



Delegated Report

Planning Application

Application no:	20211019
Location:	28 Park Road Gravesend Kent DA11 7PR
Description:	Application for outline planning permission with all matters reserved and being for demolition of existing building and erection of 6 no. semi-detached, 3 bedroom dwellings.
Applicant:	Mr K Avery
Site Visit Date:	1 st October 2021 and 9 th November 2021

Submitted Documents/Plans

The application comprises the following documents and plans:

Planning Application Form;
OS Plan;
Drawing No. SC_28ParkRd_SiteLocationPlan_V1 – Site Location Plan;
Drawing No. SC_28ParkRd_ExistingBlockPlan_V1 – Existing Block Plan;
Drawing No. SC_28ParkRd_ProposedBlockPlan_V1 – Proposed Block Plan;
Drawing No. SC_28ParkRd_ExistingSections – Existing Sections;
Drawing No. SC_28ParkRd_ExistingMasterPlan_V1 – Existing Master Plan;
Topographical Survey Plan; and
Drawing No. SC_28ParkRd_ProposedSections – Proposed Sections.

Relevant Planning History

TH2/59/251A – Detailed plans of detached bungalow and garage to accommodate one private car – Permitted 31/12/1959.

TH2/59/251 – Outline application for the erection of a bungalow and garage – Permission granted.

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 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 application site is within an area of multi-period archaeological potential with prehistoric worked flint and Romano-British material recorded c.150m to the east. The site was developed sporadically and in a relatively limited way from the late 19th century with a brick works to the west and there is the potential for any archaeological remains present at the site to be relatively undisturbed. The proposed development may impact on any such remains 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

- 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 - Biodiversity Officer

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the

planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise as a result of the proposed development.

Habitats and features, including buildings and vegetation, are present on and around the site, suggesting that there may be potential for protected species to be present within the site. Therefore we advise that current photos of the dwelling and garden are submitted as part of this application to enable us to consider if there is potential for protected/notable species to be present and a requirement for a preliminary ecological appraisal (PEA) to be carried out.

If required a PEA must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines. The PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence in the context of the potential ecological impacts of the proposed development.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that, if required, the PEA report, OR, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought prior to determination of the planning application. The submission must provide appropriate and achievable mitigation measures for any identified ecological impacts.

This is in accordance with paragraph 99 of ODPM 06/2005 which states: *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*. An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

Natural England

No objection subject to securing appropriate mitigation.

Internal

GBC - Environmental Protection Team (Regulatory Services)

Please apply the following conditions/informatives:

Conditions

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

Informatives

- Drainage/sewerage
- Smoke Control Area
- Electric Vehicle Charging Points

GBC Highways Officer

I note the layout has changed since the pre-application but it is still a long constrained site and whilst it is an outline application, the access is restricted to one point from Park Road and it will establish the number of dwellings that can be accommodated.

The issues I have with the indicative development are;

1. There is insufficient space to ensure a standard GBC refuse freighter can turn, it is slightly short of the 12 metres maximum permitted, so any development should be able to safely accommodate a 12m x2.55m (without mirrors extended) with the mirror extended, lorry turning within the site, and negotiate the 90° bend at the site entrance.

2. Car parking provision should be an average of a minimum of 1.5 spaces per dwelling in a suburban location to comply with the Highway Authority published guidance in Kent Design Guide Review: Interim Guidance Note 3 Residential Parking. Plus there would be a need for a single visitor space making a requirement of 10 in total. Only 8 are shown.
3. Generally KCC would look to adopt the access to a development serving more than 5 dwellings but with the lack of footways and margins this seems unlikely in this case.
4. Suitable secure and weather proof cycle parking should be provided and this includes meeting the needs of people that require adaptive cycles be it for business, a mobility or other issue. The applicant is referred to Local Transport Note 1/20 for the standard size of an adaptive cycle

My original comments on the pre-application are repeated below and it is noted that these were copied to the applicant who has appeared to ignore the concerns listed, at least in part. I believe 6 dwellings in the layout shown is inadequate to meet the needs of the residents and their visitors and fails to meet the requirements of Kent Design and would as such recommend on the information supplied refusal. However, it may be possible with a different indicative layout and swept path drawings that show the adequacy of the layout to meet the basic needs of the residents and a refuse vehicle that an acceptable proposal could be put forward, although this may mean a reduction in the number of dwellings.

Original Pre-Application comments.

This proposal raises some concern it results in a long private drive with limited on site turning and only one parking space per dwelling.

1. *Whilst Kent County Council would look to adopt a road serving 6 dwellings as there are no footways or margins this is most unlikely to occur, instead it would be considered to be a private communal drive that will need to be maintained by the residents.*
2. *Given that the road is private, it needs to be constructed to allow for deliveries and provide an on-site turning area as none exists for Park Road. This should be large enough to accommodate a 12m refuse freighter and proven by swept path/tracking drawings. This should then accommodate all delivery vehicles liable to visit the site, with the possible exception of a large removal lorry, but as this can be planned smaller vehicles could be used.*
3. *The access off of Park Road would need to be demonstrated as being suitable for a 12m refuse vehicle.*
4. *Gravesham Borough Council have maximum residential parking standards whilst Kent County Council has a mixture of maximums and minimums depending on location. I would consider the location to be suburban rather than edge of town so applying KCC's Interim Guidance Note 3 for Residential Parking there should be 1.5 spaces per dwelling plus one visitor parking space making 10 in total, this is still below the Gravesham's Borough Council's maximum requirement of 12 spaces, of these 10 spaces I would expect 6 to be allocated and 4 unallocated. It is possible with the current layout any additional vehicles would be parked on the access road, possibly restricting visibility and hindering the passage of development traffic.*
5. *The individual parking space at the southern end of the site is not considered acceptable as it would have to be a minimum length of 6 metres, it currently appears to be closer to 5 metres*
6. *SPG4 requires one secure and weather proof bicycle space per bedroom, so with 18 bedrooms, 18 bicycle spaces are required either on plot or as close as possible to the property they serve.*
7. *Whilst the access is liable to be a low speed road, appropriate visibility splays should be provided at all points. For 10 mph, the minimum junction visibility splay would be 11m x 2.4m x 11m, this cannot be provided for the middle block of houses in the current proposal.*
8. *Given the proposed size of the development, the applicant may wish to consult KCC before proceeding further, the contact is david.barton@kent.gov.uk*
9. *Suitable provision should be made for the charging of electric vehicles, with all spaces wired to accept a minimum of a 7.2kW continuous supply, (more under surge loading)*



Neighbouring Properties

The application has been advertised by a site notice and individual neighbour letters to 37 properties with an overall consultation expiry date of 22nd October 2021. 30 letters of objection have been received making the following summarised comments:

- Overdevelopment
- Cramped form of development
- Out of character
- Impact on infrastructure
- No provision for affordable housing
- Noise
- Security
- Overlooking
- Loss of privacy
- Loss of light
- Overshadowing
- Overbearing
- Intrusive
- Light pollution from headlights
- Inadequate Parking
- Additional traffic and vehicular movements
- Highway Safety
- Impact on road surfaces and services
- Biodiversity net loss
- Loss of greenspace
- Loss of trees
- Ecology – protected species present – loss of natural habitats
- Increase flooding
- Pollution
- Impact on alleyway
- Additional waste
- Loss of allotments currently rented out

Additional comments were also made that are non-material planning consideration.

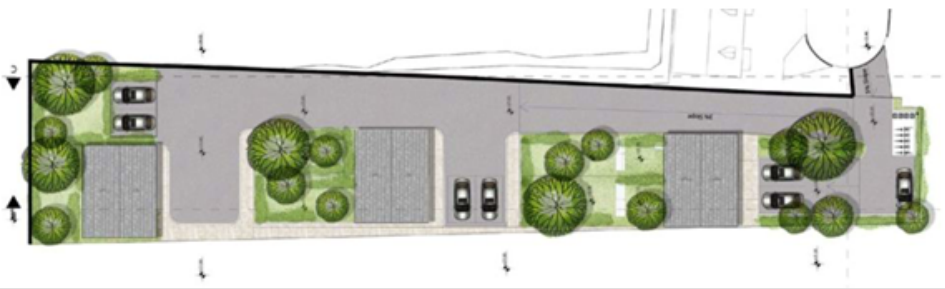
The Local Ward Councillors were also consulted and Councillor Meade registered his objection.

Officer's Analysis

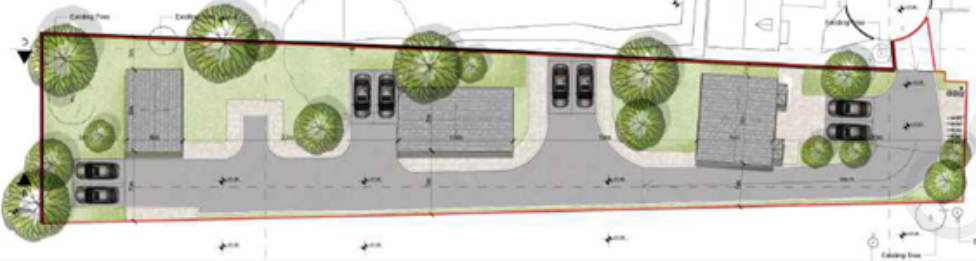
Procedural Issues

The application has been determined in accordance with the above submitted documents/plans and Paragraph 38 of the National Planning Policy Framework (NPPF) (2021) sets out adopting a positive and proactive approach to development proposals. In this case prior to this application being submitted the agent submitted a pre-application enquiry for the *Demolition of existing dwelling and its replacement with 6no. semi-detached properties*. The site layout differs in terms of road layout and orientation of the proposed dwellings, but the outline proposal overall remains the same.

Proposed Pre-App Master Plan



Proposed Master Plan (Current application 20211019)



The Officer concluded that **“In its current form the application would not be supported. Concerns are raised with regards to overlooking within the development, the private outside space provision and the parking. All of these issues point to the proposal being cramped and an overdevelopment of the site and would therefore fail to comply with the abovementioned Policies.”**

As discussed further in this report there is principal objection to the proposed development and it would not be possible to negotiate with the applicant to overcome the conflict with local and national policy.

Therefore a decision issued within 8 weeks would give the applicant a formal stance from the Local Planning Authority on its position with this application. In this instance an extension of time would not be appropriate to address the above issues and there is a strong reality that even with an extension of time with the application the applicant could not overcome the fundamental conflict with local and national planning policy.

No further information is considered necessary to be submitted or clarified by the applicant in order for the Local Planning Authority to determine the application.

Whilst there have been comments received relating to the part of the site being used as allotments for approximately 38 years, this is not a recognised Council owned or maintained / managed allotment site and therefore it would appear that the use of part of the garden as allotments was an unofficial arrangement with the property owner. Therefore in terms of the site, this is wholly classed as residential and will be assessed as such.

Site and Surrounding Area

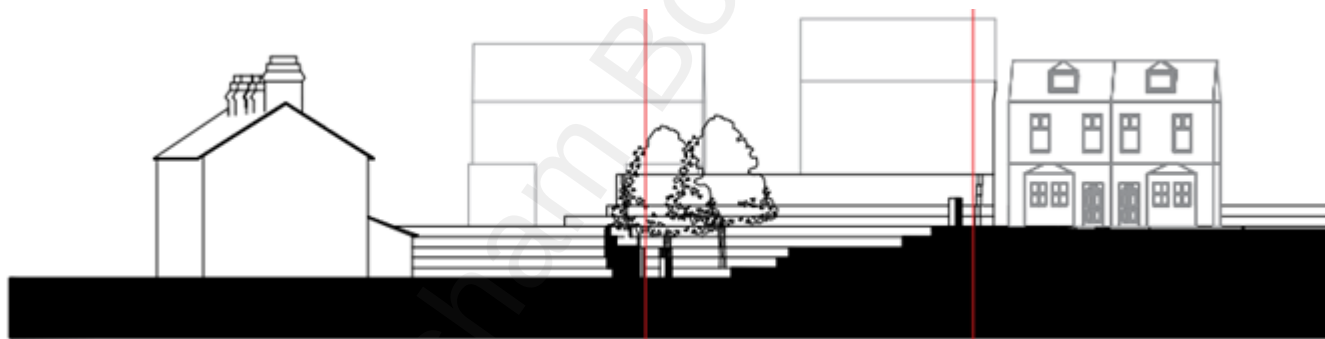
28 Park Road is a residential plot consisting of a detached bungalow, detached garage and various modest garden outbuildings with single driveway and access located at the end of Park Road which is a cul-de-sac and sits at a lower level than Park Road. The site runs parallel to the rear gardens of the properties on Woodfield Avenue and is located within the urban residential area of Gravesend as defined on the adopted Gravesend Local Plan Core Strategy policies map. The immediate area is characterised predominantly two storey semi-detached dwellings with bay fronted windows with some front facing dormers. To the south of the site are a pair of bungalows and to the west are two storey terraced properties set at a similar height to the application property. The properties to the west back onto the site with the majority of the properties having gates going directly onto the site or the alleyway that runs behind. It would appear from the site plan that the alleyway should run the full length of the site, however it would appear that over time this has not been maintained and there is little definition between the rear garden of No. 28 and the alleyway to the rear of Nos. 76 to 82 Woodfield Avenue.



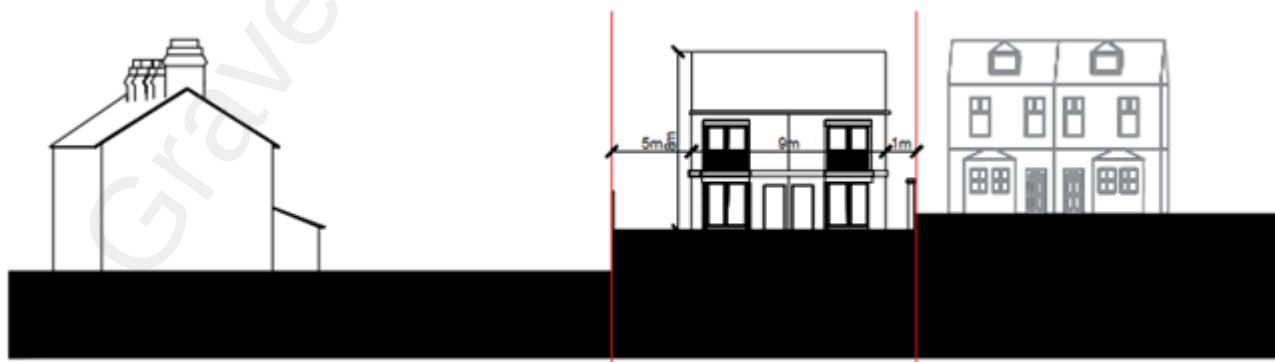
Proposal

The proposal seeks outline planning permission with all matters reserved and being for demolition of existing building and erection of 6 no. semi-detached, 3 bedroom dwellings.

Existing Section



Proposed Section



Access to the site would be from the existing driveway and the road would run directly parallel to the rear of the properties on Woodfield Avenue, separated only by the narrow alleyway that runs behind the rear gardens.

Park Road itself is a quiet residential cul-de-sac consisting of two storey semi-detached properties, some benefiting from off road parking for one vehicle with the remainder of the parking being on-street only.

Site Access



Park Road



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 the urban area of Gravesend where the character of the street scene is residential in nature. The majority of the surrounding properties are a mixture of two storey semi-detached bay window properties or detached bungalows, the majority of which are within long narrow plots. The site is located within an urban area, where the principle of residential development is acceptable providing it accords with the local and national policies. This will be explored in the following sections of the report.

Character and Appearance

The proposal is for 6no. semi-detached dwellings of a modern design. The application is for outline only with all matters reserved and as such detailed elevations have not been provided. However, taking into consideration the two storey Victorian semi-detached dwellings to the east and the mid-century two storey terraced properties 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).

The density of dwellings from no. 2 Park Road to no. 28 is approx. 31 dwellings per hectare (dph). The density of the dwellings facing Woodfield Avenue is approx. 63dph. The density of the bungalows to the south is approx. 22.5dph and the current site density is 6dph. The proposed density would be approx. 39dph. Policy CS15 (LPCS) states that, within the urban area, new residential development will be expected to achieve a minimum density of 40dph. The proposal therefore accords with this Policy.

However, the existing plot of No. 28 Park Road only has one single storey residential dwelling with detached garage to the front and a number of small outbuildings within the rear garden. The addition of 5no. dwellings on this site is a substantial increase over the existing. In terms of spatial layout of the surrounding area in terms of the properties and rear gardens, there is a uniformity, with properties benefiting from generous long narrow plots, being set back from the road by more than 4m. Therefore the existing pattern of development must be taken into consideration when assessing the application. The proposed consist of three sets of 2no. semi-detached properties that would all be set in different positions to the both the proposed access road and to the surrounding properties. They would also have small gardens mainly located to the side. As such, it is considered that the proposed dwellings would be out of character with the surrounding area in terms of spatial layout and would introduce a cramped form of development.

Overall, and taking into consideration the above, the proposed development would be visually disruptive to the established and recognisable pattern of the surrounding built environment. It would be of an awkward layout attempting to fit six dwellings into a tight and constrained plot with only a narrow access point from Park Road. The form of the proposal would starkly contrast with the established pattern of the built environment and, together with the lack of suitably sized usable garden space, would appear cramped, contrived and visually discordant.

Whilst the plans are indicative only, they fail to convince the Local Authority that six dwellings could be satisfactorily developed on the plot that would be in keeping with the character or pattern of the local built environment.

This stance is shared by the planning inspectorate who dismissed an appeal (APP/K2230/W/21/3272575 attached as appendix 1) for the erection of a pair of semi-detached dwellings with associated parking, landscaping and access.

Taking in consideration all of the above, the proposal, in appearing cramped and overdeveloped, would adversely affect the character and appearance of the locality and would contravene 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 contravene 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

The application is an outline proposal and as such details relating to floor layouts have not been submitted and the proposal cannot be assessed against the National Housing Standards and the Residential Layout Guidelines (2020) for 3 bedroom single storey dwellings in terms of gross internal floor area, individual room sizes and whether the habitable rooms have sufficient outlook and daylight.

In terms of garden size, Supplementary Planning Guidance 2 (SPG2) – Residential Layout Guidelines (2020) states that a 3 bedroom dwelling would have a minimum garden area of 60m² and minimum depth of 10m. Details relating to individual garden size, landscaping and means of enclosure have not been provided, however looking at the submitted masterplan and the garden areas directly to the rear of each dwelling, only one of the properties would accord with the minimum garden area, with the remainder falling substantially below the minimum area and none of the gardens meeting the 10m depth standard.

Therefore, in terms of garden size and depth, all the proposed dwellings would not meet the minimum standards and as such, the lack of garden space would not be adequate, to the detriment of future occupiers' enjoyment of the properties. Therefore in terms of occupier amenity, the proposal would be contrary to Policy CS19 (LPCS) and para. 130f of the NPPF (2021).

Neighbouring Amenity

Taking into consideration the change in land levels and the application site being level with the properties on Woodfield Avenue, it is considered that the main impact of the proposal would be on the occupants of the properties on Woodfield Avenue located to the west.

It would appear from the proposed plans that there would be approx. 20.75m between the flank wall of the southernmost dwellings to the rear elevations of the properties on Woodfield Avenue and approx. 30m from the front elevations to the bungalows to the south and as such there would be no significant loss of light, daylight overshadowing or overlooking to these properties. In terms of the middle pair of semis, the orientation is such that the front elevations would face directly on to the rear gardens and elevations of the properties in Woodfield Avenue. With a distance of 7.7m approx. from the front elevation to the rear boundaries, it is considered that the two middle properties would afford direct views over some of the rear gardens of Woodfield Avenue, resulting in an unacceptable level of overlooking and a loss of privacy to the occupants of those properties. Whilst the orientation of the proposed properties to the north would have the flank elevation facing the rear of the properties on Woodfield Avenue, the proposed sections show first floor window and possible Juliet balcony that would face directly over the rear gardens and elevations. With a distance of 8.4m approx. from this flank elevation to the rear boundary, it is considered to be an unacceptable level of overlooking resulting in a loss of privacy to the occupants of those dwellings.

In terms of the proposed access road, this would run parallel and directly to the rear of the properties along Woodfield Avenue. Taking into consideration the increase in vehicular movements that would arise from the development, it is considered that the noise and disturbance would have a detrimental impact on the occupants of the properties to the west which would be unacceptable.

Whilst alterations to the layout and window positions could be pursued in any reserved matters application, the Local Authority is unable to see how such could be designed so as not to cause a loss of privacy to either existing or prospective occupiers. On this basis the proposal would harmfully affect the living conditions of neighbours and future residents, contrary to Policy CS19 (LPCS), which seeks to safeguard the amenity of properties and land. Again, this stance was shared by the planning inspectorate who dismissed an appeal (APP/K2230/W/21/3272575 attached as appendix 1) for the erection of a pair of semi-detached dwellings with associated parking, landscaping and access.

Therefore in terms of overlooking and loss of privacy, together with the noise and disturbance resulting from the new access, it is considered in terms of neighbour amenity, the proposal conflicts with the objectives of Policy CS19 (LPCS) and para. 130f of the NPPF (2021).

Parking and Highways

The proposed access is restricted to one point from Park Road which is a single track access that slopes steeply down to the west. The main issues arising from the proposal are;

- There is insufficient space to ensure a standard GBC refuse freighter can turn, it is slightly short of the 12 metres maximum permitted, so any development should be able to safely accommodate a 12m x 2.55m (without mirrors extended) with the mirror extended, lorry turning within the site, and negotiate the 90° bend at the site entrance.
- Car parking provision should be an average of a minimum of 1.5 spaces per dwelling in a suburban location to comply with the Highway Authority published guidance in Kent Design Guide Review: Interim Guidance Note 3 Residential Parking. Plus there would be a need for a single visitor space making a requirement of 10 in total. Only 8 are shown on the masterplan.
- Generally KCC would look to adopt the access to a development serving more than 5 dwellings but with the lack of footways and margins this seems unlikely in this case.
- Suitable secure and weather proof cycle parking should be provided and this includes meeting the needs of people that require adaptive cycles be it for business, a mobility or other issue.

Overall it is considered that 6 dwellings in the layout shown is inadequate to meet the needs of the residents and their visitors and fails to meet the requirements of Kent Design. Therefore in terms access, vehicular movements, including access for refuse vehicle, and parking and cycle provision, the proposal would be contrary 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, since the Local Authority are refusing on other grounds, it is not necessary to undergo the task of Appropriate Assessment in this instance. Nonetheless, on the evidence submitted, the Local Authority can only conclude that, in the absence of necessary mitigation, the proposal would have an adverse effect on the integrity of the designated site contrary to 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 5no. dwelling units (in this case 5 houses) would offer a minimal 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 (2021) and established local policy taken as a whole.

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

1. The outline proposals are considered to constitute an overdevelopment of the 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 residential gardens which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, 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 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.
2. Due to the proximity and relationship of the proposed properties and access road to the rear elevations and rear gardens of Nos, 54 to 84 Woodfield Avenue located to the west, the proposal would result in a detrimental impact on the amenities of the occupiers of the properties in terms of loss of privacy, overlooking and the increase of noise and disturbance, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 130 of the National Planning Policy Framework 2021.
3. The proposal would fail to provide adequate private amenity space and would result in a detrimental impact on the amenities of future occupiers of the dwellings, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 130 of the National Planning Policy Framework 2021.
4. The proposal fails to secure adequate access for residents and refuse vehicles, as well inadequate parking and cycle provision and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014.
5. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy September 2014.

Recommendation

Refusal

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

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	12 th November 2021	Dated:	15 th November 2021

