

Delegated Report

Application No: 20231269

Location: Land Rear Of Bridewell Watling Street Gravesend Kent DA11 7NU

Description: Erection of 2 no. detached family homes with associated driveway, parking, bin/bike stores and gardens.

Applicant: Mr and Mrs David and Denise McCormick

Submitted Documents/Plans

The application comprises the following documents and plans:

- Unnumbered Site Location Plan.
- Drawing no. 75 – Existing Block Plan.
- Drawing no. 76 – Existing Site Layout Plan.
- Drawing no. 100 – Proposed Block Plan.
- Drawing no. 101 Rev A – Proposed Site Layout Plan.
- Drawing no. 102 – Proposed Plans and Elevations.
- Drawing no. 103 – Proposed Plans and Elevations – Detached House.
- Drawing no. 104 – Proposed Street Scene Elevations.
- Planning and Design and Access Statement (December 2023).

Relevant Planning History

Reference	Description	Decision	Decision Date
20230891	Erection of 3no. dwellings comprising of a pair of semi-detached houses and a detached house to provide family homes with parking and gardens.	Refused	17.10.2023
20220317	The demolition of existing garage and proposed erection of a 4 bedroom detached dwelling at side garden of 4 Golf Links Avenue, Gravesend, Kent, DA11 7PA.	Permitted	17.05.2022
19900172	Erection of two storey side extension linking to the existing garage to form dining room, utility room and w.c. with bathroom, bedroom and ensuite shower/w.c.	Permitted	23.04.1990

	over.		
TH/2/49/298A 19490707	Erection of two police houses with detached garages and an office	Permitted	28.06.1951
TH/2/49/298 19490706	Erection of two police houses with office and garages	Permitted	06.03.1950

Development Plan

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.

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.

In this instance the development plan for Gravesham currently comprises: -

- The Gravesham Local Plan Core Strategy (September 2014);
- Remaining Saved Policies of the Local Plan First Review (1994); and
- The Kent Minerals and Waste Local Plan 2013 - 2030 (2016, revised 2020).

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.

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

- P3 – Vehicle Parking Standards.
- T1 – Impact of Development on the Highway Network.
- T5 – New Access 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 First 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 12 – Achieving well-designed and beautiful places.
- Section 15 – Conserving and enhancing the natural environment.

Supplementary Planning Guidance

- Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015); and
- SPG 4 - KCC Parking Standards (2006).

Consultations, Publicity and Representations

External

KCC – Heritage Conservation

The application site is within an area of multi-period archaeological potential and c.30m north of the projected line of Roman Watling Street. In 1921-2 a circular cist of Roman tile was discovered c.35m to the west of the site during road widening. The feature measured c.1m in diameter and c.500mm in height and was at first thought to be the remains of a potter's kiln or oven but may have been a grave. No funerary remains were found but two holes in the wall, both made from the outside, suggest that it was robbed. The area around the site was developed for housing from the mid-20th century and before a time of professional archaeological investigations and therefore the archaeological potential of the site is uncertain. Groundworks, associated with the proposed development, may impact negatively on any belowground archaeological remains at the site and therefore I recommend that the following condition is 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

- i 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*
- ii 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.

Internal

Environmental Protection Services

The comments made regarding the previous (refused) application are re-iterated:

No objection to this application, but the following is recommended:

Code of Practice on Construction and Demolition: Please apply as appropriate to minimise the impact of the construction on nearby residential premises.

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

Drainage/sewerage informative: The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Highways Officer

I have no objections but would suggest the following minor revisions to ensure that there is no partial obstruction of the main door to the property by parked vehicles.

Plot 1. Parking can easily be moved slightly north to avoid any conflict.

Plot 2 It is suggested that the front door should be located immediately adjacent to the eastern flank wall of the house to remove the conflict.

All driveways to be constructed from a bound permeable material.

GBC - Waste and Recycling Manager

No response.

Neighbouring properties

7 surrounding properties were consulted and a site notice displayed. No representations received.

Analysis

Background

In August 2023 a planning application was submitted to Gravesham Borough Council seeking permission for "erection of 3no. dwellings comprising of a pair of semi-detached houses and a detached house to provide family homes with parking and gardens" (Gravesham planning reference 20230891 – see 'Relevant Planning History' above). This was refused permission on 17 October 2023 for the following reasons:

- 1. The proposals are considered to constitute an overdevelopment of the rear garden which would result in a comparatively cramped form of development and would be incongruous considering the existing pattern of development and the character of the*

area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 130 of the National Planning Policy Framework (2023) which states 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.

2. The proposal would result in a detrimental impact on the amenities on both existing and potential new occupiers of Bridewell and the new properties in terms of loss of privacy, overbearing impact and substandard private amenity areas, contrary to the objectives of Policy CS19 (LPCS) and para. 130f of the National Planning Policy Framework (2023).
3. The proposed access, visibility and parking layout for Plots 1 and 2 and the provision for Plot 3 would not accord with the minimum parking standards and the Kent County Council's supplementary planning guidance SPG4 and as such the development would be contrary to Policy CS11 of the Local Plan Core Strategy (2014) and Saved Policy P3 Local Plan First Review (1994).
4. The proposed development would result in the removal of a substantial amount of soft landscaping resulting in a biodiversity net loss. The proposal would therefore be contrary to Policy CS12 Local Plan Core Strategy (2014) and Section 15 of the National Planning Policy Framework (2023).

The current application proposes a reduced scheme comprising two dwellings which seeks to overcome the above reasons for refusal.

Housing Need and the Principle of Development

Hopkins Homes Ltd v Secretary of State for Communities and Local Government [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised 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 NPPF 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 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:

- i. 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
- 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 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:

...habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); 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, 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 2 residential units would offer a modest 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 a high standard of amenity for existing and future occupiers.

Design, Character and Appearance

Section 12 of the NPPF relates to “achieving well-designed and beautiful places” and sets out the Government’s requirements in relation to design issues. Paragraph 131 is particularly relevant:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The aims set out in paragraph 131 of the NPPF are reflected in Policy CS19 of the Council’s Core Strategy. This requires new development to be “visually attractive, fit for purpose and locally distinctive” and to “conserve and enhance the character of the local built, historic and natural environment”. It also requires new development to “integrate well with the surrounding local area”. In addition, Policy CS19 requires the following:

....the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining

buildings.

The application site lies to the side and rear of the property at no. 4 Golf Links Avenue and the rear of the property known as Bridewell. It comprises a corner plot with frontages onto Golf Links Avenue to the west and Orchard Avenue to the north. Mature hedging is located on the northern boundary. There are also mature trees and planting within the site.

The surrounding area is residential in character. Watling Street is characterised by larger detached properties, whilst Golf Links Avenue and Orchard Avenue have a mixture of terrace, semi-detached and detached dwellings of both single and two storey design.

In the assessment of the previous application relating to this site, concern was raised that the proposal would result in an overdevelopment of the site and would be harmful to the character and appearance of the site and the wider locality. These concerns were explained more fully in the delegated planning report relating to this application which included the following analysis:

Looking at the spatial layout of the surrounding area in terms of the properties and rear gardens, there is a uniformity, with properties benefiting from generous plots, being set back from the road. The arrangement of the properties and gardens does not reflect the spatial layout of the surrounding area or the established building line along Orchard Avenue. As such, the proposals would be out of character with the area, introducing a cramped form of development and supports the concern that the proposals are out of character with the area and constitute overdevelopment.

In terms of property design, on Orchard Avenue there is a row of two storey terrace properties opposite the site and to the east are detached bungalows of similar design and layout. Materials are mainly brick with tile hung frontages with some examples of gable cladding.

The proposed properties introduce a more contemporary design which have a higher ridge height than the surrounding properties and do not reflect layout or design of the surrounding area....

Although there is no objection *per se* to the proposed dwellings having a contemporary design, it remains important that account is taken “of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings” as required by Policy CS19 of the Core Strategy. In this particular case, it is considered that the two buildings fail to meet this requirement. The height of each dwelling would be significantly greater than that of neighbouring properties as evidenced from the proposed street scenes that accompany the application. Relevant extracts from these street scenes are reproduced below:



As a result of the height of the proposed dwellings, the visual relationship between the existing property at no. 43 Orchard Avenue and the proposed dwelling on Plot 2 would be particularly incongruous.

In addition, the appearance of the new dwellings does little to reflect or acknowledge the character of neighbouring properties or the locality in general. The design of the proposed dwellings differ significantly from existing properties including in terms of their ridge and eaves heights, use of materials, size and alignment of windows. The blank side dormer on the dwelling on Plot 2 also provides a bulky and visually dominant addition which appears out of character with the locality.

The reduction in the number of dwellings from three to two has resulted in an improved layout. The side elevation of the dwelling on Plot 1 and the front elevation of the dwelling on Plot 2 now broadly align with the building line of properties on the southern side of Orchard Avenue. However, although the number of proposed dwellings has been reduced from that previously applied for, it is considered that this proposal still represents an overdevelopment of the site. As a result of the scale of the proposed development and the limited plot size for each property, the relationships between existing and proposed dwellings would result in a loss of residential amenity. This is set out in more detail below under the heading 'Residential Amenity'. The unsatisfactory relationship

between properties provides a clear indicator that the proposal constitutes an overdevelopment of the site.

In light of the above, it is considered that this proposal would fail to meet the tests set out in Section 12 of the NPPF and Policy CS19 of the Core Strategy.

Parking and highways

Policy CS11 of the Core Strategy seeks to ensure that new development mitigates its impact on the highway and that sufficient parking is provided in accordance with adopted parking standards, reflecting the availability of public transport provision and the accessibility of local services and facilities. Saved Policy P3 of the Gravesham Local Plan First Review requires development to make provision for vehicle parking in accordance with the Kent County Council Vehicle Parking Standards. These standards require a maximum of three spaces to be provided for dwellings with four or more bedrooms.

The proposed scheme makes provision for two on-site parking spaces for each dwelling. The Council's Highway Development Management Officer is satisfied with this level of on-site parking provision and has raised no objection on the grounds of highway safety.

In light of these considerations, the proposal is acceptable in terms of highway safety and meets the tests set out in Policy CS11 of the Core Strategy and Saved Policy P3 of the Gravesham Local Plan First Review.

Residential Amenity

Paragraph 135 of the NPPF requires planning decisions to, *inter alia*, provide "a high standard of amenity for existing and future users". In addition, Policy CS19 of the Core Strategy requires new development to be located, designed and constructed to "safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land".

Sunlight and daylight

As a result of the siting and orientation of the proposed new dwellings, they would not have a significant impact upon neighbouring properties in terms of loss of sunlight/daylight. Similarly, existing properties would be unlikely to result in an unacceptable loss of sunlight/daylight to the proposed new dwellings.

Privacy

The Council's adopted Residential Layout Guidelines require a minimum distance of 26m between facing windows to habitable rooms where there is a private garden within the "field of view". The distance between the dwelling on Plot 2 and the existing dwelling at Bridewell would only measure approximately 16m. Given the close proximity of the dwellings and the extent to which the proposal would fail to meet the requirement of the Residential Layout Guidelines, there would clearly be the potential for window-to-window overlooking between the properties as well as mutual loss of privacy to the respective private garden areas.,

Similarly, due to the close proximity of no. 4 Golf Links Avenue to the proposed dwelling on Plot 1, there would be the potential for the loss of privacy to the private garden area of the new property from the upper floor windows of the existing dwelling.

Dominating impact

The side elevation of the proposed dwelling on Plot 1 would be located immediately adjacent to

the boundary with the existing property at no. 4 Golf Links Avenue. This would be over 9.0m in height. Due to the proximity of the existing dwelling and the limited size of the garden area of this property, the proposed development would appear visually overbearing and imposing. It would dominate outlook from the windows on the rear elevation of the existing property as well as from the rear garden area. This would result in an unacceptable loss of amenity to the occupiers of no. 4 Golf Links Avenue.

Internal space standards

The “Technical housing standards – nationally described space standard” was published by the Department for Communities and Local Government in March 2015. This document sets out requirements for the gross internal area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.

The dwelling on Plot 1 would comprise a two-storey, four bedroom, six person dwelling. The required minimum gross internal floor area for such units is 106m². The gross internal floor area of the proposed dwelling would measure 106.2m² which meets this standard.

The dwelling on Plot 2 would comprise a three-storey, four bedroom, seven person dwelling. The required minimum gross internal floor area for such units is 121m². The gross internal floor area of the proposed dwelling would measure 163.5m² which exceeds this standard.

Both dwellings would also meet the minimum standards for room sizes as set out in the Council’s adopted Residential Layout Guidelines.

Amenity space

The Gravesham Residential Layout Guidelines (2020) require a minimum garden area of 100m² for a 4+ bedroom property and a minimum depth of 10m. Neither property would meet the requirement for the rear garden to have a minimum depth of 10m. Furthermore, the garden area of Plot 2 would fail to meet the minimum garden area of 100m².

In addition, the proposal would result in the reduction of the size of the private amenity area for the existing property at no. 4 Golf Links Avenue. The depth of the resulting garden area would be less than 10m.

In these respects, the proposal would fail to meet the minimum standards for amenity space as set out in the Council’s adopted Residential Layout Guidelines.

In light of the above assessment, it is considered that the impact of the proposed development on residential amenity would not be acceptable and would fail to meet the tests set out in the NPPF, Policy CS19 of the Core Strategy and the Council’s Residential Layout Guidelines (2020)

Impact on Biodiversity

The application site comprises part of the rear gardens of no. 4 Golf Links Avenue and Bridewell. These contain large areas of lawn, together with mature boundary hedging, trees, hedging and other soft landscaping and a pond within the site.

Paragraph 180 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by, *inter alia*, “minimising impacts on and providing net gains for biodiversity”.

In addition, paragraph 5.7.24 of Policy CS12 of the Core Strategy states:

There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity Areas shown on the Strategic Green Infrastructure Network map and within new development.

The fourth reason for refusal relating to the previous application for this site (Gravesham planning reference 20230891) raises concern that the proposed development “would result in the removal of a substantial amount of soft landscaping resulting in a biodiversity net loss”. Although the current application proposes a reduced scheme from that previously applied for, the two schemes would be similar in terms of the scale of new development, the levels of proposed hardstanding and the limited areas of lawn/soft landscaping. The current application does not propose any additional measures to enhance biodiversity from those proposed in the previous application. As such, it is considered that the fourth reason for refusal relating to application 20230891 has not been adequately addressed. The proposal therefore remains contrary to the requirements of the NPPF and Policy CS12 of the Core Strategy.

Appropriate Assessment

The Habitats Directive protects certain species of plants and animals that are particularly vulnerable and requires a Habitats Regulations Assessment (HRA) to be undertaken by a competent public body, such as a local planning authority where any development has the potential to have an impact on a European protected site. The process of HRA involves an initial ‘Screening’ stage followed by an Appropriate Assessment (AA) if proposals are likely to have a significant (adverse) impact on a protected site - in this case the Thames Estuary and Marshes Special Protection Area of SPA (termed Natura 2000 site).

In the light of any such assessment, the Borough Council may only grant planning permission if it has been ascertained that the proposed development will not, either on its own or in-combination with other plans and projects, have an Adverse Effect on the Integrity (AEIOI) of such a site, unless there is no feasible alternative or imperative reasons of overriding public interest apply.

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

The Thames Estuary and Marshes Special Protection Area (SPA) is classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Local Planning Authority has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £314.05 per dwelling) where applicable. This approach is approved by Natural England for all new residential developments. For every planning application for a new dwelling (including new flats), the tariff contributions are secured through a Section 106 legal agreement or unilateral undertaking or if there are no other financial contributions this is secured

through a contribution agreement. Where a developer is unwilling to make the SAMMS payment, sufficient evidence is required to be supplied to enable the Council to undertake an Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.

The tariff has previously been accepted effectively in lieu of an Appropriate Assessment (AA). However, in a recent Court of Justice European Union (CJEU) ruling this approach was not considered to be valid, as the CJEU considered the first stage to be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. In this respect, the CJEU judgement made a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an Appropriate Assessment and that mitigation measures cannot be taken into account at the screening stage.

The applicants made this contribution in relation to application 20230891. As this application was refused, this payment could be carried forward to cover the requirements for the current application. On this basis, the proposal would comply with the NPPF, Policy CS12 of the Core Strategy and the requirements of the Conservation of Habitats and Species Regulations 2017.

Other Issues

The proposal makes provision for waste and recycling storage as well as cycle storage to serve each dwelling. This is considered to be acceptable.

The consultation responses from KCC Heritage Conservation and Environmental Protection Services have been noted. If this application were to be recommended for approval, the requirements set out in these responses could be secured by planning conditions and informatives where necessary.

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 of the Core Strategy must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF.

The proposed development for a net increase of three. dwellings would offer a limited contribution towards meeting this local need and delivery and, accordingly, adds some weight in support of the application.

However, notwithstanding this a balanced approach has to be taken and it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and established local policy taken as a whole.

In this case the balance is tilted towards refusal for the following reasons:

The design and appearance of the proposed development would fail to conserve and enhance the character of the local built environment and would not integrate well with the local surrounding area. The proposal is also considered to constitute an overdevelopment of the site which would result in a cramped form of development out of keeping with the character of the area. The proposal would therefore be harmful to the character and appearance of the site and the wider locality contrary to Policy CS19 of the Core Strategy. At national level the proposed development would also fail to meet the requirements of paragraph 135 of the NPPF which states that development will function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and be sympathetic

to local character.

The proposal would result in a detrimental impact on the amenities of the existing occupiers of no. 4 Golf Links Avenue and Bridewell and potential future occupiers of the new properties in terms of loss of privacy, overbearing impact and substandard private amenity areas, contrary to the objectives of Policy CS19 of the Core Strategy and the NPPF.

The proposed development would result in the removal of a substantial amount of soft landscaping resulting in a biodiversity net loss. The proposal would therefore be contrary to Policy CS12 (LPCS) and Section 15 of the NPPF (2023).

Recommendation:

REFUSE

Case Officer: Gary Edwards	Team Leader: Miss Faye Hobbs
Signed: Gary Edwards	Signed: 
Dated: 13/03/2024	Dated: 02 April 2024