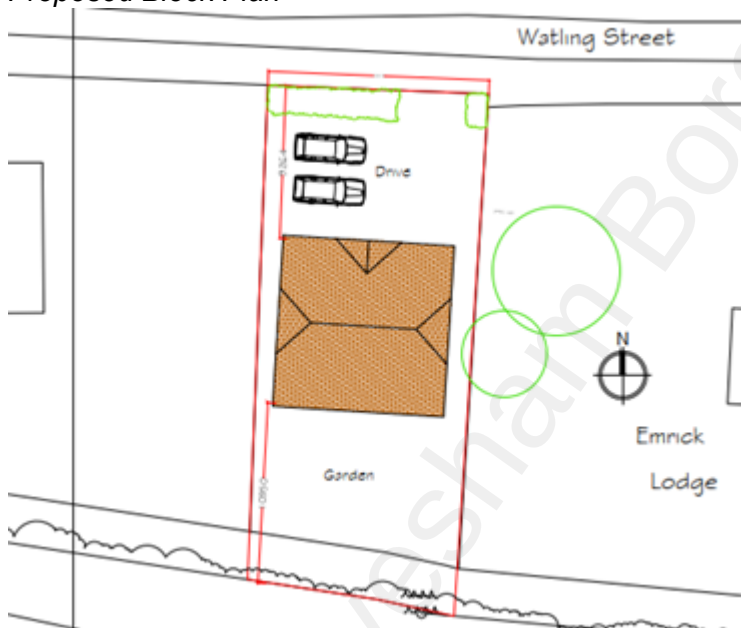
In terms of the spatial layout of the area, the properties all differ in terms of plot size, shape and layout and again there is no distinct character or uniformity. Looking to the application property itself, it appears to benefit from being one of the largest plots within the immediate area.



Proposal

The proposal seeks outline planning permission with all matters reserved and being for the erection of one detached dwelling adjacent to 1 Foxbury Manor. The proposal would include the sub-division of the existing garden of 1 Foxbury Manor.

Proposed Block Plan



Access to the proposed dwelling would be from a newly created access. There would be off road parking to the front for more than two cars and the garden would be to the rear. In terms of 1 Foxbury Manor, a portion of the existing garden would be sectioned off and an area measuring approx. 447m² would be retained.

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 (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 (2021) at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 180)
- 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 67); 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.

As part of this balancing exercise it should be noted that paragraphs 130 and 134 of the NPPF (2021) requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Principle

The application site is located within a rural settlement inset from the Green Belt where the principle of residential development is acceptable providing it accords with the local and national policies. The surrounding properties are a mixture of two storey detached properties set in large plots and more modest terrace properties set in smaller plots with limited or no off road parking.

Character and Appearance

The proposal is for 1no. detached two storey 4-bed dwelling indicative of a modern design. The application is for outline only with all matters reserved and as such detailed elevations have not been provided. However, the indicative plans show a barn hip roof design. Taking into consideration the very mixed design of the surrounding properties and the barn hip roof of Nos. 1 and 2 Foxbury Manor to the west, there would be no objection raised in terms of the type of property being proposed in principle. As such, and in terms of character and appearance, the design would be in keeping with surrounding properties and therefore would be in accordance with Policy CS19 (LPCS) and paragraph 130 of the NPPF (2021).

In terms of site density, 1 Foxbury Manor benefits from a more generous plot than the surrounding properties, which all vary considerably and therefore it would be difficult to calculate a pattern of the surrounding density due to lack of uniformity. However, in terms of the site alone, the site area is approximately 400m² (0.04ha). The proposed density would be approx. 25dph. Policy CS15 (LPCS) states that, within the urban area, new residential development will be expected to achieve a minimum density of 30dph. The proposal therefore accords with this Policy.

Furthermore, in terms of spatial layout of the surrounding area in terms of the properties and rear gardens, there is no uniformity and the proposed dwelling and residential curtilage would not significantly

differ and the existing pattern of development must be taken into consideration when assessing the application. The proposed property would be a generous 4-bed detached dwelling with ample off road parking and a rear garden area of 145m². As such, it is considered that the proposed dwelling would not be out of character with the surrounding area in terms of spatial layout and would be an acceptable form of development.

Overall, and taking into consideration the above, it is considered that the proposed development would not be out of character with the surrounding built environment and would have an acceptable layout and relationship to the streetscene and surrounding properties.

As the proposal is for outline permission only, it will be necessary for the reserved matters such as detailed design, materials, access, adequate vision splays and landscaping to be carefully considered on any forthcoming application.

Taking in consideration all of the above, the proposal would not adversely affect the character and appearance of the locality and would therefore be in accordance with Policies CS14 and CS19 (LPCS) which ensure new development will integrate well with the surrounding local area.

At a national level the proposed development would also be in accordance with paragraph 130 of the NPPF (2021) which states developments will function well and add to the overall quality of the area and are sympathetic to local character including the surrounding built environment.

Residential Amenity

The NPPF (2021) states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 (LPCS) states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Amenity of Future Occupiers

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions are included in the LPCS. The NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to “secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

The application is an outline proposal, however details relating to floor layouts have been submitted and therefore the proposal can be assessed against the National Housing Standards and the Residential Layout Guidelines (2020).

The current proposal seeks to provide 1no. two storey 4-bed detached property. Taking account of the nationally prescribed space standards, the gross internal floor area and internal space standards of the proposed dwelling based on the floor plans submitted with the application. This assessment does not take account of the discrepancies between the drawings.

	Proposed 4b8p dwelling	Standard 4b8p dwelling
Gross Internal Floor Area	175.78m ²	124m ²
Bedroom 1	19.92m ² (double bedroom, inc. en-suite)	11.5m ² (double bedroom)
Bedroom 2	16.27m ² (double bedroom)	11.5m ² (double bedroom)
Bedroom 3	15.84m ² (double bedroom)	11.5m ² (double bedroom)
Bedroom 4	13.91m ² (double bedroom)	11.5m ² (double bedroom)

As can be seen, based on the floor layout drawings, the gross internal floorspace exceeds the minimum prescribed space standards and the bedrooms exceed the standards both in floor area and width for a 4

bedroom 8 person two storey property.

The indicative proposed floor plans show that all habitable room windows would have access to sufficient outlook, daylight and privacy as they would be located within the front and rear elevations only.

Therefore the proposal complies with Policy CS19 (LPCS) and paragraph 130 of the NPPF (2021).

Externally 145m² of amenity space is provided to the rear of the dwelling with direct access into the living room through double doors and utility room from a single door to the side. An additional 124m² approx. of amenity / parking space is located to the front of the property, shown as front garden and an area for two vehicles, however there is enough space to provide for three or more if necessary. This is sufficient private amenity space for future occupiers and complies with the council's residential layout guidelines which require 100m² of amenity space for a property with 4 or more bedrooms. The garden depth, with an approx. depth of 11.29m is also consistent with the 10m depth sought for within SPG 4.

In terms of the retained garden for 1 Foxbury Manor, this would be approximately 447m² in area and a depth of 13m and would exceed the standards.

The full details of the hard and soft landscaping will be conditioned (This will include boundary treatment).

Subject to the above details being secured by condition it is considered that overall the proposal provides acceptable living conditions for future occupiers and complies with Policy CS19 (LPCS) and para. 130f of the NPPF (2021).

Neighbouring Amenity

Looking at the impact of the proposal on neighbour amenity, it is considered that the main impact of the proposal would be on the occupants of the properties immediate to the east, Emrick Lodge and to the west, 1 Foxbury Manor.

In terms of overlooking and loss of privacy, the indicative plans show that all of the proposed first floor habitable room windows would be located to the front or rear elevations and would not have direct views over the private gardens or windows of either adjacent property. In terms of the en-suite window located on the west facing elevation, this can be conditioned to be obscure glaze.

Looking at the impact of the proposal on overshadowing or loss of light, there would be approximately 17.11m between the side elevations of the proposed dwelling and Emrick Lodge, and approximately 14.25m to 1 Foxbury Manor. In terms of overshadowing and the rise and fall of the sun, the majority of the shadow cast by the new dwelling would be over the northeast corner of the rear garden of 1 Foxbury Manor and the front garden of the proposed dwelling. Taking account of the size of the retained garden and the amount of shadow cast over a small portion of the garden during the mornings only, it is considered that the resultant level of overshadowing over the rear garden of the adjacent dwelling would not be detrimental to the enjoyment of the occupants.

Therefore in terms of the impact on the both occupier and neighbour amenity, the proposal would accord with the objectives of Policy CS19 (LPCS) and para. 130f of the NPPF (2021).

Parking and Highways

The proposal would result in a new access from Old Watling Street. There are existing accesses, crossovers and hardstandings/driveways within the area and therefore the principle of creating a new access would be acceptable.

The comments received from the Highways Officer stated that *any new access would require sight lines of 43m x 2.4m x 43m as detailed in Manual for Streets as the road appears to be subject to a 30mph speed limit and providing this can be achieved I would have no objections but it goes outside the applicants land ownership. On the information supplied I would have to recommend refusal as sight lines are not shown, although possibly as all matters are reserved it can be a condition.*

As this an outline application only, detailed plans showing the access, sight lines / vision splays, materials and landscaping have not been provided. Taking into account the depth of the proposed front area, being more than 9m, it is considered that adequate sight lines could be accommodated to address the concerns

raised by the Highways Officer. In addition, whilst two cars have been shown on the proposed block plan, there would be sufficient space to accommodate more than four vehicles and the secured weather proof cycle store required.

Overall it is considered that subject to conditions and details of access and site lines, the proposed dwelling in the layout shown is adequate to meet the needs of the residents, their visitors and highway safety, in accordance with Policy CS11 (LPCS).

Ecology and Biodiversity

No ecological information has been submitted with this application and it is considered that due to habitats and features, including buildings and vegetation, being present on and around the site, it suggests that there may be potential for protected species to be present within the site. It would therefore be necessary for further information in the form of a preliminary ecological appraisal (PEA) to be provided to enable consideration of the potential for protected/notable species to be present. However, as it has been established above that this outline scheme would be an unacceptable development, it was not considered necessary to request this additional information.

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 £253.83 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.

Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £253.83 per dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal. In this instance, a fee of £253.83 has been paid and as such accords with Policy CS12 (LPCS) that gives the highest level of protection for internationally designated sites of biodiversity interest.

Conclusion

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

The net increase of 1no. dwelling unit (in this case 1 house) would offer a minimal contribution towards meeting this local need and delivery and, accordingly, adds some weight in support of the application.

It is considered that, subject to conditions, the proposed dwelling would result in one additional dwelling of good design that would not detract from the character or spatial layout of the area. It would result in acceptable living conditions for future occupants without having a detrimental impact on the amenities of the surrounding properties as well as not resulting in a highway safety impact. The development would therefore accord with Policies CS02, CS11, CS12, CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraphs 130, 180 and 181 of the National Planning Policy Framework 2021.

Recommendation

Permission

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

Case Officer:	Mrs Amanda Grout	Team Leader:	Miss Faye Hobbss
Signed:		Signed:	
Dated:	25 th January 2022	Dated:	25 January 2022

Gravesham Borough Council