



Delegated Report

Outline Planning Application

Application No:	20240071
Location:	4 Gouge Avenue, Northfleet, Gravesend, Kent, DA11 8DP
Description:	Outline application with some matters reserved for the demolition of existing dwelling and erection of 4 no. residential dwellings, with layout and access to be determined.
Applicant:	Nathan Bal and Ashveer Bains
Site Visit:	15 February 2024

Submitted Documents/Plans

- Application Form – dated 23 January 2024
- Planning Design and Access Statement (ref. 3953.SC) – dated January 2024
- Drawing no. 3953-01 – Site Location Plan (scale – 1:1250)
- Drawing no. 3953-02 – Existing Block Plan (scale – 1:200)
- Drawing no 3953-03 – Rev. A – Proposed Block Plan (scale – 1:200)
- ~~Drawing no 3953-03 – Proposed Block Plan (scale – 1:200) – SUPERSEDED~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20080488	Outline application for the erection of a detached dwelling with off-street car parking.	PERMITTED	24.09.2008

Development Plan

Gravesham Local Plan Core Strategy (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 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

- T5 – New Accesses onto Highway Network

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 5 – Delivering a Sufficient Supply of Homes
- Section 9 – Making Effective Use of Land
- Section 12 – Achieving Well-Designed and Beautiful Places
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

Other Supplementary Planning Guidance

- Department for Transport – Manual for Streets (2007)
- Kent County Council – Dropped Kerb Guidance: Self-Assessment (2023)

Consultations, Publicity and Representations

External Consultees

KCC Highways – 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 permission is granted please attach the relevant informatives.

KCC Heritage – The application site lies within an area of high Palaeolithic, and general multi-period archaeological potential with evidence for Mesolithic activity recorded c.300m to the west of the site. This area, north of Perry Street was largely developed during the early 20th century before modern archaeological investigations and therefore our understanding of the archaeological potential of this site is limited. It would appear from historic aerial photography that much of the site may not have been heavily impacted by modern development and thus any below-ground archaeological remains may have survived relatively undisturbed, although it should be noted that even where there has been a building, it is possible that below-ground archaeological remains may survive.

On the basis of the existing Kent Historic Environment Record data for the area and the fact that development would include significant groundworks which could adversely impact any below-ground archaeological remains, I recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

To evaluate and mitigate the impacts of development on heritage assets with archaeological interest:

- a) *Prior to any development ground works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a Specification and written timetable which has been submitted to and approved in writing by the local planning authority.*
- b) *Following completion of archaeological field evaluation works, no development groundworks shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or archaeological mitigation excavation and recording in accordance with a Specification and timetable which has been submitted to and approved by the local planning authority.*
- c) *The archaeological safeguarding measures, mitigation excavation and recording shall be completed in accordance with the agreed Specification and timetable.*
- d) *Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:*
 - a. *a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;*
 - b. *an Updated Project Design outlining measures to analyse, report and disseminate the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;*
 - c. *a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.*
- e) *The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.*

Reason To ensure that features of archaeological and palaeo-environmental interest are properly examined and recorded in accordance with relevant Local and the National Planning Policy.

Kent Fire and Rescue Service – Having now reviewed the proposed amendments I can confirm that I am now satisfied that the Fire & Rescue Service access requirements have been met.

Internal Consultees

GBC Highways – The layout conforms to the requirements of the Kent Design Guide, with the exception of pedestrian splays at the junction of the access with Gouge Avenue. This however can be resolved by moving the bin collection area back a couple of metres.

Shared Private Drive

- 1 private ways not being part of the public domain
- 2 provides direct vehicle and pedestrian access to a limited number of individual dwellings, usually from residential access roads and in some cases local distributor roads
- 3 a single track serving between 2 and 5 dwellings but with support for HGV (fire appliance, delivery vehicle) access and turning.
- 4 excessive distances between dwellings and the highway should be avoided, and a maximum distance of 25m is recommended.

	Typical parameter	Notes	Recommended parameter range (required min or max standard shown in bold)
Width	3.0m	minimum width 3.0m if access required for fire tender	2.4 m / 4.8m
Anticipated vehicle types	car, fire tender	see section 6.16 for guidance on access for fire appliances	
pedestrian visibility at junction with highway	2.0m x 2.0m		> 1.0m x 1.0m
Maximum gradient	10%	measures may be needed for driveways having a steep downward gradient to prevent vehicles grounding . This can include providing a roll over as shown below or modifying footway cross fall gradients	0.13

All figures are for guidance: design specification should be guided by local context and agreed with the local authority.

The access is some 2.9 metres wide so complies with the Design guide. Pedestrian visibility splays although not ideal comply with the minimum requirements of the design guide if the bins are moved back. However, the rear access at some 40 metres does exceed the recommended 25 metres and may be an issue for fire access.

The applicant will need to provide one cycle parking space per bedroom per property. Car parking provision is satisfactory.

The issue is therefore the distance of the rear properties from the highway, it exceeds the recommended distance, but apart from this and the easily accommodated pedestrian visibility splay requirements the proposal conforms with the Kent Design Guide and it is doubtful a refusal on highway grounds could be sustained at appeal, particularly if the path to the rear was over runnable and so allow two cars to pass.

No objections.

Neighbouring properties

A notice was displayed on site 15 February 2024.

In addition, thirteen surrounding properties were consulted and four representations were received. The representations received objected to the development, raising a number of material and non-material planning considerations.

Please note only the material planning considerations are relevant to this decision.

Material Planning Considerations

- Out of Keeping with the surrounding properties
- Loss of light
- Overlooking
- Increase parking pressures
- Impact on the highway

Non-Material Planning Considerations

- Impacts arising from the Construction Period
 - Heavy good vehicles
 - Dust, mess and noise
 - Disruption
- Impact on health

The consultation period expired 08 March 2024.

Officer's Analysis

Site Description

4 Gouge Avenue is a detached two storey dwelling located on the eastern side of the highway.



The property is set-back from and elevated above the highway, and benefits from a large curtilage.

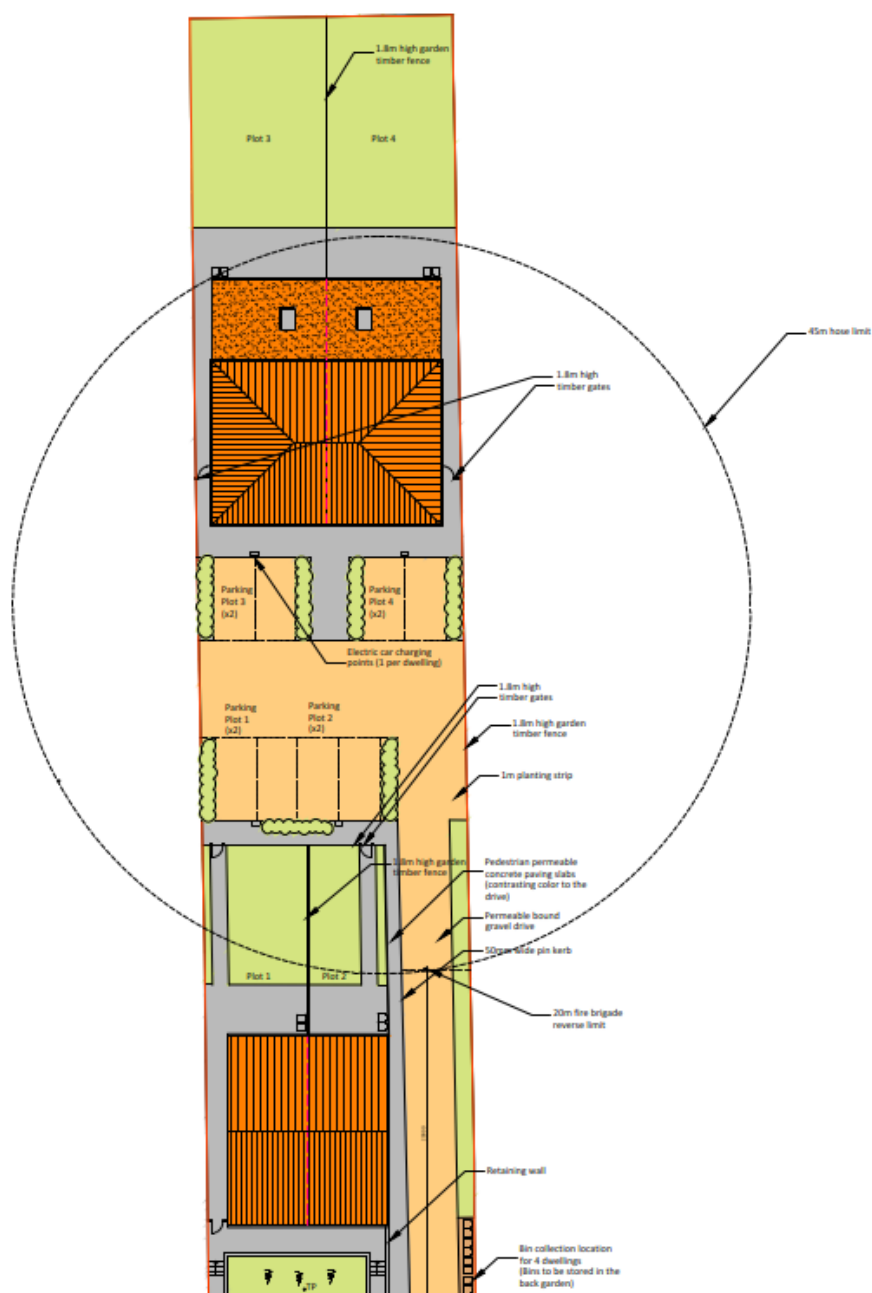


There is a vehicular access adjacent to the site, on the southern boundary, which is utilised by surrounding properties for garage access.

Proposed Development

This application is in outline, with all matters reserved except for the layout and access. The proposal is for the demolition of the existing property and the erection of 4no. residential dwellings, with associated parking, access and amenity areas.

The proposed layout is as follows (extract from the proposed block plan):



The plan indicates two pairs of semi-detached dwellings, with one pair fronting Gouge Av and the other located towards the rear of the site. The two buildings would be separated by approx. 31m, with gardens and parking areas between.

It is unclear from the information submitted how many bedrooms each property would have.

Principle of the Development

The application site is not protected or of particular importance. It is within the urban boundary of Gravesend, Northfleet and Ebbsfleet.

The main issues to consider in the determination of this application are as follows:

- Housing Need

- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Highways and parking
- Any Other Material Planning Considerations
 - Ecological and Biodiversity

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath re-emphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the National Planning Policy Framework (NPPF) (2023) expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

“It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than “guidance” and as such a “material consideration” for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme.”

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). 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 182)
- 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)
- 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.

The proposed development for a net increase of '3' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Design, Character and Appearance

Whilst it is recognised that development which makes effective use of land should be supported, this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF (2023) (paragraph 123). Relevant to this proposal, paragraph 128 of the NPPF (2023) states that developments that make efficient use of land should take into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed buildings and places. This latter point is fundamental to what the planning and development should achieve.

Paragraph 131 of the NPPF (2023) states that good design is a key aspect of sustainable development, creates better places and helps make development acceptable. Paragraph 135 of the NPPF (2023) seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 (Development and Design Principles) (LPCS) reflects these aims and requires that new development is well designed, and respects the character and appearance of the surrounding area.

Policy CS14 (LPCS) sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities. Gouge Avenue primarily consists of a mix of two storey terraced properties and detached bungalows. Most of the bungalows in the road remain at single storey level and the application site is positioned between a collection of bungalows. Given the immediate context, it would be more appropriate to introduce a single storey dwelling onto the front to create continuity and uniformity of height. While it could be argued that the existing dwelling is two storey, this was set back further from the highway and the proposal would bring the building line forward between the existing bungalows (which raises concerns with impact on amenity – explored later in this report).

Policy CS15 (LPCS) seeks to achieve a minimum density for residential development in the urban area of 40 dwellings per hectare (dph), subject to the overriding consideration that it achieves good design and does not compromise the distinctive character of the area. In terms of the density of development currently proposed for this site this would be 31 dph (the application site measures 0.126 hectares; 4 dwellings on this site). This would be below the minimum density for this area at 40dph, but this is considered in keeping with the character of the area in this location.

The submitted plans show that one pair of semi-detached dwellings would front the highway creating a continuity in the established building line on Gouge Avenue. The other pair of dwellings set back at the rear of the site, which is similar to other back land developments on Gouge Avenue (rear of no. 44) and is therefore not considered to be out of character with the area. The back land dwellings at the rear of no. 44 are bungalows, which are at a more comparable scale to the established and pre-planned garage blocks behind properties within the surrounding area. Therefore, the scale of the dwellings proposed within this development, both at the front and rear are considered important. However, no details have been submitted at this stage with regards to the appearance and scale of the proposed dwellings.

As referenced above it is considered that the appearance and scale development could be designed to complement the immediate street scene and wider area, responding to the scale of the bungalows adjoining the site and other back land developments within the area. However, these issues would be properly considered at reserved matters stage.

Overall, the proposal seeks to make a more efficient use of the site for housing, and the layout would be in keeping with the character and appearance of properties in the immediate area. On this basis, the submitted outline details are considered to comply with the requirements of Policies CS12, CS14, CS15 and CS19 (LPCS), and paragraphs 123, 128, 131, 135 and 180 of the NPPF (2023).

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The number of bed spaces nor the internal layouts have been specified in this application, therefore it is not possible to determine if the proposal complies with the Technical Housing Standards - Nationally Described Space Standards 2015 in terms of the size of the proposed accommodation.

The proposal does however provide layouts for the plots, defining the garden area for each of the proposed dwellings, which are as follows:

Plot	Garden Depth	Garden Area
1	11.45m	72.5m ²
2	11.45m	54.4m ²
3	15.8m	130m ²
4	16m	125m ²

The below screenshot is taken from Gravesham's RLG and indicates the minimum garden areas for properties with different numbers of bedrooms:

Accommodation with :	Minimum garden area (sq. metres)	Minimum depth from rear wall of house (metres)
1-2 bedrooms	37.2	7.6
3 bedrooms	60.0	10.0
4 or more bedrooms	100.0	10.0

Therefore, based on the amenity spaces indicated within the layout of the development, the garden sizes could comply with Gravesham's RLG, depending on the number of bedrooms.

Due to the general pattern of development on the road, there is unlikely to be any adverse impact on the proposed properties from overlooking or loss of light, with the flank dormer windows approved at the neighbour being obscure glazed. The dwellings themselves are separated by some 31m and therefore there would be no conflict with the window-window distance of the RLG for overlooking or loss of privacy.

There is therefore no conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 (LPCS) and paragraph 135f of the NPPF (2023) in respect of the proposed layout and external amenity area for future occupants of the proposed dwellings on the site.

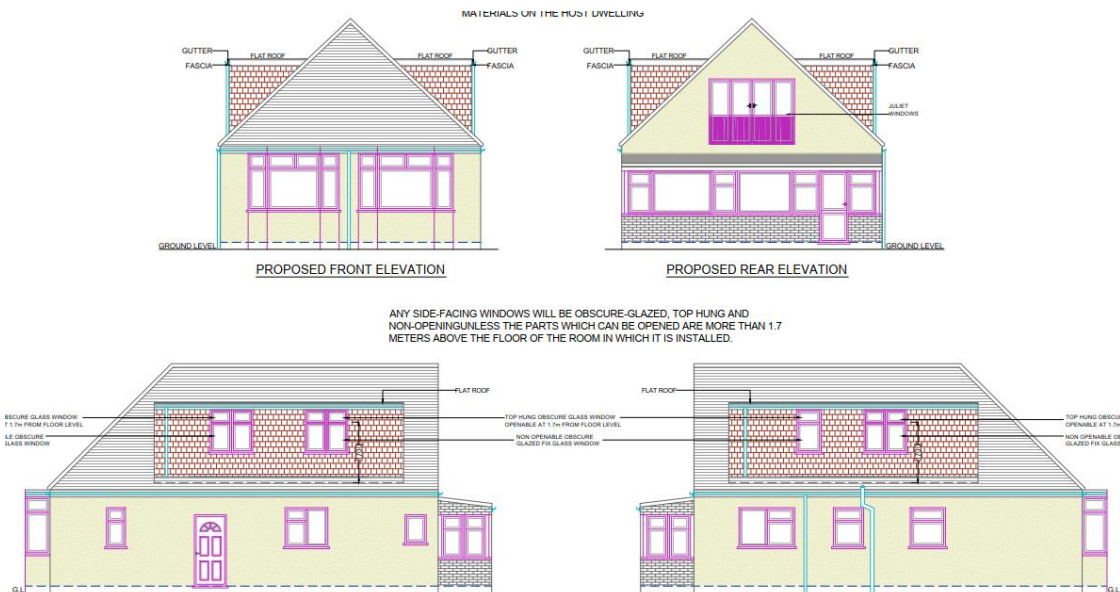
No details are provided on internal layouts, and these are reserved for future consideration.

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of 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 proposed residential use of the site will be in keeping with the existing and surrounding uses, and there will be modest uplifts to the present situation with regard to noise, disturbance, increased traffic and activity levels with the addition of three dwellings on the site.

The main neighbouring properties likely to be affected by the proposal are the bungalows adjoining the site No. 2 to the south and No. 16 to the north of the application site. The property to the south (no.2) has flank windows facing the application site, and has permission for roof alterations, which introduce additional fenestration onto the flank elevation (ref. 20181018). The proposed development would erect a new dwelling 2.15m from the windows on the neighbour, which would have a detrimental impact on the outlook, create an unacceptable sense of enclosure and loss of light. As demonstrated by the screenshots below, some of the flank windows serve habitable rooms and therefore the development fails to safeguard neighbour amenity contrary to Policy CS19 (LPCS) and paragraph 135f of the NPPF (2023).



(Approved ref. 20181018)

The new dwellings in the rear of the site would be within approx. 25.5m of the neighbour (no.2) and would therefore fall within the 26m minimum window-window distance set out within Gravesham's RLG. As such,

this would impact on the privacy of neighbours contrary to Policy CS19 (LPCS) and paragraph 135f of the NPPF (2023).

The neighbour to the north (no.16) does not have any flank windows facing the development and would be some 5.4m from the new dwelling (plot 2). Unlike no.2, this property is set closer to the highway and is approx. 30m from the front of the proposed dwelling at the rear (plot 4), as such this dwelling will not be overlooked as part of this development. However it will have an accessway leading to the properties at the rear, as well as the parking for the properties to the front, which its likely to cause some impact to this neighbouring property;



Overall, it is considered that the proposed development would fail protect the amenities of neighbouring properties through loss of light, overlooking, outlook and sense of enclosure; essentially an unneighbourly form of development. Therefore, the proposal fails to comply with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 (LPCS) and paragraph 135f of the NPPF (2023).

Parking and Highways

According to Gravesham's adopted parking standards (SPG4) (2006) a two bedroom property would require a maximum of 2 car parking spaces. There are 2 parking spaces proposed for each property, within the shared parking area between the sets of dwellings, and the proposal would therefore comply with parking standards.

Gravesham's Highways Officer has commented on the application stating that the proposed access has a width of 2.9m, which complies with Kent Design Guide for accesses, and the provision of vehicular parking is acceptable. However, there are concerns with the pedestrian visibility splays being impeded by the bin store and steps up to plot 2. Kent County Council's dropped kerb guidance (2023) and Manual for Streets (2007) state that pedestrian visibility splay should be 2m x 2m with no obstructions over a height of 600mm. Therefore, the access would fail to achieve the required pedestrian visibility splays and represents a risk to safety contrary to KCC's dropped kerb guidance (2023), Manual for Streets (2007), as well as Policy CS11 (LPCS) and saved policies T1 and T5 of Gravesham's Local Plan First Review (1994).

Kent Fire and Rescue Service have raised no objection following the submission of a revised layout plan to the access requirements.

Overall, the proposed access would have adverse highways impact by failing to provide pedestrian visibility splays and increases the risk of accident contrary to KCC's dropped kerb guidance (2023), Policy CS11 (LPCS) and saved policies T1 and T5 of Gravesham's Local Plan First Review (1994) as well as paragraph 115 and 116 of the NPPF (2023).

Any Other Material Planning Considerations

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 water birds 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.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £314.05 per new dwelling unit.

The applicant has not paid the SAMMS Mitigation Contribution Agreement and therefore fails to meet the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 185 and 186) of the NPPF (2023) and Policy CS12 (LPCS) (2014).

Conclusion

It is considered that the proposed access and layout of the development is unacceptable and would fail to safeguard neighbouring amenity and represent a risk to safety by failing to provide pedestrian visibility splays. Therefore, the proposal is contrary to Policies CS11 and CS19 (LPCS), saved Policies T1, T5 and P3 (LPFR), and paragraphs 115, 116 and 135(f) of the NPPF (2023).

Recommendation

Refusal

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	25 th March 2024	Dated:	25 March 2024