

Delegated Report

Planning Application

Planning Application No:	20220740
Location:	Land South East Of 58 Dover Road East Gravesend Kent DA11 0RE
Description:	Construction of a single dwelling and associated works including access, parking and landscaping.
Applicant:	Mr Sean Tofts, Elite Planning
Site Visit Date:	Various

Submitted Documents/Plans

Application form
Planning Statement
Site photos
Correspondence between the applicant and Town Legal LLP regarding the status of the land
Drawing no. 01 (topographical survey)
Drawing no. 001a (block plan)
Drawing no. 002 (site plan)
Drawing no. 006A (topographical survey)
Drawing no. 007A (proposed block plan)
Drawing no. 008 (existing block plan)
Proposed plans
Supplementary information regarding designation of the land and photos.

Relevant Planning History

20220025	Application for Lawful Development Certificate for proposed erection of a 2 metre close board fence to the boundaries on all sides.	Certificate granted	10.03.2022
20210442	Application for outline planning permission with all matters reserved and being for the erection of a detached dwelling, with associated parking, landscaping, and access.	Refused	02.09.2021
20210441	Application for outline planning permission with all matters reserved and being for the erection of a pair of semi-detached dwellings, with associated parking, landscaping and access.	Refused	02.09.2021
20210137	Application for outline planning	Refused, appeal	01.04.2021

DRR3 – Delegated Report V3

	permission with all matters reserved and being for the erection of a pair of 3 bedroom semi-detached dwellings, with associated parking, landscaping and access.	dismissed	
20200884	Application for outline planning permission with all matters reserved and being for the erection of 5 apartments with associated car parking and landscaping	Refused	28.10.2020
19490959	Use of land at Rosherville for erection of dwellings and builders yard and offices	Refused	16.01.1950
20200884	Application for outline planning permission with all matters reserved and being for the erection of 5 apartments with associated car parking and landscaping	Refused	28.10.2020
19490959	Use of land at Rosherville for erection of dwellings and builders yard and offices	Refused	16.01.1950

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

Gravesham Local Plan: First Review (1994)

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

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development

- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural Environment

Gravesham is current unable to demonstrate a 5 year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the 2021 Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. This requires that in regard to housing development, planning permission should be granted unless:

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

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

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

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

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Consultees

KCC Public Rights of Way Officer (from previous application 20210442)

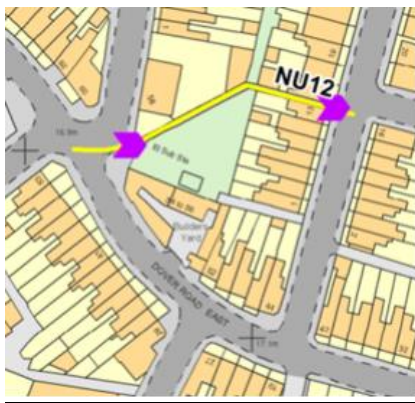
Objects to this this application as the applicant has made the same mistake as before and will result in no natural surveillance of the footpath, which is a part of the Kent Design Guide requirements. This will deter usage and may encourage antisocial behaviour. In fact, they are suggesting pleached trees which will effectively raise the hedge height even further reducing natural light.

Given the recent concern regard personal safety especially for women it would be unwise to recommend this scheme as currently suggested. Perhaps a design where the houses/house faced onto the path with a planning condition that no wall or hedge can be higher than one metre high. This would open up the path and enable the natural surveillance that we should be seeking for the safety of the public.

Previous comments (20210137):

Public Rights of Way NU12 runs around the western perimeter of the site and will be affected by the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information. Note that the path width is 1.2 metres wide.

I have to reject this application as the orientation of the houses together with two-metre-high fencing along the path border will result in no natural surveillance of the footpath, which is a part of the Kent Design Guide,. This will deter usage and may encourage antisocial behaviour. I would like to see a redesign where the path is overlooked and the fencing is a lower height. It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.



Regulatory Services

Comments from previous application:

In the event that the application is approved Regulatory Services recommend the following conditions:

- Noise impact assessment
- Contaminated land watching brief
- Inclusion of electric charging points.

In addition the following informative are recommended:

- Smoke control informative
- Foul water drainage
- Code of construction

Natural England (from previous application)

No objection subject to appropriate financial contribution being secured.

Highway Development Management Officer

I have no highway objections to the proposal subject to the rights of vehicular access being established/accepted, although the applicant will need to provide three secure cycle parking spaces to comply with the requirements of SPG4, of one space per bedroom.

Neighbouring properties

Two letters of support from one address on the basis of improvement to the appearance of the area and access

16 letters of objection from 12 separate addresses. Main concerns:

- Dangerous/dark alleyway for children from the high fence
- Loss of parking to visitors
- Cramped site
- Pollution from construction works
- Risk of accidents due to alleyway
- Parking pressure
- Some land outside of applicants ownership
- Land has never been accessed by cars
- Antisocial behaviour will increase from darker alleyway
- Not suitable for residential development
- No trees because the applicant removed them all
- Loss of light to garden
- Access needed for power network
- Unloading and storing hazardous materials is not safe
- Overlooking from builders
- Loss of habitat
- Impact on mental health

Officer's Analysis

Proposal

This application seeks planning permission for the construction of a single dwelling and associated works including access, parking and landscaping, on land between 58 Dover Road East and 1-13 Stanbrook Road. Vehicular access to the site would be from the strip of land to the south of 1 Stanbrook Road.



The building would be arranged in a 'v' shape facing inwards to a courtyard area. The parking would be to the west of the proposed dwelling. There is currently a 6ft lap fence and heras fence panels surrounding the site, however under this proposal this fencing would be removed and replaced with a garden wall set back but running parallel to the public right of way offering privacy to the rear garden. The remainder of the site would remain open, there is a public right of way to the north of the site (NU12) which provides pedestrian and cyclist access to and from Five Ash Road to Stanbrook Road. The image below provides an artists impression of the site looking south with the PRoW shown to the left:



The building will be approx. 4.5m high with a pitched roof. Internally there will be three bedrooms, a bathroom and a lounge/kitchen/diner.

Housing Need

In regard to housing need, Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. This figure has been supplanted by the Government's standard method housing need calculation, which for 2021 sets out a housing need for 646 dwellings per annum (March 2021), in 2022 this figure increased to 707 dwellings per annum (April 2022). Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 8 of the National Planning Policy Framework and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the National Planning Policy Framework Para 11(d) unless:

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

The proposed development for a net increase of '1' no. dwelling would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded minimal weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) and in particular paragraph 130 and 134 - of the NPPF (2021) which requires development to be add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers. These matters are discussed further below.

Principle

In this case, the application site is not protected by any site specific policies within the Local Plan Core Strategy. The site is within the urban boundary of Northfleet, and the principle of residential development in the urban area is generally supported by Policy CS02 (LPCS).

A 2016 Open Space Assessment, undertaken by consultants Knight, Kavanagh & Page (KKP) for the Council, considered a number of typologies of open space, these being:

Table 1.1: Open space typology definitions

	Typology	Primary purpose
Greenspaces	Parks and gardens	Accessible, high quality opportunities for informal recreation and community events.
	Natural and semi-natural greenspaces	Wildlife conservation, biodiversity and environmental education and awareness. Includes urban woodland and beaches, where appropriate.
	Amenity greenspace	Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas.
	Provision for children and young people	Areas designed primarily for play and social interaction involving children and young people, such as equipped play areas, MUGAs, skateboard areas and teenage shelters.
	Allotments	Opportunities for those people who wish to do so to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.
	Green corridors	Walking, cycling or horse riding, whether for leisure purposes or travel, and opportunities for wildlife migration.
	Cemeteries, disused churchyards and other burial grounds	Quiet contemplation and burial of the dead, often linked to the promotion of wildlife conservation and biodiversity.
Civic spaces	Civic and market squares and other hard surfaced areas designed for pedestrians	Providing a setting for civic buildings, public demonstrations and community events.

In keeping with best practice, the study applied a size threshold of 0.2 hectares, which meant that sites that fell below that threshold were in general not audited and included within the study. As the proposed development site is below 0.2 hectares, it does not form part of the 2016 Open Space Assessment. However, this in itself does not mean that the site is not a greenspace, and does not fall within the definition of amenity greenspace, since historically it has softened the setting of the local urban fabric, provided a small habitat for wildlife and allowed some informal leisure activities, prior to recently being fenced off and not being maintained.

Therefore it is considered that whilst the principle of residential development within the urban area is accepted, due to its sustainable nature, the loss of the amenity green space would be contrary to the adopted Local Plan Core Strategy Policies CS12 and CS13 which seek to protect and enhance the

quantity, quality and accessibility of green spaces within the Borough, as well as Para 99 of the NPPF (2021). The supporting planning statement sets out that the site is considered to be 'white land', in the applicants view, such land, "has no formal designation or protection in the statutory Development Plan." A far more common definition of white land, is considered to be, land (and buildings) without any specific proposal for allocation in a development plan, where it is intended that for the most part, existing uses shall remain undisturbed and unaltered, and where any future applications would be considered against policies within the Development Plan and material considerations such as the NPPF.

As such, the following key issues need to be considered further:

- Loss of amenity green space
- Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Ecology and Biodiversity
- Parking and Highways
- Environmental Protection
- Refuse Arrangements

The above issues are explored in the following sections of the report.

Background

There have been a number of applications on the site.

20200884 sought outline permission for five apartments with associated car parking and landscaping. This was refused for the following reasons:

1. The principle of five flats as proposed, by virtue of the amount of development, results in a high density requiring three stories within a location that is characterised by two storey single-family dwellings. The proposals will result in a harsh and dominant form of development within the street scene which is overbearing on the surrounding properties contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 127 of the National Planning Policy Framework 2019.
2. 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 175 and 176) of the National Planning Policy Framework 2019 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

20210137 sought outline permission for the erection of two 3 bedroom semi-detached dwelling with associated parking, landscaping and access. This was refused for the following reasons:

1. The rear gardens of the proposed two storey dwellings, by virtue of the size of the plot, will be overlooked by the terrace of houses to the east of the site and therefore the proposed dwellings will have no private amenity space. This, together with the overlooking of habitable room windows from the proposed development into the rear gardens of this terrace suggests an overdevelopment of this awkward plot. The proposals will result in a cramped form of development within the street scene which is overbearing on the surrounding properties contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 127 of the National Planning Policy Framework 2019 which seeks to protect the amenities of both future occupiers and existing residents.
2. 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 175 and 176) of the National Planning Policy Framework 2019 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

It was also dismissed at appeal. The Inspector made the following comments:

Para. 4 'The appeal site falls within an area of residential character comprising predominantly terraces of two storey properties. A very distinctive sense of place is formed through the strong linear nature of the terraces in close proximity to their respective streets, enclosing the space in a relatively uniform layout. The regular rhythm of the residential urban form is only interrupted by larger plots containing non-residential uses in the immediate vicinity. Gardens are generally rectangular, narrow and deep, matching the style and period of the housing.'

Para. 7 'The proposed development would be visually disruptive to the established and recognisable pattern of the surrounding built environment. It would fail to address the public highway and would be of an awkward design attempting to fit two dwellings into a tight and constrained plot. The form of the proposals would starkly contrast with the established pattern of the built environment and, together with the lack of suitably sized useable garden space, would appear cramped, contrived and visually discordant.

Para. 8 'I acknowledge that the plans are indicative only, but they fail to convince me that a pair of dwellings could be satisfactorily developed on the plot that would be in keeping with the character or pattern of the local built environment.

Para. 9 'I conclude that the proposal, in appearing cramped and overdeveloped, would adversely affect the character and appearance of the locality. This would be contrary to policy CS19 of the Gravesham Local Plan Core Strategy 2014 (the CS), which requires proposals to conserve and enhance the character of the local built environment.

The Inspector also raised concerns regarding overlooking of the private amenity spaces of the new dwellings from the rear of the Stanbrook Road terrace of houses. He said (para. 11) 'The proposed gardens, particularly for the plot immediately adjacent to the boundary with the terrace, would provide no private areas for prospective occupiers. This would be harmful to those occupiers' enjoyment and would result in a less than quality environment in which to live.'

He also raised concerns of overlooking to the rear garden of no. 9 from the development. He could not see how the development could be altered under a reserved matters application to overcome loss of privacy to either existing or prospective occupiers.

Under para. 23 he says 'I acknowledge that the appeal scheme may represent an improvement on an earlier scheme determined by the Council, but there remain fundamental harms as identified above. Whilst landscaping could come forward, this would do little to change the effects of a development on the appeal site, which points to the proposal being unsuitable as a windfall opportunity. I do not consider that conditions could be used effectively to overcome the harms identified.'

20210441 sought outline permission for the erection of a pair of semi-detached dwellings with associated parking, landscaping and access. This was refused for the following reasons:

1. The construction of a pair of semi-detached dwellings on this awkward site, due to the plot size, shape and existing constraints will result in a cramped and incongruous form of development out of character with the surrounding area whilst also creating an extended alleyway that lacks natural surveillance and has potential to attract anti-social behaviour contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 130 and 134 of the National Planning Policy Framework 2021.
2. The proposal would result in a detrimental impact on the amenities of the occupiers of the new dwellings in terms of the size of the proposed rear gardens that fall short of the adopted

Residential Layout Guidelines (2020), overlooking of the rear gardens by the surrounding properties, in particular, the rear of dwellings in Stanbrook Road, and lack of sunlight to the rear gardens after midday, contrary to Policy CS19 Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

3. 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 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 Gravesham Local Plan Core Strategy 2014.

20210442 sought outline permission for the erection of a detached dwelling with associated parking, landscaping and access. This was refused for the following reasons:

1. The construction of a dwelling on this awkward site, due to the plot size, shape and existing constraints will result in a cramped and incongruous form of development out of character with the surrounding area whilst also creating an extended alleyway that lacks natural surveillance and has potential to attract anti-social behaviour contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 130 and 134 of the National Planning Policy Framework 2021.
2. The proposal would result in a detrimental impact on the amenities of the occupiers of the new dwelling in terms of the overlooking of the rear garden by the surrounding properties, in particular, the rear of dwellings in Stanbrook Road, and lack of sunlight to the rear garden after midday, contrary to Policy CS19 Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.
3. 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 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 Gravesham Local Plan Core Strategy 2014.

Loss of Amenity Green Space

Data available from between 1940-1960 both in terms of aerial photography and Ordnance Survey maps, show that the site has been void of development and has provided a green space that falls within the definition of amenity green space, for some time. This is further emphasised through aerial photography undertaken since, although it should be noted that the condition of the site has varied in more recent years, and the current owner of the site has chosen to fence off the site to restrict public access. Whilst the site itself is not identified on the Local Plan Policies Map or in the 2016 Open Space Assessment the latter due to the site falling below the threshold for being surveyed as part of the study, the site as a green space is still afforded protection through policies CS12 and CS13 (Local Plan Core Strategy) and the NPPF (2021).

Policy CS12: Green Infrastructure in part seeks to create, protect, enhance and maintain a multifunctional linked network of green spaces and to ensure there is no net loss of biodiversity. Whilst Policy CS13: Green Space, Sport and Recreation seeks to make adequate provision for and to protect and enhance the quantity, quality and accessibility of green space. The 2016 Open Space Assessment sets out that there is a good level of coverage of amenity green space within the Borough, with gaps in provision served by other open space topologies. Where amenity green spaces cannot be improved, the study does set out that they may be better suited to be different forms of open space or **may** even feasibly be surplus. The NPPF (2021) at Para. 99 states, *“existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to*

- be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."*

The NPPF defines open space as, "all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity." Historically this is a site that offered local residents visual amenity and provided an area for informal recreational activity. As set out in the applicant's Planning Statement, the site has now been fenced, the reason given by the applicant is to prevent unauthorised flytipping, illegal activity (substance abuse and drug dealing) and to reduce a vermin problem. However, this in itself is insufficient to justify the loss of the amenity green space, as set out in the NPPF, the applicant is required to consider whether or not the land is surplus to requirements or if enhanced provision can be made in a suitable location or the development is for alternative sports and recreational provision the benefits of which outweigh the loss of the current or former use. The current planning application, does not address these matters, but relies upon the site being considered as 'white land' and therefore not being designated/protected by policy.

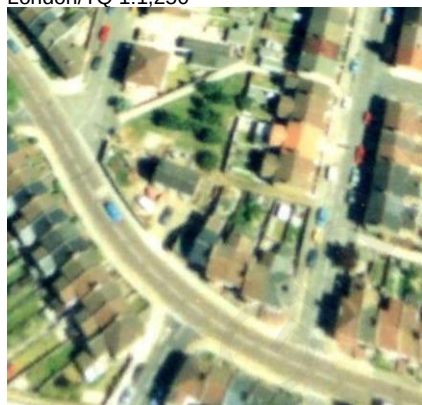
Therefore, the proposal would be contrary to x,y,z

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OS Map showing site between 1947-1964
London/TQ 1:1,250

Google Earth Aerial Photography
from 1960



Google Earth Aerial Photography
from 1990

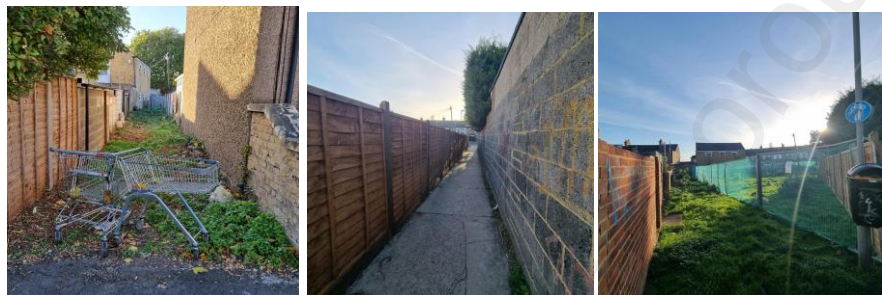
Google Earth Aerial Photography
from 2022

Character and Appearance

The application site lies within the urban area and is a triangular plot of amenity land with an access strip to Stanbrook Road where access is proposed to be taken from. There is a residential terrace to the east of the site and a large, detached dwelling to the north. There is a substation to the south and some commercial buildings beyond this. Site photos are shown below:



The following showing further photographs of the site



There is a strong pattern of development with two storey Victorian terraces, as the Planning Inspector stated, with the exception of number 58 Dover Road East.

In recent years the site has been unkempt, this has encouraged rubbish to be dumped at the site and that has resulted in vermin being attracted to this location. As set out previously the site has recently been fenced off, and as part of these works clearance works have been undertaken.

The proposal seeks permission for a three bedroom, four person bungalow. In terms of character of the area, the proposal for a bungalow development where there are currently no bungalows, is not in keeping with the two storey Victorian terraces.

The plans show a slate tiled roof and a mix of yellow and red brick with stone headers and cills. In terms of the use of materials the proposal will appear in keeping with the surrounding Victorian buildings and the yellow brick commercial buildings to the south.

Notwithstanding this, and as raised in the previous application, the introduction of built form on this triangular shaped, constrained piece of amenity land, with no meaningful spacing between the boundaries and neighbouring properties, would result in a cramped and contrived form of development.

Policy CS19 (LPCS) states that new development will be visually attractive, fit for purpose and locally

distinctive. It should conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding area and meet anti-crime standards. A building in this location would be out of character with the local built form. It is an awkward plot where a building will not integrate well with the surrounding area.

Policy CS19 (LPCS) also states that the layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism. KCC's Public Rights of Way Officer has raised significant concerns about the high boundary treatment and pleached trees along the alleyway to the north. Currently the alleyway extends between the terrace of houses in Stanbrook Road and then opens up on the amenity land. Built form along the boundary, will close in more of the alleyway creating a hostile environment which is not subject to natural surveillance. It is noted that the applicant has sought to address this by setting the boundary wall back slightly from the alleyway and to introduce bay windows fronting the alleyway but this does little to overcome concerns, and could even harm the amenities of future occupiers by overlooking from the alleyway.

In terms of density the submitted Planning Statement estimates this to be approx. 30dph however, it appears to be closer to approx. 21 dwellings per hectare, not including the access road, (reduced from a density of 122dph previously proposed). To the east the density is 111dph, to the south it is 72dph and to the north is 17dph. Policy CS14 (LPCS) states that new housing development shall provide a range of dwelling types and sizes taking into account the existing character. Policy CS15 (LPCS) states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. In this location a density of 21 dwellings per hectare is below that required by policy as set out in the Local Plan Core Strategy, which seeks new residential development to achieve a minimum density of 40 dwellings per hectare in the urban area, however it has already been demonstrated that a higher density would not be achievable to this site.

Therefore, whilst the proposal may seek to contribute towards unmet housing need, this should not be outweighed by the clear development plan objectives which include maintaining and improving the character of the area, as well as the NPPF's objective of (Para 8b), "fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being." The construction of a dwelling on this constrained site, due to the site size, shape and existing limitations will result in a cramped and incongruous form of development out of character with the surrounding area whilst also creating an extended alleyway that lacks natural surveillance and has potential to attract anti-social behaviour contrary to Policies CS14, CS15 and CS19 (LPCS) and Chapter 12 Achieving well-designed places of the (NPPF) 2021.

Amenity of Future Occupiers

The proposed bungalow will have an internal floor area of approx. 78sqm (it is not clear why the planning statement refers to the internal floor area as 80.19sqm). This meets the required 74sqm by the Nationally Described Space Standards for a three bedroom, four person, single storey dwelling.

The double bedroom and one of the single bedrooms meets the space requirements and one single bedroom falls slightly short at approx. 7.24sqm.

The rear garden measures approx. 58sqm (although the planning statements says it is 61.47sqm). The adopted Gravesham Residential Standards require a 3 bedroom property to have a minimum garden area of 60sqm and a minimum depth of 7.6m. The maximum depth of the garden is approx. 10m.

The roof of the dwelling offers privacy to the rear garden from first floor windows of the terrace to the east and the closest windows to the site in the rear of no. 58 Dover Road East are not habitable.

The outlook and daylight from habitable windows is constricted by the depth of the garden and surrounding boundary treatment. There is a maximum of 3m between the double bedroom window and the boundary wall of the rear garden and a similar distance between the southern most single bedroom and the kitchen window. This is an awkward arrangement that will result in an oppressive environment for the occupiers of

these rooms.

Due to the constrained nature of the site, in the event of the application being supported, Regulatory Services have requested a condition requesting a noise impact assessment. This is to ensure that the noise from the adjacent commercial premises would not adversely impact on the living conditions of future occupiers.

Neighbouring Amenity

Nos. 1-13 Stanbrook Road are located to the east of the application site. These are two storey Victorian terraced dwellings with rear gardens backing onto the site. The proposed dwelling has been arranged so that it is inward facing and the rooflights serving the western side are high level serving non-habitable rooms. Therefore there will be no loss of privacy to these properties. As the proposal is single storey there will be no loss of outlook, sunlight or daylight to these neighbours.

Number 58 Dover Road East is a large detached house to the north of the site. This has habitable room with windows to the front (southern elevation). The proposed building, as indicated on the plans, will be located further to the east of this building and would not result in any significant loss of outlook, daylight, sunlight or privacy to the existing dwelling. This current proposal does not include any high boundary treatment adjacent to the alleyway that would impact this property and a condition would be recommended to control this in the event the application is approved.

To the rear of 58 Dover Road East is a window at ground floor (shown below) which is already screened by boundary treatment and the new dwelling would not have an adverse impact on the amenity of existing occupiers of this dwelling. No windows are proposed in the roof slopes facing this dwelling and therefore there would be no overlooking.

Rear (east) of no. 58 Dover Road East:



Ecology and Biodiversity

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring

Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £275.88 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have paid towards the mitigation.

Paragraph 174 of the NPPF (2021) requires that applications should minimise impacts on and provide net gains for biodiversity. In order to ascertain if there would be any impact on building on the amenity land a preliminary ecological appraisal would have been beneficial. However, none has been provided with this application. The applicant in paragraph 7.6 of the Planning Statement states net gain for biodiversity will be achieved with the following:

The scheme would include large areas of garden to the front and back that can include substantive levels of native planting including hedges and specimen trees. The applicant would accept any conditions deemed necessary to ensure a positive impact on biodiversity is met on site where possible and will include interventions such as hedgehog friendly boundary treatments, such as lintelled gaps in the base of the garden wall, bird and bat boxes.

The site did contain trees a number of mature trees which have been cut down since 2018, these trees were not protected by a Tree Preservation Order.

In the event of the application being supported biodiversity net gain would be secured by appropriate planning condition to include items such as soft landscaping (incorporating native planting) and bird boxes.

The proposal secures a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development complies with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Environmental Protection

The application has a low environmental risk. There is no objection to the proposal providing conditions/informatives be imposed relating to contaminated land, drainage/sewerage, domestic refuse arrangements, smoke control, electric vehicle charging points, lighting and code of practice on construction and demolition.

Refuse Arrangements

Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste. Each dwelling would require a bin storage to accommodate the following:

- 2 X 240ltr recycling and garden waste bins
- 1 X 180ltr refuse bin
- 1 X 23ltr food caddy

In the event of this application being approved details of refuse arrangements would be secured by a pre-occupation planning condition. There is sufficient space for refuse storage for the dwelling.

Parking and Highways

Whilst outline the indicative plans show three parking spaces for the dwelling with the access being via an unmade alleyway adjacent to 1 Stanbrook Road. The alleyway has been included within the redline boundary and surface improvements would be required in the event of approval.

Gravesham Highways officer states subject to confirmation that there is a right of vehicular access to the property no objections are raised. Without the access the car parking provision cannot be used and the proposal would fail on its ability to comply with Kent County Council's supplementary planning guidance,

Kent Design Review Interim Guidance Note 3 Residential Parking. No access onto Five Ash Road would be considered appropriate due to the proximity of the junction Dover Road. It should exceed 10 metres according to Kent County Council guidance.

The applicant has signed certificate 'C' on the application form to state that he has made reasonable effort to identify the owner of the access and an advert has been displayed in the local paper. No one has come forward as the owner.

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) 2021.

The proposed development for a net increase of 1no. dwelling would offer a minimal contribution towards meeting this local need and delivery and, accordingly, adds limited 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:

The construction of a detached bungalow on this heavily constrained site, due to the plot size, shape and existing constraints will result in a cramped and incongruous form of development. The proposed development would be out of character with the surrounding area whilst also creating an extended alleyway that lacks natural surveillance and has potential to attract anti-social behaviour contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 100, 126, 130, and 134 of the National Planning Policy Framework 2021.

The proposal would result in a detrimental impact on the amenities of the occupiers of the new dwelling in terms of the size of the proposed rear garden that fall short of the adopted Residential Layout Guidelines (2020) and limited outlook and daylight to habitable rooms due to the proximity of garden and other walls of the dwellings itself contrary to Policy CS19 Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

Recommendation

The recommendation is for the application to be REFUSED Planning Permission, for the following reasons:

1 The construction of a detached bungalow on this heavily constrained site, due to the plot size, shape and existing constraints will result in a cramped and incongruous form of development. The proposed development would be out of character with the surrounding area whilst also creating an extended alleyway that lacks natural surveillance and has potential to attract anti-social behaviour contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 100, 126, 130, and 134 of the National Planning Policy Framework 2021.

2 The proposal would result in a detrimental impact on the amenities of the occupiers of the new dwelling in terms of the limited private amenity space and restricted outlook and daylight to habitable

rooms, in particular the second and third bedrooms contrary to Policy CS19 Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	12 October 2022	Dated:	19th October 2022