

SUMMARY REPORT

Application Ref:	20230136
Site Address:	Land At Worcester Close, Istead Rise, Gravesend, Kent, DA13 9LB
Application Description:	Construction of 8 new affordable rent residential units (Use Class C3) with associated vehicular and pedestrian access, car parking, cycle parking, refuse storage and landscaping.
Applicant:	Gravesham Borough Council
Agent:	Mr Jack Lewis, Frankham Projects
Ward:	Istead Rise, Cobham & Luddesdown
Parish:	Non-Parish Area
Decision due date:	9 th August 2023
Publicity expiry date:	4 th August 2023
Decision Level:	Planning Committee – 27 th July 2023
Reason for referral:	Gravesham Borough Council is the applicant
Recommendation:	That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives, subject to the completion of the current departure notice period and completion of a unilateral undertaking. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Summary of Reasons for Recommendations

The proposal is for the construction of 8 affordable rental units, with associated parking, soft and hard landscaping. The proposal will have no detrimental impact on the wider landscape, surrounding built form, amenity of existing residents or the surrounding highway network.

The principle of the development is acceptable under Green Belt exception (e) paragraph 149 of the National Planning Policy Framework (2021) and is deemed to be a sustainable form of development that with the exception of according with Policy CS16 (Affordable Housing) of Gravesham's Local Plan Core Strategy (2014), accords with the wider development plan and material considerations.

All representations received from both 3rd parties and statutory consultees as of Monday 17th July, have been taken into account when considering this proposal and no amendments to the proposal are required.

As set out above, it is recommended that the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives, subject to the completion of the current departure notice period and completion of a unilateral undertaking.

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is 0.14 hectares in size and located on Worcester Close, Istead Rise. The site is an informal amenity green space containing trees and hedges. Within the Local Plan Core Strategy Policies Map, it is identified as being outside of the rural settlements inset from the Metropolitan Green Belt and within the Metropolitan Green Belt. The trees on the site are not covered by a Tree Preservation Order.

Gravesham Local Plan Policies Map

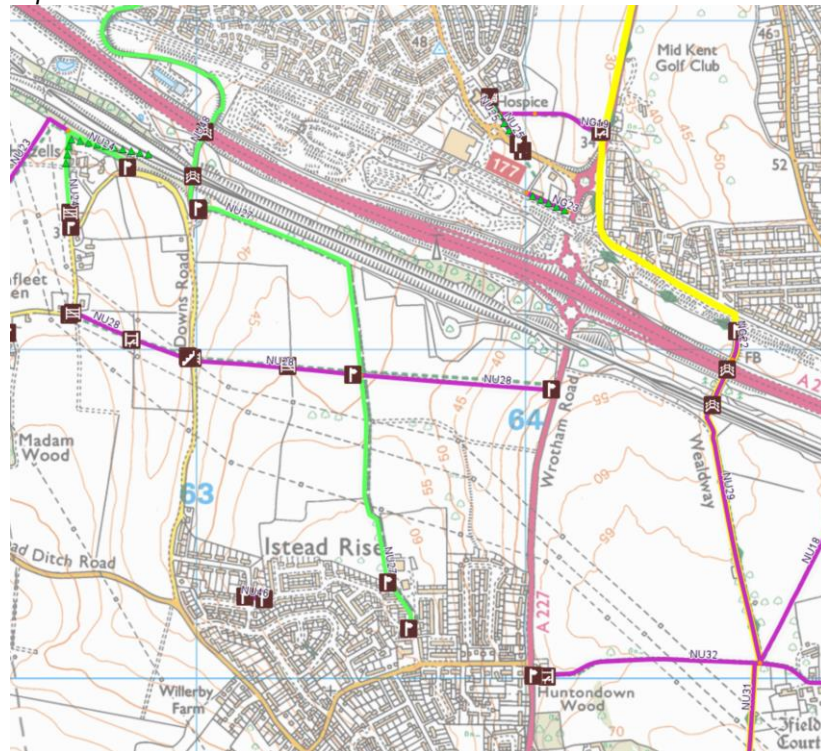


- 1.2. To the north of the site lies the Downs Way Medical Practice, with Istead Rise Community Centre, Istead Rise Recreation Ground beyond the medical practice. The site is adjacent to residential development to the east, south and west. A public bridleway (NU27) runs directly next to the western boundary of the site.

Indicative Site Location - Satellite



Public Rights of Way Map – KCC



Site Photographs (06/06/2023)





2. **Planning History**

2.1. No relevant planning history.

3. **Proposal**

3.1. This application is for the construction of no.8 new affordable residential dwellings (Class C3) with associated vehicular and pedestrian access, car parking, cycle parking, refuse storage and landscaping. The applicant's proposal is for all of the apartments to fall within the 'Affordable Rent' tenure, to meet the nationally prescribed space standards, with all of the units meeting M4(2) standards internally.

Proposed Site Plan



3.2. The proposed block shows a building which is L shaped and would be constructed on the wider section to the north of the site. It would contain apartment units, which would comprise:

- 4 x 1 bed 2 person apartments
- 2 x 2 bed 3 person apartments
- 2 x 2 bed 4 person apartments

3D Streetview Concept Drawing



Proposed Elevations



3.3. The proposal would provide 8 affordable rent units. The overall schedule of accommodation for the proposed development is as follows:

Accommodation Mix	1b/2p flat	2b/3p flat	2b/4p flat	Total Units	% units overall
Rent	4	2	2	8	100%
Total Units				8	100%

3.4. The ground floor units would have private amenity space and there would be a communal amenity area to the front of the blocks.

- 3.5. The new vehicular access would be opened onto Worcester Close, with no.10 parking spaces for residents and visitors. Each dwelling would have an allocated parking space, with the remaining two spaces being unallocated and set aside for visitors.

4. Planning Policy, Development Plan and other Material Considerations

4.1. Gravesham Local Plan Core Strategy (LPCS) (2014)

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS13 - Green Space, Sport and Recreation
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS16 - Affordable Housing
- CS18 - Climate Change
- CS19 - Development & Design Principles
- CS20 - Heritage and the Historic Environment

4.2. Gravesham Local Plan: First Review (LPFR) (1994)

- P3 - Vehicle Parking Standards
- LT6 - Additional Open Space In New Housing Developments
- T1 - Impact of Development on the Highway Network
- T5 - Access to the Identified Highways Network
- TC7 - Other Archaeological Sites

Paragraph 33 of the National Planning Policy Framework (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 has resolved to replace these policies as part of the review of the Local Plan Core Strategy.

4.3. National Planning Policy Framework (NPPF) (2021)

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivery a Sufficient Supply of Homes
- Section 8 - Promoting Healthy and Safe Communities
- Section 11 - Making Effective Use of Land
- Section 12 - Achieving Well-Designed Places
- Section 13 - Protecting Green Belt Land
- Section 15 - Conserving and Enhancing the Natural Environment
- Section 16 - Conserving and Enhancing the Historic Environment

4.4. Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020

- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)
- Planning Guidance on Waste Collection Requirements (2019)

5. **Consultations and Publicity Responses**

External Consultations

5.1. Natural England

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

5.2. Environment Agency

We have reviewed the information and have the following comments to make.

Informative(s)

Advice to the applicant – site specific advice - If you would like to receive site specific advice or discuss documents in further details with us, we are able to do so under our charged planning advice. Please contact us on kslplanning@environment-agency.gov.uk for further details.

Standard Planning Informative - The Government is committed to ensuring that the planning system does everything it can to support long term, sustainable economic growth, and has made it clear that significant weight should be placed on the need to support economic recovery through the planning system and related consent regimes, while protecting the wider environment.

Sustainable development is about preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability. Sustainable development must therefore be based on a clear understanding of the historic land-use, the wider economic, social and environmental setting and the proposed development. Lack of understanding of the risks of contamination or pollution associated with a development site can lead to delay and additional costs if permits/licences other than the planning permission are required.

There is substantive guidance on best practice for site assessments and this should be followed fully to ensure planning applications are accompanied by relevant preliminary documentation, to allow them to be promptly processed and sustainable developments fully supported.

Local planning authorities should ensure that any site is suitable for its new use, especially high risk uses, taking account of ground conditions, contamination arising

from previous uses and any proposals for land remediation, pollution prevention and foundation design.

Land Contamination - The Guiding Principles for dealing with Land Contamination is available on <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

We recommend as best practice that all site desk study, site investigation, remediation strategies and verification reports submitted for planning purposes are undertaken by a suitably qualified person, preferably registered as a SILC/SQP. We recommend that for brownfield site developments – especially on sites with higher risk previous uses – desk study reports, site investigations, remedial strategies and verification reports are signed off under the National Land Quality Mark Scheme (NQMS).

The NQMS is a system designed by the industry-led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations

If developments are supported by NQMS reporting we can assume that the local planning authority has the necessary information to allow decisions to be taken without the need for additional site-specific advice from us. We can recommend that you take account of the conclusions and recommendations within an NQMS report.

If you need further support understanding the report, please seek advice from your Environmental Health/Environmental Protection Department who will be able to advise on the generic aspects of land contamination management.

Where planning controls are considered necessary, we recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by paragraph 174 of the National Planning Policy Framework and the Water Framework Directive, which places such duties on all public bodies.

We also recommend that you consider the merits of advising the developer to handle

any further land contamination management work that may be required under the NQMS.

Any unexpected contamination encountered during development of a site should be reported to the Environmental Health Officer (EHO) in accordance with Building Regulations Approved Doc C.

Foundation Design and Contamination - Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a Piling Risk Assessment should be undertaken to confirm the proposed design does not pose risks to the groundwater. This should be in accordance with our guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Drainage Design and Contamination - Any Sustainable Drainage Systems design for clean roof drainage should be through sealed trap gullies and only sited in areas of clean naturally occurring materials in accordance with building regulations Approved Doc H (link below) and good practice design guidance (CIRIA R156).

All infiltration drainage from roads and service areas that bypasses the upper soil layers via soakaway chambers or boreholes may require a permit to discharge to ground, unless additional pollution prevention measures are installed that prevent contaminated water reaching the aquifer body.

Drainage may be restricted in a source protection zone or over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible. Developers should check <https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h> for Binding Rules information for small scale non mains discharges.

Submissions to the Local Planning Authority should include all relevant information on foul drainage proposals using the following form.
<https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Treated discharges to ground or surface waters may require an Environmental permit.

Engineering works - Any excavation and re-profiling works on closed landfill sites are likely to require an Environmental permit. Any new engineering works on permitted landfills will require appropriate variations to the permit as well as planning permission.

Soils and Stones - The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides developers/operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works can be sustainably re-used under an industry agreed Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution in accordance with an approved remediation strategy.

- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the Environment Agency for a set number of development sites.
- some naturally occurring clean material can be transferred directly between sites for agreed re-use.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

Wastes Removed from development sites.

Contaminated materials that are (or must be) disposed of are waste. Therefore, the handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. Refer to the hazardous waste pages on gov.uk for more information.

5.3. Southern Water - Southern Water have the following observations to make in respect of the proposed development: -

- Southern Water's current water records show that there is water distribution main within the proposed development site. The public water distribution main requires a clearance of 6 metres on either side of the water distribution main to protect it from construction works and to allow for future access for maintenance.
- No development, excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.
- We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.
- It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

- Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways ([Drainage and waste disposal: Approved Document H - GOV.UK \(www.gov.uk\)](#)).
- Southern Water requires a formal application for a connection to the public water main to be made by the applicant or developer.

5.4. Kent County Council - Heritage

The site lies within an area of multi-period archaeological potential and the application has been made with a helpful Archaeological Desk-Based Assessment (Allen Archaeology, 2022). The area around the site was developed before modern archaeological planning policy was developed and it is therefore difficult to understand the archaeological potential of the site from existing records. Considering the potential past impacts at the site from cultivation and its former use as an orchard, I consider that in this case an archaeological watching brief during ground works would represent a reasonable approach to mitigating any impacts and therefore I recommend that the following condition is applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

I would be happy to discuss any of the above further and provide the applicant with a brief for the archaeological works on request.

5.5. Kent County Council - Biodiversity

Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

Whilst there is unlikely to be any protected species interest, the proposals include almost complete replacement of the site's grassland (and semi-mature trees). This would entail the loss of biodiversity and site's ecosystem service value (also referenced in paragraph 174 of the NPPF).

As such, we advise that it demonstrated that site is achieving a biodiversity net-gain prior to determination of the application.

5.6. Kent County Council - Highways and Transportation

I have the following comments to make with respect to highway matters :-

Access - This proposal for eight residential flats would result in the formation of a new access on Worcester Close, which is subject to a 30mph speed limit. As such, the visibility splays provided, of 2.4m x 43m in both directions are acceptable. There should be no obstruction over 0.9m above carriageway level within the splays.

The new access will require a bound surface for the first 5m from the edge of the highway and the provision of measures to prevent the discharge of surface water onto the highway.

Trip generation - With regards to the submitted Highways Technical Report, I am satisfied that the trip generation data provided is robust. It is unlikely that these proposals will result in a significant number of additional vehicle trips on the highway network and are therefore acceptable.

Parking - The parking provision of 1 space per flat and 2 visitor parking spaces, is in accordance with the requirements of Kent Residential Parking Standards (IGN3). However, I would raise the following points regarding the parking layout;

- Whilst vehicle tracking has been demonstrated for some of the parking spaces, no tracking has been provided for parking space 4. As this space is at the end of the parking aisle, it would be difficult to access properly, as there is no 1m extension to the aisle.
- I would recommend that the parking layout is revised and that the visitor parking spaces are moved further within the site, away from the access.
- The applicant may wish to consider increasing the size of one of the visitor parking spaces, to provide a disabled/accessible parking space. If this is detailed on any revised plans, the space should measure 5.5m long x 3.6m wide.

I am pleased to note that the applicant is providing active electric vehicle charging facilities for the eight residential parking spaces and passive charging provision for the visitor spaces.

Secure, covered cycle storage is to be provided for 8 cycles, which meets the requirements of Kent Residential Parking Standards (IGN3). The site layout plan shows 6 spaces evenly distributed throughout the site. I note that the additional spaces are provided internally, which also allows for electric cycles to be safely stored and is therefore welcomed.

Due to the close proximity of the public bridleway (NU27) to the site, the West Kent PROW team here at KCC should be separately consulted on these proposals.

5.7. Kent County Council - Public Rights of Way

Public Rights of Way NU27 lies to the west of the site. The route may 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.

I have received a number of complaints from the public regarding this development all stating that they believe that the bridleway should not be walled in along the section of the development. The official width of NU27 is six feet (1.8m) and we cannot ask for wider legally or stipulate that we don't want a wall. However consideration should be given for the equestrian users of the path as it would be almost impossible for 2 horses to cross on the narrower southern end when walled in.

To rectify the above I would support the application if the southern end of the bridleway is widened to 3 metres in width. I feel that a conversation with the British Horse Society would be appreciated about the format of the wall used to border the path.

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.

Internal Consultations

5.8. GBC - Environmental Protection

No objection to this application subject to the following comments. The application site is in a residential area with houses in very close proximity to the site. It will therefore be important to ensure that residents are not impacted by the groundworks and construction phases.

In addition, it is noted that Air Source Heat Pumps are to be utilised – note should be taken of the guidance contained in the Microgeneration Certification Scheme (MCS) and whether planning permission is required or the ASHP can be fitted under PD rights. If under PD, then the MCS criteria of 38dB LAeqT will apply and an MCS noise assessment should be submitted. If planning permission is required then a condition requiring an appropriate BS4142 based assessment will need to be undertaken.

A thorough contamination assessment has been undertaken including both a Preliminary Assessment and a Phase 2 intrusive sampling assessment. The outcome of these assessments is that there is no risk. Intrusive sampling results were within limits for residential use/open space. Based on this, no further investigation or remediation is required. A watching Brief condition is recommended in case any contamination not previously found is discovered during the groundworks phase.

A lighting assessment has also been undertaken and recommendations made regarding lighting levels and overspill as well as control methods such as timing devices and PIRs.

To deal with the above and other matters the following conditions and informatives are recommended:

- *Watching Brief:-* The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.
- *Code of Practice on Construction and Demolition:-* Please apply as appropriate to ensure that the impact of the groundworks and construction phases on nearby residential premises are mitigated in terms of noise and dust
- *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. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment

plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

- *Lighting:-* Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated). It is recommended that a condition requiring external lighting details to be submitted for approval taking on board the advice in the External Lighting Strategy submitted with the application should be placed on any permission.
- *Noise Control:-* In order to limit the likelihood of noise from the Air Source Heat Pumps (ASHP) affecting both neighbouring premises and the occupants of the proposed dwellings, a condition is recommended requiring either an MCS Noise Assessment (if dealt with under PD) or a BS4142:2014 noise impact assessment (if not dealt with under PD) to be submitted for approval prior to the ASHP being installed/commissioned. Mitigation measures may be required.

5.9. GBC - Highways Officer

Comment received (01/03/2023) - Whilst I have no objections, certain matters need to be clarified.

1. Cycle parking, it is stated that cycle parking will be provided for 8 cycles but there only appears to be 6 cycle sheds.
2. A swept path/tracked drawing has not been provided for parking space 4, perhaps the most difficult to access/egress, this needs to be rectified and may require the repositioning of the refuse store to facilitate access.

In addition, the following requirements need to be met.

- (A) No surface water should discharge onto the highway
- (B) The sight lines should not be obstructed and nothing over 850mm tall should be permitted within them.

With reference to the lighting strategy report there is little information for me to comment on, a lighting condition is required to ensure the lighting levels are appropriate. I would however suggest the applicant should also consider mid hinge lamp columns where appropriate as they do not require the use of an external counterbalance, it would be a matter for the applicant to determine the appropriate type of column to ensure it can be maintained safely (<https://www.cuphosco.com/products/mid-hinge>).

Regarding surface water drainage it is noted that within the documents it is suggested this should be conditioned and it is suggested the applicant should consider the use of permeable paving if possible, with soakaways being reserved for the building drainage. It is noted however the current suggested design is a cellular soakaway below the vehicle access isle which would prohibit the use of permeable paving.

Comment received (26/03/2023) following swept path analysis - It's all very tight, but they have demonstrated that it works. I have no objections.

5.10. *GBC - Waste and Recycling Manager*

I have reviewed the above planning application and can confirm that I am happy with the refuse provision for this site.

From studying the plans, there is sufficient bins for the domestic waste collection and access to the bins store appears to be good.

Just a reminder that the purchase of the bins is down to the developer, the waste management team at the Council can assist.

The Council should be informed at least two weeks prior to the waste collections by the council taking place.

Publication and Neighbour Consultation

Public Consultation

- 5.11. This application was advertised by display of site notices and by neighbour notification letters sent to addresses in the vicinity of the site.

As a result of the consultation 536 neighbour and other responses have been received as of 11th June 2023.

The representations have been separated into those registering support (30) and those registering objection (506). The objections have been separated into material and non-material planning considerations (only the material planning considerations are relevant to this decision):

Support

- Local Needs for Affordable Housing
- Close to local amenities – shops, doctors, dentist etc.
- Good Design – off street parking, refuse, cycle storage and landscaping
- Great Use of Space

Objections

Material Planning Considerations

Affordable Housing

- Temporary Affordable Housing – Right to Buy

Green Belt

- Loss of Green Belt
- Inappropriate Location - brownfield land more appropriate

Design, Character and Appearance

- Cramped Site / Overdevelopment
- Out of Character with the Area
- Incongruous design

Unsustainable Location

- Capacity of physical infrastructure – Public Drainage
- Deficiencies in social infrastructure – Buses, Schools, Doctors, Dentists, etc.
- No local employment opportunities

Impact on Neighbour Amenities

- Loss of privacy
- Loss of light / overshadowing
- Increased Anti-social Behaviour

Open Space

- Loss of amenity / open space
- Other applications refused for developing open space in Istead Rise

Loss of Biodiversity

- Removal of trees
- Impact on wildlife habitats of birds and bats

Highways Issues

- Traffic Generation
- Increased Parking Issues

Impact on Public Right of Way (Bridleway)

Factual Inaccuracies / Errors in submission

- Bus times & routes outdated
- Bat roosting on site
- Dimensions / Measurements on plans are inaccurate

Non-Material Planning Considerations

- Loss of Property Value
- Noise pollution / disruption etc arising from construction period
- Setting a precedent
- Covenant – no removal of trees
- Loss of View

Departure Notice Consultation

- 5.12. This application was re-advertised as a departure from Gravesham's Local Plan Core Strategy (2014) by display of site notices and a published advert in the local newspaper.

As a result of the consultation seven responses have been received as of 17th July 2023.

The representations received have been separated into those registering support and those registering objection. The objections have been separated into material and non-material planning considerations (only the material planning considerations are relevant to this decision):

Support

- Local Needs for Affordable Housing
- Adds to the housing mix within Istead Rise

Objections

Material Planning Considerations

Green Belt

- Loss of Green Belt
- Inappropriate Location - brownfield land more appropriate

Unsustainable Location

- Capacity of physical infrastructure – Public Drainage
- Deficiencies in social infrastructure – Buses, Schools, Doctors, Dentists, etc.
- No local employment opportunities

Impact on Neighbour Amenities

- Loss of privacy

Open Space

- Loss of amenity / open space

Loss of Biodiversity

- Removal of trees

Impact on Public Right of Way (Bridleway)

Factual Inaccuracies / Errors in submission

- Dimensions / Measurements on plans are inaccurate
- Plans do not show extension on no.7 Bramley Close

Non-Material Planning Considerations

- Pre-Application Consultation Event

A number of objectors raised concerns with the 'consultation event' which was held by the applicant. The concerns related to issues during the event, stating inaccuracies in the presentation of the scheme and other matters such as under provision of questionnaires. These comments on the pre-application consultation event are not directly relevant to this application and as such has been included in the non-material planning considerations section above.

The consultation period for the departure from the Local Plan Core Strategy (2014) is ongoing and due to expire 4th August 2023. Any further comments received between the publication of this report and committee will be reported in the committee meeting. Subject to the resolution of Committee, any comments received after the Committee meeting on 26th July 2023 and prior to a decision being issued, would be taken into consideration by the Head of Planning in keeping with the recommendation set out within this report.

6. Head of Planning Comments

Principle of Development

- 6.1. The application site is 0.14 hectares in size and located on Worcester Close, Istead Rise. The site is an informal amenity green space containing trees and hedges. Within the Local Plan Core Strategy Policies Map, it is identified as being outside of the rural settlements inset from the Green Belt and within the Metropolitan Green Belt.

- 6.2. Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (2014) states, “In the rural area, development will be supported within those rural settlements inset from the Green Belt and defined on the Policies Map. Development outside those settlements, including affordable housing and proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.” Policy CS16 (LPCS) builds upon Policy CS02, by supporting limited affordable housing in the Green Belt in a sustainable location for a proven and justified local community need. The housing should be occupied by people with a proven local community connection and restricted to this use in perpetuity.
- 6.3. As the proposed development is within the Borough’s Green Belt it will only be policy compliant in respect of LPCS Policy CS02 if it is affordable housing supported by Section 13 of the National Planning Policy Framework (NPPF) (2021).
- 6.4. Section 13 of the NPPF (2021) seeks to protect the Green Belt. Paragraph 147 of the NPPF (2021) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 goes on to advise that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, unless one of the following exceptions are met:
- a) buildings for agriculture and forestry;*
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - e) limited infilling in villages;*
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
- 6.5. It is therefore considered that the key issue in this application relating to the Green Belt is whether the proposal falls within one of the exceptions allowed for under Paragraph 149 a-g. With regards to this proposal the most applicable exception would appear to be 149 (f) which is for limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites), However the proposal will also be considered in light of paragraph 149 (e) which is for limited infilling in villages.

6.6. Therefore, the key considerations within this application are:

- Housing Need
- Affordable Housing
- Green Belt
- Design, Character and Appearance
- Sustainability
- Future Occupier Amenity
- Neighbouring Amenity
- Open Space
- Refuse Storage and Collection Arrangements
- Surface Water Drainage
- Archaeology
- Contaminated Land
- Ecology and Biodiversity
- Highways
- Public Rights of Way

Housing Need

6.7. In *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."

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

6.9. 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) (2021). 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.
- 6.10. In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:
- Habitats sites (and those sites listed in NPPF paragraph 182)
 - Sites of Special Scientific Interest
 - Green Belt
 - Local Green Space
 - Areas of Outstanding Natural Beauty
 - Irreplaceable habitats
 - Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
 - Areas at risk of flooding or coastal change.
- 6.11. 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.
- 6.12. The proposed development for a net increase of '8' affordable residential units would offer a significant 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 (2021) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Affordable Housing

- 6.13. The Borough Council's position on affordable housing, as set out in Policy CS16 (LPCS) is that affordable housing will be required at a provision of 35% on sites in the rural area proposing 3 or more dwellings or on sites of 0.1 hectares or more. Policy CS16 (LPCS) seeks a broad mix of 70% rented and 30% shared ownership (negotiable), although the tenure mix should meet local needs and achieve a viable, sustainable and socially inclusive development.
- 6.14. Under this proposal the applicant would need to provide 3 affordable dwellings based on the split as set out in Policy CS16 (LPCS). However, the applicant has applied for a 100% affordable scheme and to achieve this the following condition will be included:

The residential units hereby permitted shall not be occupied until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and the provision shall meet the definition of affordable housing set out in Annex 2 of the National Planning Policy Framework (2021) or any future guidance that replaces it. The scheme shall include:

- (i) *the numbers, type and tenure of the affordable housing provision to be made,*
- (ii) *the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

Reason In the interests of securing affordable housing in accordance with policy CS16 (Affordable Housing) of the Gravesham Local Plan Core Strategy (September 2014).

- 6.15. In addition to the above requirements, within the rural area, Policy CS16 (LPCS) requires the affordable housing granted under Policy CS16 (LPCS) to be affordable in perpetuity. To remain affordable in perpetuity, the proposal would need to be exempt from the right to buy regime via Istead Rise being designated as a rural area under the Housing Act 1985 and secondary legislation. As this is currently not the case this application has had to be advertised as a departure from the adopted Development Plan.
- 6.16. The proposal is for 8 affordable rent units i.e. 100% affordable housing. As such the proposal whilst complying with the vast majority of Policy CS16 (LPCS), departs from Para 5.12.13 of Policy CS16 (LPCS) and has been advertised as a departure from the adopted Development Plan.

Green Belt

- 6.17. The application site is located in the Green Belt and as such Policy CS02 (LPCS) is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 (LPCS) states that development will be supported within rural settlements that are inset from the Green Belt and defined on the policies map. Development outside those settlements, i.e. in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the LPCS.

- 6.18. There are three principle Green Belt issues in determining this application:

- Is the proposed development appropriate in the Green Belt?

If the proposal is found to be inappropriate development, therefore by definition, harmful to the Green Belt. The following points will need to be considered.

- The effect of the proposal on the openness of the Green Belt;
- Any very special circumstances?

Is the Proposed Development Appropriate in the Green Belt?

- 6.19. There are strict policy considerations within the Green Belt whereby paragraph 147 of the NPPF (2021) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within the specified exceptions. The NPPF (paragraph 149) exceptions to this are: -

- (a) *Buildings for agriculture and forestry;*

- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*
- (f) limited affordable housing for local community needs under policies set out the development plan (including policies for rural exception sites); and*
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

6.20. Clearly (a), (b), (c), and (d) do not apply in this instance as the proposal is not for agriculture or forestry, appropriate facilities for outdoor sport, outdoor recreation, cemeteries, burial grounds or allotments, extension or alteration of an existing building, and is not a replacement building. The Local Planning Authority considers that this development should be assessed against bullet points five (e) and six (f) under paragraph 149 of the NPPF (2021).

Does the proposal fall within the exception allowed for under Para 149 (e) of the NPPF?

- 6.21. Paragraph 147 of the NPPF (2021) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 sets out that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. These include (e) limited infilling in villages. Assessing a proposal against Paragraph 149 (e) requires consideration of whether the proposal would be in a village; whether it would represent infilling; and, if so, whether that infilling would be limited.
- 6.22. The terms 'infilling', 'limited', or what constitutes a 'village' for the purposes of Paragraph 149 (e) are not defined in the NPPF (2021) nor the LPCS. Based on case law (Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195; and R (Tate) v Northumberland CC [2017] EWHC 664 (Admin)), whether or not a proposal would constitute limited infilling in a village for the purposes of Paragraph 149 (e), is a question of fact and planning judgment for the decision maker, dependant on an assessment of the position on the ground.
- 6.23. Because of this, the Local Planning Authority requires that the following points need to be addressed to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development. These points are:

- *Is the proposal within a village?*
- Where does Istead Rise's boundary lie relative to the application site?
- Whether the proposal can be considered 'limited'; and
- Whether the proposal constitutes 'infilling'
- Does the proposal constitute limited infilling?

6.24. For the proposed development to constitute an 'exception' rather than be classed as 'inappropriate' development, it is contended that all of the above criteria need to be met.

Is the proposal within a village?

6.25. The adopted Gravesham Local Plan Core Strategy (2014) at 4.2.4, Table 2 and at 4.2.6 sets out a settlement hierarchy with 13 rural settlements inset from the Green Belt and two others (Harvel and Luddesdown) that are 'washed over'. None are specifically identified as 'villages'.

6.26. It is stated at 4.2.6 that where the rural settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt.

6.27. Istead Rise has its origins as a detached housing estate in the rural area under the now defunct Northfleet Urban District Council. Istead Rise is predominantly a post second war settlement, that has grown along the pre-war roads that existed (Arcadia Road, Lewis Road, Downs Road and Istead Rise) in the area. As shown in the aerial photography below, the development around The Drove Way and Worcester Close occurred post 1960.



1940 Aerial Photography (Google Earth)



1960 Aerial Photography (Google Earth)

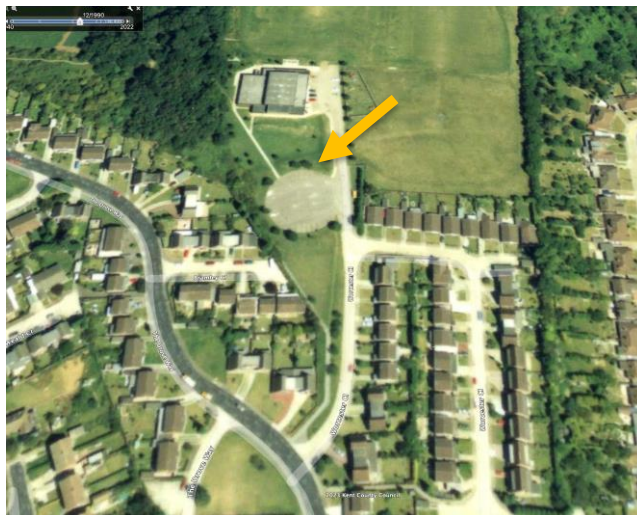
6.28. As Istead Rise has all of the characteristics of a village in terms of having a local centre, church and a range of other facilities, treating Istead Rise as a 'village' would appear to be consistent with the intent of national Green Belt policy. As paragraph 142 of the NPPF (2021) only allows 'villages' to be excluded from the Green Belt by way of an inset designation and the above mentioned rural settlements are inset from the Green Belt within the LPCS, it is considered that Istead Rise should be treated as a village for the purposes of the application of planning policy.

As Istead Rise is a village, where does its boundary lie relative to the application site?

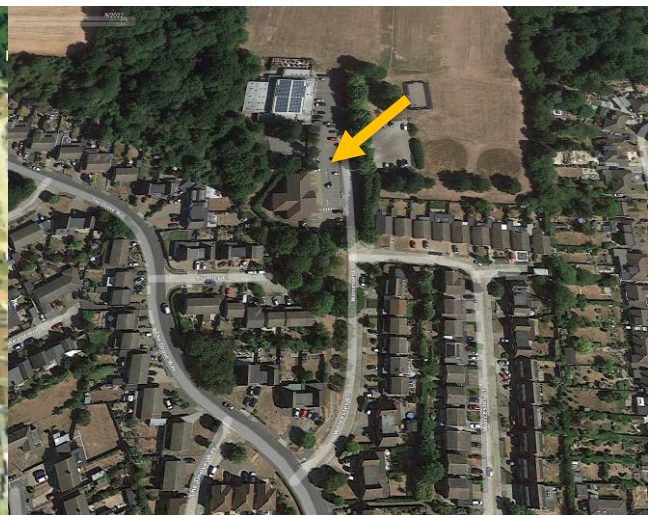
6.29. As Istead Rise is considered for the purposes of this application to be a village, the

question arises what are its boundaries are on the ground and whether the application site lies within those boundaries. In this context it will be noted that the Court of Appeal case for *Wood v Secretary of State for Communities and Local Government* [2014] EWHC 683 (Admin) in quashing the original decision did not make a planning judgement as to where the boundary might lie, rather that the original Inspector had misdirected himself in accepting the Green Belt/inset boundary as being the edge of the village after he had noted the built development continuing to the east.

- 6.30. Whilst the application site is outside the inset rural settlement boundary, paragraph 4.2.6 of the LPCS accepts that these boundaries do not necessarily represent their full extent. Rather, they are intended to relate to the coherent and established built up area where policy accepts infilling would not adversely affect local character or identity or impact on the openness of the Green Belt.
- 6.31. This part of Worcester Close has evolved since the completion of the residential development, with the construction of Downs Way Medical Practice, Istead Rise in the noughties (see aerial photography below, with an orange arrow illustrating the location of the medical practice).



1990 Aerial Photography (Google Earth)



2022 Aerial Photography (Google Earth)

- 6.32. In respect of considering the real extent of the village on the ground, it is clear that there is not a clear distinction between the application site and the surrounding built form. The site sits between residential properties located on Bramley Close and Worcester Close, which form part of a wider established built form, together with the medical practice to the north of the site. Although the site is clearly defined by the location of the bridleway to one side (west) and Worcester Close to the other (east), the site is not seen as part of the countryside, and from the ground is considered to fall within the village envelope of Istead Rise.
- 6.33. The village boundary in this part of Istead Rise would, from the ground, appears to commence from the rear of properties at 1-17 Worcester close and the Istead Rise Community Centre. With the application site having a clear relationship with the village and not the adjacent fields and countryside.

Whether the proposal can be considered 'limited'

- 6.34. The term 'limited' is not defined by the NPPF (2021) or the development plan. The proposal is for 8 dwellings on a triangular site within Istead Rise. The term limited, is not necessarily related to the number of proposed dwellings, but the size of the site with

consideration of both the scale and form of the proposed development.

- 6.35. The site does not contribute towards any sense of wide separation between the surrounding residential development, whilst an irregular shape when considered against the existing immediate residential built form, it would not be experienced as irregular when considering the built form of the wider village. When considering the considerable size of the existing village, the scale of the site is also experienced as being relatively small.
- 6.36. In terms of scale and nature of development, the proposed development has been designed so as to respond to the existing built form neighbouring the site. The proposed development consists of a single L-shaped block, separated into two wings. Each wing has been designed to reflect the building lines of the neighbouring residential development. As such the eastern wing fronting Worcester Close, reflects the building line of Worcester Close. Whilst the western wing follows the building line of properties on the northern side of Bramley Close.
- 6.37. The form of development varies from the existing built form, in so far as the proposed development is for 8 flats, whilst the prevailing built form neighbouring the site is detached and semi-detached dwellings, with a medical centre to the north. These developments (dwellings and medical centre) do vary in scale, size and design, this is clearly reflective on Bramley Close, as well as The Drove Way and Worcester Close.
- 6.38. As such the proposal is considered to be 'limited' in nature.

Whether the proposal constitutes 'infilling'?

- 6.39. Having established that the development is not limited the next issue to evaluate is if the proposal constitutes infilling. Neither the NPPF (2021) nor the development plan currently defines the term 'infilling'. Infilling is defined as:
- Cambridge Dictionary, "Development of new houses, business buildings, etc. on land between other buildings in already developed areas."
 - Collins Dictionary, "the act of filling or closing gaps, etc, in something, such as a row of buildings."
 - Oxford Dictionary, "to fill the spaces around or between other buildings"
- 6.40. Based on these definitions and as the Development Plan does not provide any definition, it is accepted that the term infilling, relates to the development of new homes or other buildings, within a gap between other buildings in a developed area.
- 6.41. This approach is reflective of recent planning decisions made by the Planning Inspectorate e.g. APP/F0114/W/21/3287000. Considering an appeal Bristol, the Inspector stated, *"the supporting text to Policy GB2 defines infilling (in relation to housing) as the filling of small gaps within existing development, and an example given is the building of one or two houses on a small vacant plot in an otherwise extensively built-up frontage with the plot generally being surrounded on at least three sides by developed sites or roads. Although this offers a useful illustration of what the filling of a small gap within existing development might comprise, it is merely an example to be interpreted with some discretion whilst taking account of the specific site circumstances to hand."*
- 6.42. *The site is sandwiched between neighbouring/nearby developments to the north and south that, despite being setback, are accessed off Sleep Lane (the Lane) and have visibility in the streetscene. To my mind, notwithstanding the prevalence of established planting along the Lane's southern extent, the site is situated within an extensively built-up frontage. Further, the site does not contribute towards any sense of wide separation*

between surrounding developments. This is especially so when noting the proximity of the nearest residential development to the east. Moreover, particularly when acknowledging the considerable size of the village in question, the site is experienced as a small gap within existing development. Thus, for the above reasons, the intended development of three single storey dwellings at the appeal site represents limited infilling in a village.”

- 6.43. Whilst not relating to a built up frontage facing Worcester Close, the proposed development would result in infilling of a site sandwiched between Downs Way Medical Practice and 10-8 The Drove Way / 10-12 Bramley Close. It would also result in development of a gap between 7/12 Bramley Close and 1/20 Worcester Close. Given the proximity of development to the site and the site being experienced as a small gap within existing development, the proposal can be considered to constitute infill.

Does the proposal constitute limited infilling?

- 6.44. Having regard to the position and nature of the site, the proposed development can be considered to be physically and visually related to the village of Istead Rise, to comprise limited infilling in a village. Therefore, the construction of the proposed development in this location should not be considered to constitute inappropriate development in the Green Belt as it would comply with the exception at paragraph 149 (e) of the NPPF (2021).

Does the proposal fall within the exception allowed for under Para 149 (f) of the NPPF?

- 6.45. In respect to ‘limited affordable housing for local community needs under policies set out the development plan (including policies for rural exception sites)’, which is one of the arguments put forward by the applicant in the ‘Planning Statement (ref. 700564)’. In order to be considered an exception under paragraph 149 (f) of the NPPF (2021), there must be an identified local need for affordable housing under policies set out in the Borough’s Development Plan which includes the Local Plan Core Strategy.
- 6.46. As such for the proposal to fall within the exception allowed for under paragraph 149 (f) of the NPPF (2021), it must meet the requirements of LPCS Policy CS16 and para 5.12.13. This requires the consideration of:
- Is the proposal for limited affordable housing?
 - Is the site within a sustainable location?
 - Is the proposal for proven and justified local community need?
 - Will it be occupied by people with a proven local community connection?
 - Will the dwellings remain as affordable housing in perpetuity?
 - Does the proposal meet the requirements of 149 (f)?

Is the proposal for limited affordable housing?

- 6.47. Neither the Development Plan nor the NPPF (2021) define the term limited affordable housing. However, at paragraph 5.12.6 of the LPCS in the preamble to Policy CS16, it is stated that, “It is not appropriate to quantify a particular number of dwellings that will be considered to be “limited” for affordable housing in the Green Belt as this will primarily depend on the level of local community need identified together with the following:

“• The size and character of the built up area of the individual settlement concerned, and its position in the settlement hierarchy;

• As a solely affordable housing site, this may also limit the size of the site to ensure mixed communities and could mean that the development of two or more sites might be preferable to one large site; and

• *The type of affordable housing being proposed, such as extra care, where the viability of a scheme may depend on its scale.*”

- 6.48. In this context, the Settlement Hierarchy Background Paper (October 2020) supporting the Regulation 18 Stage 2 consultation of the emerging Local Plan, identifies Istead Rise as being a second tier settlement. With first tier settlements being the urban areas of Gravesend and Northfleet. Census 2021 area profiles do not currently provide data for Istead Rise, which is primarily a residential settlement. However, Census 2011 data whilst now outdated is available. It shows that in 2011 Istead Rise had a population of some 3,437 persons, living in 1,389 dwellings and an area of some 740 hectares. It should be noted that the boundary utilised by ONS for these statistics differs to that of the settlement inset from the Green Belt on the LPCS policies map. But the vast majority of development and therefore resident population falls within the latter.
- 6.49. The proposal for 8 affordable units is predominantly in an area of market housing and therefore would promote mixed communities and the scale of the housing proposed is not influenced by the viability of the scheme directly, but to ensure that the applicant is fulfilling the requirements of Policy CS15 (Housing Density) (LPCS). Which requires proposals to make efficient use of land for housing, having regard to the character and location of the area. In the rural area where the proposal is located, new residential development is expected to achieve a minimum density of 30 dwellings per hectare. This proposal achieves a density of 57 dwellings per hectare. As such when considering the preamble to Policy CS16 the proposal is considered to be limited in nature (local need is considered further below).
- 6.50. In the absence of a definition of ‘limited’ for the purposes of the NPPF (2021) this could mean either a small area in terms of land take, or the number of units being delivered against local need. In either interpretation of the term, both in terms of the land take (0.14 hectares) of the proposal, and the number of dwellings proposed (8 dwellings), the scheme would be ‘limited’.

Is the site within a sustainable location?

- 6.51. The Settlement Hierarchy Background Paper (October 2020) supporting the Regulation 18 Stage 2 consultation of the emerging Local Plan, identifies Istead Rise as being a second tier settlement. With first tier settlements being the urban areas of Gravesend and Northfleet.
- 6.52. The settlement is identified as having 6 key services (a convenience store, post office, primary school, GP surgery, 2 meeting halls/community centre, a frequent bus service) and a range of other local services. Whilst it lacks a railway station, it has bus connections with Hook Green Railway station, which provides access to Bromley and London, Gravesend railways station and Sevenoaks.
- 6.53. These services continue to be present at Istead Rise, with the site being 0.2 miles from the convenience store, 0.1 miles from the post office, 0.6 miles from Istead Rise primary school, 135 feet from the GP Surgery, 85 metres from one community centre and 0.3 miles from the other, and 0.1 miles to the nearest bus stop.
- 6.54. In addition, the site is connected to Gravesend Town Centre by a paved link. The link provides a shared cycle / pedestrian link from Istead Rise to Gravesend, which runs along Wrotham Road. The route is approximately 3.4 miles from the site to Gravesend Railway Station.
- 6.55. A number of respondents have raised concerns regarding the sustainability of the site,

due to what they consider to be poor bus frequency, oversubscribed schools, doctors and dentists. Being within rural Kent it is accepted that the bus frequency in Istead Rise is irregular, compared to some parts of the urban area e.g. the Borough's Town Centre. This is illustrated via the timetable for the 308 route below.

308

Sevenoaks - Gravesend

Mondays to Fridays

Sevenoaks, Bus Station (Stop D)	dep	09:15	10:40	12:10	13:40	15:26			
Sevenoaks, adj Sevenoaks Railway Station		09:19	10:44	12:14	13:44	15:31			
Bat & Ball, adj St James's Roac		09:23	10:48	12:18	13:48	15:37			
Sevenoaks, o/s Knole Academy	arr					15:39			
Sevenoaks, o/s Knole Academy	dep					15:43			
Sevenoaks, adj The Crescent		09:28	10:53	12:23	13:53	15:51			
Greatness, o/s Trinity School						15:55			
Seal, opp The Crown		09:31	10:56	12:26	13:56	15:59			
Ightham, adj The George and Dragon		09:38	11:03	12:33	14:03	16:06			
Borough Green, opp Railway Station		09:43	11:08	12:38	14:08	16:11			
Wrotham, adj The Bull		09:46	11:11	12:41	14:11	16:14			
Vigo Village, Trosley Country Park (S-bound)		09:53	11:18	12:48	14:18	16:22	17:19	18:19	
Vigo Village, Erskine Road (N-bound)		09:56	11:21	12:51	14:21	16:25	17:23	18:23	
Culverstone Green, adj School		10:03	11:28	12:58	14:28	16:32	17:30	18:30	
Meopham Green, opp War Memoria		10:07	11:32	13:02	14:32	16:36	17:34	18:34	
Meopham, opp Station Road		10:12	11:37	13:07	14:37	16:41	17:39	18:39	
Istead Rise, o/s Primary School		10:16	11:41	13:11	14:41	16:45	17:43	18:43	
Istead Rise, adj Shops		10:19	11:44	13:14	14:44	16:49	17:47	18:47	
Northfleet, o/s Coldharbour Road Morrisons		10:23	11:48	13:18	14:48	16:54			
Gravesend, Barrack Row (Stop F)	arr	10:32	11:57	13:27	14:57	17:02	17:56	18:56	
Notes						[SDO]			

[SDO] Schooldays only
Compiled from data for the period Tue 06-Jun-2023 to Mon 12-Jun-2023

6.56. With regards to local services being oversubscribed, the Council is acutely aware of the changes that have taken place in terms of patients being able to access GP services and dental health care over the preceding years. However, regular dialogue takes place with representatives of the Kent and Medway Integrated Care Board (ICB) and they have not identified capacity issues within Gravesham that would impede residents from new developments from having access to services at this stage. Likewise regular dialogue takes place with representatives from Kent County Council in terms of school places and they also have not identified capacity issues within Gravesham that would impede residents of new developments from having access to education services at this stage.

6.57. As such the site is considered to be within a sustainable location.

Is the proposal for proven and justified local community need?

6.58. The supporting text to Policy CS16 (Affordable Housing) (LPCS) at Paragraph 5.12.7 sets out that the level of local community need is normally considered at parish level. Whilst there are 6 parishes in Gravesham, Istead Rise does not fall within any of these Parishes. As a starting point therefore, Istead Rise's local community need has been considered at a settlement level. The most recent housing needs survey for the settlement, was undertaken as part of the Istead Rise Rural Housing Needs Survey (2017) by 'Action with Communities in Rural Kent' in June 2017.

6.59. A survey was delivered to every household within Istead Rise in June 2017. Approximately 1,445 surveys were distributed with 383 surveys being returned, representing a 27% response rate. Analysis of the returned survey forms identified that 98% of all respondents are owner occupiers, with 75% of respondents having lived in Istead Rise for over 10 years.

6.60. Whilst it is accepted that the survey is now somewhat dated, it identifies a need for up to

12 affordable homes, for the following local households was identified:

- 5 single people
- 2 older person(s) households
- 4 couples
- 1 family

- 6.61. This survey was undertaken at a time when the median workplace-based affordability ratio in Gravesham was 9.41 (2017), this has worsened to 10.31 in 2022. The survey report sets out that 'Mouseprice' data at the time stated that the average property in the DA13 area cost £474,000. Current 'Mouseprice' data (01/07/2022) shows that figure to have increased to £546,091. An increase of some 15%. This coupled with the affordability ratio would suggest that the affordable housing need in the general locality of Istead Rise despite the age of the survey would have only worsened in the intervening period.
- 6.62. A similar survey published in 2020 for Meopham identified a need for 25 affordable homes, whilst a similar survey published in 2020 for Cobham identified a need for 10 affordable homes.
- 6.63. As such it can be concluded that there is an immediate and adjacent need for affordable homes in this particular part of the rural area in Gravesham.

Will it be occupied by people with a proven local community connection?

- 6.64. Yes – this to be addressed via a Unilateral Undertaking from the Housing Revenue Account (Housing) department to the Local Planning Authority or a planning condition.
- 6.65. The Council in its housing role will be seeking to make the dwellings constructed available for affordable rent and only eligible to households on Gravesham's Housing Register.
- 6.66. To achieve this, it is proposed that subject to permission being granted, colleagues from the Council's Housing Directorate will enter into a Unilateral Undertaking or that a decision will be issued subject to a suitably worded planning condition that will cover the allocation of these dwellings to residents with links to the local community. This will include local connection tests as defined in a housing allocation scheme.

Will the dwellings remain as affordable housing in perpetuity?

- 6.67. No – Istead Rise does not form part of any of the Statutory Instruments such as The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas) Order 1997. Neither, has it been designated as a rural area under Section 157 of the Housing Act 1985. Therefore, the Council in its housing role is unable to stop households who are allocated new council homes from exercising their legal Right to Buy. As the proposal is not exempt from 'Right to Buy', the affordable dwellings proposed would not be affordable in perpetuity and therefore the proposal would be contrary to paragraph 149(f) of the NPPF (2021).

Does the proposal meet the requirements of 149 (f)?

- 6.68. As the proposal is not exempt from 'Right to Buy', it does not fully accord with Policy CS16 (LPCS), as such it does not accord with the exemption allowed for under the NPPF (2021) at paragraph 149 (f).

Green Belt Summary

- 6.69. In light of the above, the proposal constitutes limited infilling in villages in accordance with Para 149 (e) of NPPF (2021). Accordingly, the proposed development is not considered to be inappropriate development in the Green Belt as set out in the LPCS (Policy CS02) and NPPF (2021).

Openness

- 6.70. Impact on openness is implicitly taken into account in the exceptions unless there is a specific requirement to consider the actual effect on openness. Openness is not expressly stated, in Para 149 (e) of the NPPF (2021), as a determinative factor in gauging inappropriateness. Consequently, there is no requirement to assess the impact of the proposal on the openness of the Green Belt

Very Special Circumstances

- 6.71. As set out in the NPPF (2021), very special circumstances only need to be considered if the proposal is considered to be inappropriate development in the Green Belt, which, by definition, is considered to be harmful to the green belt and should not be approved except in very special circumstances. As this proposal is not considered to be inappropriate development within the Green Belt, very special circumstances do not need to be considered.

Design, Character and Appearance

- 6.72. When considering the design of this proposal, it needs to be considered against the relevant local and national planning policy. Policy CS15 (LPCS) states that sites will be developed at a variety of densities depending on the sites location and accessibility to public transport. Furthermore, development needs to be delivered at a density that achieves good design and does not compromise the character of the area.
- 6.73. Policy CS19 (LPCS) states that 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. The NPPF (2021) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 6.74. At a national level, the NPPF (2021) Section 12 states development should create high quality buildings and places which will function well and add to the overall quality of the area for the lifetime of the development.
- 6.75. Policy CS15 (LPCS) seeks to achieve a minimum density of 30 dwellings per hectare for residential development in the rural area, subject to the overriding consideration that the scheme is well designed and does not compromise the distinctive character of the area. The site measures 0.14 hectares and the density of the development equates to 57 dwellings per hectare. This complies with the minimum density as out in Policy CS15 (LPCS), with the density reflecting the site constraints through size and shape, and is considered in keeping with the density and character of development in the surrounding area.

Housing Size and Type

- 6.76. Policy CS14 (LPCS) seeks to ensure that new housing development provides a range of dwelling types and sizes. The proposed scheme will deliver 8 affordable apartments/flats consisting of the following:
- 4 x one bedroom 2 person properties
 - 2 x two bedroom 3 person properties
 - 2 x two bedroom 4 person properties
- 6.77. The provision of the above units will address locally identified affordable housing need from the Istead Rise Rural Housing Needs Survey (2017). The survey identified a local need in 2017 for 5 single persons, 4 couples and 1 family living in Istead Rise. Therefore, the provision of different dwelling sizes would allow households to move into homes that are of an appropriate size.

Character, Appearance, Scale and Massing

- 6.78. The proposed development consists of a single L-shaped block, separated into two wings. The eastern wing (oriented north-south) fronts onto Worcester Close and the western wing (oriented east-west) follows the building line of properties on the northern side of Bramley Close.

Site Layout



- 6.79. The proposal is for a two-storey development, that has varied heights that take advantage of the changes in level and topography on the site, with the eastern wing at a lower level with a lower roof pitch and the western wing at a higher level and higher roof pitch. This serves to reflect and relate to the different heights and character of homes on Worcester Close and Bramley Close respectively, as demonstrated in the street scene images below.

Northern Street Scene Elevation



Eastern Street Scene Elevation



Southern Street Scene Elevation



Western Street Scene Elevation



- 6.80. Furthermore, the design strategy and materiality of the different wings of the proposed block have been derived from the character of the properties in the vicinity. The eastern wing has shallower gable ends and a symmetrical rhythm, with a predominantly light brown brick material palette and a red clay tile and brick detailing. This has been adopted to reflect and reference properties on Worcester Close and The Drove Way. The western wing has a steeper gable end to match the strong steep pitches of houses on Bramley Close and would utilise red clay tiles on the upper level with light brown brick on the ground floor.

Eastern Wing



Worcester Close



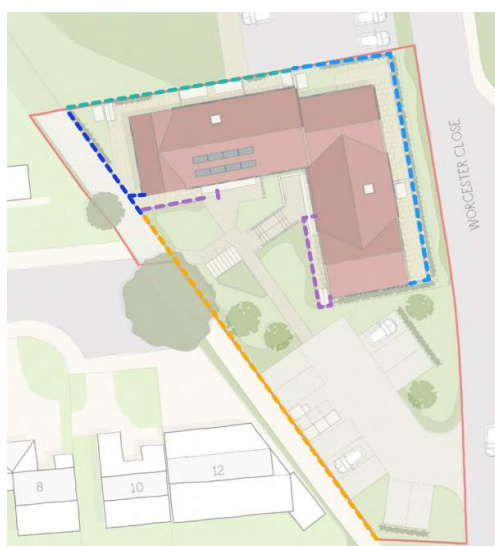
The Drove Way

Western Wing



Bramley Close

- 6.81. The scheme which has been submitted is a result of formal pre-application discussions between the architect and the local planning authority and the layout as proposed is considered to have an acceptable relationship with the surrounding built form and the constraints of the site.
- 6.82. A number of representations raised objection on the design of the scheme, raising concerns relating to incongruous design, that it is out of character with the surrounding area and overdevelopment of the site. It is noted that the prevailing context of Istead Rise consists of single-family dwellings and that the larger block proposed would be at odds with this character. However, the winged design serves to break-up the perceived bulk and massing of the block to be more proportionate to the size of the site, and the proposal is located in close proximity to and corresponds with the larger scale and massing of the GP practice and community centre to the north. This approach to massing and the response to prevailing characteristics from the surrounding area are considered to create a good design that integrates within the existing built environment and the sites size constraints.
- 6.83. As part of the development, different boundary treatments are proposed (as shown in the images below). These treatments vary in different positions around the development, for instance brick piers & open railings (type A) would front the PROW (Bridleway), which is replaced by brick piers & close boarded fence to retain the private amenity of potential future occupiers of the proposed development. This strategy is in-keeping with the surrounding residential character and is considered to be appropriate by maintaining a sense of openness on the PROW and the privacy of gardens.



Type A - Brick Piers & Open Railings
(1200mm high)



Type B - Low Level Brick Wall with Railings
(1200mm high)



Type C - Close Boarded Timber Fence
(1800mm high)



Type D1 - Brick Piers & Close Boarded Fence
(1800mm high)

Type D2 - Brick Piers & Close Boarded Fence
(1200mm high)

- 6.84. Further to the boundary treatment, the plans demonstrate that an extensive hard and soft landscaping strategy. The materials for the vehicular access are not defined, however will be secured by appropriate planning conditions. The parking bays a form of permeable finish allowing grasses to grow through.
- 6.85. The development would alter the appearance of the site by virtue of removing no.10 trees from the site. As part of the landscaping scheme two existing trees will be retained and there would be planting of native trees (no.4), native shrubs and hedging on the boundary edges and mixed grass and wildflower planting. The image below shows the proposed landscaping plan:

Proposed Landscaping Plan



- 6.86. Notwithstanding the details submitted with the proposal and to ensure that the amenity greenspace is fit for purpose and to ensure the best possible outcomes for existing and future occupiers of the area, the details of the proposed amenity greens space layout and proposed hardstanding will be conditioned. This condition will include seeking additional details of all planting, fencing, materials, etc. In addition to this it is accepted that on site there will be a net loss of biodiversity, as such the applicant has agreed to enter into a Unilateral Undertaking with the local planning authority to address this shortfall within 2 miles of the site.
- 6.87. Overall, it is considered that the proposed development would be of good design, utilise the size and layout of the site together with the change in land levels. The proposed block, together with road layout, parking and both private and communal amenities spaces have been designed to reflect the existing streetscape and character of the wider area and would not result in an overdevelopment of the site or have a detrimental impact on the character, appearance or the quality of the area. The development would therefore accord with Policies CS19 (LPCS) and Section 12 of the NPPF (2021).

Landscape Character Area

- 6.88. Section 15 of the NPPF (2021) highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 (LPCS) seeks to protect the Green infrastructure

within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

- 6.89. The application site is located within the Istead Rise Arable Farmlands landscape character area. This area is characterised by gently undulating topography of open arable farmland, dissected by minor open roads with the exception of the larger A227.
- 6.90. Due to the location of the site within the denser grain of surrounding built form, it is considered that there would be no direct impact on the landscape character area. As such the proposal would accord with Policy CS12 (LPCS) and Section 15 of the NPPF (2021).

Sustainability

- 6.91. Policies CS01 (LPCS) requires the Local Planning Authority to take a positive approach that reflects the presumption in favour of Sustainable development contained within the Core Strategy and the NPPF (2021).
- 6.92. Policy CS02 (LPCS) requires development to prioritise the redevelopment and recycling of underused, derelict and previously developed land in the urban area. Due to the location, size and layout, together with the spatial character of the area, this application site meets these definitions.
- 6.93. Policy CS18 (LPCS) sets out that new development should aim to reduce the overall carbon footprint of on development.
- 6.94. Policy CS19 (LPCS) requires (where relevant) that new development will provide carbon reduction and provision for low carbon and renewable imagery, minimising energy consumption and water use.
- 6.95. At a national level, the NPPF (2021) states in paragraph 8 that achieving sustainable development means improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Paragraph 105 of the NPPF (2021) states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 6.96. Gravesham Borough Council recognises the importance of sustainability and on 25th June 2019 at its full Council meeting declared a climate emergency and this includes the target to make the borough Carbon Neutral by 2030.
- 6.97. Accompanying this application to address sustainability is the Planning Statement, Design & Access Statement, Highway Technical Report, Preliminary Ecological Appraisal, Ecological Mitigation and Enhancement Strategy and an Energy Statement.
- 6.98. The development is looking to meet the sustainable design and construction requirements set out in the LPCS, Gravesham Borough Council Climate Change Strategy, Building Regulations and National Planning Policy Framework (2021). Further details can be found in the supporting Sustainability Statement, included in the Design and Access Statement as part of the Planning Application, but a summary is provided below

- A fabric first approach with low u-values to the external fabric (walls, roof, windows etc.);
 - Orientation of homes to maximise daylight with an internal arrangement that maximises dual and triple aspect homes for cross ventilation;
 - Careful consideration of openings (orientation, size and g-values) to minimise overheating;
 - Carbon reduction through the use of on-site air source heat pumps and photovoltaic panels;
 - Active and passive electrical vehicle charging infrastructure to meet building regulations Approved Document Part S;
 - Provision of cycle storage spaces, including e-cycle spaces, to promote sustainable means of travel.
- 6.99. The proposal would provide affordable housing of good design that reflects and responds to the layout and character of the existing residential built form. The proposal seeks to incorporate air-source heat pumps and photovoltaic panels to achieve low carbon and energy efficiency.
- 6.100. There would be on site landscaping and off-site biodiversity net gain through a Unilateral Agreement that would replace those lost through the proposed development. The proposal also incorporate both private and shared amenities spaces, as well as an improvement to the bridleway. Enhancements to ecology and biodiversity are discussed later in this report.
- 6.101. In summary, the proposed development is considered to be sustainable form of development that is designed to minimise the impact on climate. As such there is no conflict with Policies CS01, CS02, CS18 and CS19 (LPCS) and Section 2 of the NPPF (2021).

Future Occupier Amenity

- 6.102. Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.
- 6.103. The Nationally Described Space Standards (2015) sets out minimum gross floor areas for dwellings. These figures vary depending on the number of persons occupying the dwelling. In this case the proposed apartments would have varying occupiers and sizes, which are compared to the NDSS in the table below:

Flat	Proposed Floor Space	Amenity Space	National Space Standard (m ²)
<i>Flat 1</i> - duplex (1b / 2p)	53.5m ²	49.6m ²	50m ²
<i>Flat 2</i> - duplex (1b / 2p)	53.5m ²	8.3m ²	50m ²
<i>Flat 3</i> - duplex (2b / 4p)	70m ²	50.6m ²	70m ²

Flat 4 - duplex (2b / 4p)	70m ²	26.8m ²	70m ²
Flat 5 - duplex (1b / 2p)	56.2m ²	/	50m ²
Flat 6 - duplex (1b / 2p)	56.2m ²	/	50m ²
Flat 7 - duplex (2b / 3p)	73.1m ²	/	61m ²
Flat 8 - duplex (2b / 3p)	73.1m ²	/	61m ²

- 6.104. As shown above, if the flats are assessed at maximum capacity all units comply with the recommendations within the National Space Standards (NDSS). Therefore, it is suggested that the units would provide acceptable accommodation and safeguards the amenity of future occupiers.
- 6.105. Moreover all rooms within the flats are in accordance with the minimum floor areas of Gravesham's RLG, with the exception of the kitchen/living/diners in the 2b2p units. The RLG does not provide a figure for a combined kitchen/living/diner, however the combined figure would be 25.2m². The rooms within the 2b2p units are 23m² and therefore fall marginally below the RLG recommendation. Although the RLG sets out a minimum standard, the unit sizes exceed the minimum NDSS requirement and the other rooms exceed the RLG minimums, and therefore, on balance, the flats are considered to provide good quality living environments for future occupiers.
- 6.106. The new units would not be overlooked by other residential properties on either Worcester Close or Bramley Close. However, in the pre-application discussions there were some concerns with direct or perceived overlooking from the windows in the Istead Rise Surgery. The flank windows on the Surgery are 14.5m from the new block, which would be within the privacy distances of the RLG but will not impact on the amenity of future occupiers. The RLG states that privacy distances relate to "*where habitable windows face each other (whether across a road, pedestrian way or private garden)*" and as the Surgery is not a residential building the facing windows are not serving habitable rooms and therefore the amenity of future occupiers will not be impacted by the Surgery.
- 6.107. In summary it is considered that dwellings will provide acceptable living conditions for future occupiers and thus comply with the Council's Residential Layout Guidelines (and National Space Standards) and therefore the proposal complies with CS19 (LPCS) and Section 12 of the NPPF (2021).

Neighbouring Amenity

- 6.108. Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of the NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- 6.109. The proposed block has been designed with two wings, with the eastern wing closer to properties Worcester Close and the western wing closer to the properties on Bramley Close. As such the assessment on neighbour amenity will be separated for each wing. The screenshot below has been taken from the Design and Access Statement, that

shows the distances between different parts of the block to assumed window locations on surrounding properties:

Window-Window Distance Diagram



- 6.110. There were a number of concerns raised in the neighbour consultation regarding the impacts of the proposal on amenity, specifically through loss of light and privacy, which will be assessed below. Other concerns relating to the loss of open space and increased anti-social behaviour will be assessed in a later section of this report.
- 6.111. Some comments from neighbours stated that the annotated distances on the plans are erroneous. The agent was contacted regarding this and confirmed that the information provided was accurate.

Eastern Wing (north-south orientation)

- 6.112. The eastern wing is a minimum distance of 19.86m from the nearest property on Worcester Close (no.20). It is orientated at an angle to the properties fronting Worcester Close and this part of the building sits at a lower level by virtue of the land levels and to respond to the heights of the nearby properties. This lower height and distance is considered to limit any overshadowing impact.
- 6.113. The ground floor windows are not considered to have any impact on surrounding properties.
- 6.114. On the eastern elevation there are a number of first floor windows. The closest windows to the adjacent properties (annotated with measurements on the image above), with distances of 19.86m and 20.59m from the front windows of the properties on Worcester Close. These are secondary windows serving the living rooms and can be conditioned to be obscure glazed. The central first floor windows on the block facing properties on Worcester Close are in a minimum of 20m from the neighbours windows and are at a more oblique angle by virtue of the orientation of the block and are therefore not considered to impact in terms of overlooking.
- 6.115. There are first floor rear windows on the most southerly elevation of the wing which face towards the front of no.12 Bramley Close. These windows are approx. 18.5m from

the neighbour and are at an oblique angle. According to approved plans for a two storey side extension of no.12 Bramley Close, the nearest window to the development serves an ensuite bathroom and would be obscure glazed. As such, there is not considered to be any overlooking impact on this property.

- 6.116. Although some windows are within the defined 21m privacy distance, as set out in Gravesham's RLG, some of these windows are secondary and will be conditioned as obscure glazed and others are at oblique angles facing non-habitable rooms. As such, it is considered that the eastern wing has no adverse impact in terms of overlooking and overshadowing over neighbouring properties and gardens, and as such there would be no detrimental loss of privacy or natural light from any habitable room windows, subject to appropriate conditions.

Western Wing (east-west orientation)

- 6.117. The western wing is a minimum distance of 16.33m from the neighbouring property on Bramley Close (no.7) and 14.5m from the Istead Rise Surgery. It is orientated in line with the properties on Bramley Close and has a similar height to those properties. The similar orientation, heights and distance is considered to limit any overshadowing impact.
- 6.118. There ground floor windows on this wing are not considered to result in any impact on adjoining properties.
- 6.119. The first floor flank windows on the western wing face the side elevation of the neighbouring property on Bramley Close. The neighbour has velux windows on the roof slope facing the wing. Therefore, within the 16.33m distance the new building could impact the neighbour in terms of overlooking, however these windows are secondary and can be appropriately conditioned to ensure obscure glazing to safeguard amenity.
- 6.120. The surgery is not residential and is not impacted by the development.
- 6.121. As such, it is considered that the eastern wing has no adverse impact in terms of overlooking and overshadowing over neighbouring properties and gardens, and as such there would be no detrimental loss of privacy or natural light from any habitable room windows.

Summary

- 6.122. Overall and taking all of the above into consideration, the proposed development has been designed in such a way to address any issues of overlooking or overshadowing and subject to conditions to secure obscure glazed windows, the development would accord with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

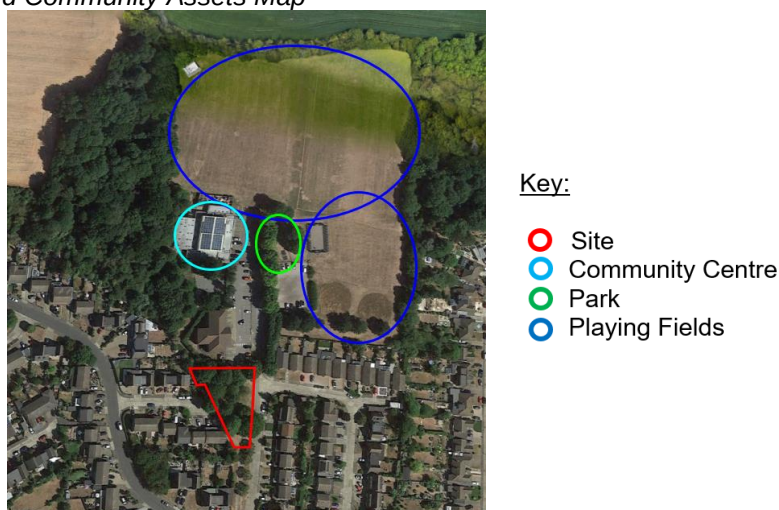
Open Space

- 6.123. The site is an informal parcel of amenity land and would be developed. The existing site contains a number of trees and hedges, with a PROW Bridleway running along its western side. The Bridleway is partially impeded by overgrown vegetation and there are informal paths crossing the land. This section of land offers little community value, with the exception of the bridleway and is mostly utilised as an informal throughfare to the medical practice, community centre and playing fields to the north. However, a number of objections from surrounding residents commented on the loss of open space and other applications refused by the LPA for dwellings on open spaces in Istead Rise.
- 6.124. As many of the dwellings proposed could be occupied by families', weight is attached to

the need to provide open space to meet the needs of future residents as required through Policy CS13 (LPCS) and Saved Policy LT6 (LPTR). At a national level the NPPF (2021) recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

- 6.125. The nature of the site and the site layout being somewhat dictated by the shape of the site has required the architect to carefully consider how to provide amenity space for future occupiers to enhance their living conditions.
- 6.126. Within this proposal a variety of different spaces are being provided. The ground floor units have their own private gardens, and a communal amenity space is proposed to the front. The proposed landscaping scheme clearly defines both the private and shared amenity areas. The hard and soft landscaping proposed creates a connection with the proposed development and surrounding area which provides a sense of community and cohesion within the site and its connectivity to the surrounding development and the public right of way that is located to the west of the site. Conditions stating that all soft and hard landscaping is implemented as shown, prior to any occupation of the new units will be imposed.
- 6.127. As part of the development a section of the PROW bridleway would be improved and reinstated, with the remainder of the land being developed. While this would change the existing character of the site, the proposal seeks to reintroduce soft landscaping to soften the impact with some trees being retained (no.2) and other new trees (no.8) and bushes being planted. The loss of the informal paths as a throughfare to the north is not detrimental due to an existing footpath on the eastern side of Worcester Close. Moreover, the close proximity of the community centre and well established park and playing fields offer greater community value than the existing informal piece of amenity land.
- 6.128. The map below demonstrates the distance between the application site and the formal Istead Rise Recreation Ground and community facilities to the north. These are approximately 85m from the application site and provide greater value for the community than the existing informal piece of amenity land that would be developed.

Site and Community Assets Map



- 6.129. The reference made to other applications refused in Istead Rise for new dwellings on open spaces are material considerations. The applications (refs. 20171278 / 20171279) proposed private market housing (no.2 and no.1 properties respectively) on small sections

of open space and were refused on the grounds of loss of open space, design, SAMMS and highway safety. While this proposal would result in a similar loss of open space, the scheme would provide 100% affordable housing provision for the local community and through a Unilateral Undertaking would provide biodiversity enhancements within 2 miles of the site. On balance, the provision of affordable housing and biodiversity enhancements to address the shortfall are considered to outweigh the loss of informal open space.

- 6.130. Overall, in this case the loss of the informal parcel of amenity land as part of this development is considered acceptable and is outweighed by the established housing need within the Borough. The development would provide affordable housing and is within close proximity of formal community assets that offer greater value than the existing site. As such, there is no conflict with Policy CS13 (LPCS) and Saved Policy LT6 (LPFR).

Refuse Storage and Collection Arrangements

- 6.131. Policy CS19 (LPCS) requires new development to incorporate facilities for the storage and recycling of waste generated on site, this is expanded upon by the Council's Planning Guidance on Waste Collection Requirements (2019). In order to ensure this proposal complies with Policy CS19 (LPCS), Gravesham Waste and Recycling department have been consulted.
- 6.132. The communal refuse store for the development is located at the ground floor at the front and has access directly from the front. Gravesham Waste Management has been consulted and states the bin store appears to be in suitable locations with easy access for the collection vehicle, together with an adequate number of bins.
- 6.133. In order to ensure the bin stores are secured this would be achieved through ensuring all bin stores are fitted with a lock which is accessed via key or key code. To ensure this is delivered, details of securing refuse stores will be conditioned.
- 6.134. In summary with regard to refuse arrangements the development complies with Policy CS19 (LPCS).

Surface Water Drainage

- 6.135. Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. Kent County Council (KCC) is the Lead Local Flood Authority. The application site lies within Ground Source Protection Zone 2 and is not within a flood zone. The Environment Agency advice for development in the nature of these sites is that no infiltration of surface water drainage shall not be permitted without the LPA consent. This will be controlled through a planning condition.
- 6.136. In summary subject to suitable conditions there is no conflict with Policy CS18 (LPCS).

Archaeology

- 6.137. Policy CS20 (LPCS) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

- 6.138. Saved Policy TC7 (LPFR) 1994 indicates that planning permission may be refused without adequate assessment of the archaeological implications in areas of archaeological potential.
- 6.139. At a national level paragraph 189 of the NPPF (2021) advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest (evidence of past human activity), local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.140. The site lies within an area of multi-period archaeological potential, however this area was developed before modern planning-led archaeology and as such, there is no clear understanding of the precise potential of the site.
- 6.141. Considering the archaeological potential of the site and possible past impacts on archaeology, the inclusion of a planning condition relating to an archaeological watching brief is undertaken during ground works is recommended.
- 6.142. Subject to the inclusion of the relevant archaeological condition, it is considered the proposal complies with Policy CS20 (LPCS), Saved Policy TC7 (LPFR) and Paragraph 189 of the NPPF (2021).

Contaminated Land

- 6.143. Policy CS19 (LPCS) indicates that new development will be located, designed and constructed to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination.
- 6.144. Paragraph 174 of the NPPF (2021) indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and*
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*
- 6.145. The application is accompanied by a Preliminary Unexploded Ordnance (UXO) Risk Assessment, a Preliminary Investigation Report and Phase 2 Intrusive Sampling Assessment. The reports conclude that there is relatively low level of contamination or risk. However, Gravesham's Environmental Protection (Regulatory Services) have requested a watching brief condition to be attached to any permission in case any contamination is discovered.
- 6.146. No objection to the proposal subject to the above suggested condition and the proposal complies with Policy CS19 (LPCS) and Paragraph 174 of the NPPF (2021).

Ecology and Biodiversity

- 6.147. Paragraph 174 and 177 of the NPPF (2021) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural England Commission Rural Communities (NERC) Act (2006) and the Environmental Act (2021).

- 6.148. Policy CS12 (LPCS) indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.

Appropriate Assessment

- 6.149. 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 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).
- 6.150. 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 (AEI) 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

- 6.151. 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.
- 6.152. 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 additional dwelling). 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 by the applicant to enable the Council to undertake an Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.
- 6.153. 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.

- 6.154. The applicant accepts in their submitted Preliminary Ecological Appraisal that a Strategic Access Management and Monitoring Strategy (SAMMS) mitigation contribution would be required to offset any potential recreational impacts, and that with the adoption of this payment then the scheme will prevent any likely significant impact occurring, but that further adverse impacts from the proposed development on designated sites are not anticipated. The Local Planning Authority is therefore satisfied that the proposals would put in place adequate measures to mitigate potential significant adverse impacts on the Thames Estuary and Marshes SPA/Ramsar sites and to protect their integrity in accordance with their conservation objectives. On this basis, the proposal is considered to comply with Paragraphs 180 and 181 of the NPPF (2021) and policy CS12 (LPCS), and the requirements of the Conservation of Habitats and Species Regulations 2017. Potential impacts on the European Sites do not therefore impose an impediment on the grant of planning permission in this instance.

Biodiversity Net Gain

- 6.155. The proposal would not directly result in a biodiversity net gain, by virtue of developing a strip of amenity land and resulting in a loss of trees, bushes and grass, which would be contrary to Section 16 of the NPPF (2021) and was an area of concern raised in most neighbour objections. To address this the applicant has agreed to enter into a Unilateral Undertaking with the Local Planning Authority to deliver biodiversity net gain within 2 miles of the site in Gravesham.
- 6.156. The proposal would retain no.2 existing trees on site and includes the planting of no.4 new trees, with other native landscaping proposed. Furthermore, wildlife enhancements are proposed as part of the building itself:

Habitat Creation Plan



6.157. These wildlife enhancement strategies include:

- Integrated bird boxes (4)
- Integrated bat boxes (2)
- Bee Bricks (2)
- Raised Beds / Planters to benefit invertebrates
- Native nectar rich species planting

6.158. As the proposal, with the inclusion of a Unilateral Undertaking, achieves biodiversity net gain, the proposal is considered to comply with Section 16 of the NPPF (2021) and Policy CS12 (LPCS).

Highways

6.159. The proposed development needs to be considered against Policy CS11 (LPCS) which states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities. This is also reflected by Saved Policy T1 (LPFR) which requires proposed development to be adequately served by the highway network and Saved Policy P3 (LPFR) which sets out highways parking standards for development.

6.160. At a national level the NPPF (2021) states at paragraph 105, significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF (2021) goes on to state development should only be prevented or refused on transport grounds where the cumulative impact of development is severe.

6.161. The neighbour consultation raised material planning considerations relating to increased traffic generation and increase parking issues as a result of the development. These will be assessed in this section of the report.

Proposed Highway Layout and Arrangements

6.162. Vehicular access for the development would be provided by a new access road and would form a new junction onto Worcester Close. Any changes to the adopted highway would need to be subject to Section 278 / Section 38 Agreements to be approved by KCC Highways.

6.163. This access would be a shared space for vehicles and pedestrian, however pedestrians could enter the site from the Bridleway. The section of the PROW Bridleway within the redline would be improved and resurfaced, with lighting as part of this development (the impact on the PROW is assessed in a later section of this report).

6.164. Visibility splays of 2.4 x 43m at the junction of the access road and Worcester Close would be provided which was accepted by both KCC Highways and GBC Highways Officer, and therefore would provide adequate visibility of the footpath and highway when using the access, subject to being conditioned.

Traffic Generation

- 6.165. With a net increase of 8 residential properties, there would be an increase in vehicle movements to the site and from the site. However, given the site location, with direct access onto Worcester Close, it is not considered that the development would create any significant issues on the local highway network. Worcester Close is a relatively busy road providing access to the GP practice and community centre, and as such the minimal increase in traffic movements from the proposal would not materially impact on the local highway network.

Parking Provision

- 6.166. The proposed development seeks to provide no.10 off-street parking spaces, with one space per dwelling (8) and two unallocated visitor parking bays. The parking bays are to be distributed across both sides of the new access into the site.

Proposed Parking Layout



- 6.167. The supporting information has indicated that the parking bays would measure 2.5m by 5m which would accord with KCC Highways standards. Concern has been raised by Gravesham's Highways Officer relating to the viability of parking space 4, by virtue of the narrow access, however swept path analysis was provided and the concern was removed. Similarly, KCC Highways raised no objection but expressed concerns with the usability of space 4 and also suggested a wider visitor bay for use as an accessible parking space. As there is space available to widen one of the visitor bays for accessible parking the applicant has agreed for this to be secured by way of condition.
- 6.168. Electrical vehicle charging will be provided for each of the car parking spaces, it should be noted that the provision of EV charging now falls within the Building Control regime and Part S of the Building Control Regulations.
- 6.169. There would be secure cycle spaces provided for each dwelling, with one communal store to the front of the building, stores located in the private amenity space of the ground floor properties with direct rear access, and one internal store within the eastern wing. The internal store would have provision for electric cycle storage.
- 6.170. In terms of layout and provision, the proposed parking and cycle plan would provide adequate on-site parking to serve the proposed units and the layout is such that it would not be parking dominant.

Impact on Surrounding Properties

- 6.171. The proposal would result in an increase in traffic movements, however this is not considered to have any adverse impact on highway safety or neighbouring properties.

Public Rights of Way

- 6.172. Policy CS11 (LPCS) states that new developments should mitigate their impact on the highway and public transport as required. With sufficient parking being provided in accordance with adopted parking standards.
- 6.173. At a national level the NPPF (2021) states at paragraph 100, that planning decision should protect and enhance public rights of way and access, including taking opportunities to provide better facilities or uses. Both the LPCS and NPPF (2021) encourage the use of sustainable transport modes. However, the NPPF (2021) is clear at Paragraph 11, that, “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”.
- 6.174. As part of the proposal, a small section of the PROW (NU27) would be resurfaced and reinstated but would not be interfered with as part of the development. It would remain routed along the western boundary of the site, heading north-west. KCC PROW were consulted on the proposal and commented that consideration should be given to the use of the bridleway by horses. Whilst the bridleway is currently 1.8m wide, KCC PROW would ideally like the PROW widened to 3m at the southern section, to make it easier for two horses to utilise the bridleway at the same time. However, as the proposal does not directly impact the width of the existing bridleway KCC PROW have not formally objected to the proposal, but have raised concerns regarding the usability of the bridleway given its current width and proposed boundary treatments for the proposed development.
- 6.175. The width of the bridleway would not be reduced as part of the development, but the boundary treatments would increase the sense of enclosure on the PROW. However, it is noted that the predominant boundary treatment fronting the PROW is a low level (1.2m) brick piers and open railings. This choice of boundary treatment creates a sense of separation between the development and PROW but retains a sense of openness by virtue of its low height and open railings. The PROW would benefit from improved lighting as part of the development and passive surveillance from the new units, which meets designing out crime principles.
- 6.176. Some of the representations received from residents were concerned with impact on the PROW and access through the site onto the countryside beyond. The proposal will retain the PROW running along the western boundary of the site. It is noted that the informal routes across the site to the GP Surgery and Community Centre would be removed, however the dedicated footway on the eastern side of Worcester Close provides access to the community facilities and therefore the development is not considered to have any detrimental impact on connectivity.
- 6.177. Other objectors referenced the enclosure of the PROW as a likely increase in anti-social behaviour around the site. However, the lighting of the PROW would reduce the likelihood of anti-social behaviour and will be secured by appropriate conditions.
- 6.178. As the proposal maintains the width of the existing PROW (bridleway), the proposal is considered to be in accordance with Policy CS11 (LPCS) and paragraph 100 of the NPPF (2021).

7. Conclusion

- 7.1. The proposal is a sustainable form of development that accords with national and local policy planning policy and will provide a 100% affordable rent scheme within the rural area of Gravesend.
- 7.2. All representations received from both 3rd parties and statutory consultees have been taken into account when considering this proposal and no amendments to the proposal are required.
- 7.3. Subject to the conditions set out below, the application be delegated to Service Manager (Planning) to grant Permission subject to the applicant agreeing pre-commencement conditions, the finalisation of planning conditions and completion of a Unilateral Undertaking.

EQUALITIES CONSIDERATIONS

- 7.4. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.5. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
 - 7.6. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
 - 7.7. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
 - The essential guide to the public sector equality duty

- Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 7.8. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 7.9. The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

HUMAN RIGHTS IMPLICATIONS

- 7.10. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 7.11. Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.
- 7.12. In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.13. In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations.

Recommendation

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives, subject to the completion of the current departure notice period and completion of a unilateral undertaking.

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Standard Conditions

Time Limit

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans:

Drawings/Plans

- Drawing no. WCL-BPTW-S01-ZZ-DR-A-0102 - Rev. C01 - Site Location Plan;
- Drawing no. WCL-BPTW-S01-ZZ-DR-A-0103 - Rev. C01 - Existing Block Plan;
- Drawing no. WCL-BPTW-S01-ZZ-DR-A-2201 - Rev. C01 - Existing and Proposed Sections (Sheet 1);
- Drawing no. WCL-BPTW-S01-ZZ-DR-A-2202 - Rev. C01 - Existing and Proposed Sections (Sheet 2);
- Drawing no. WCL-BPTW-S01-ZZ-DR-A-0112 - Rev. C01 - Proposed Block Plan;
- Drawing no. WCL-BPTW-S01-00-DR-A-1001 - Rev. C01 - Proposed Ground Floor Plan;
- Drawing no. WCL-BPTW-S01-01-DR-A-1002 - Rev. C01 - Proposed First Floor Plan;
- Drawing no. WCL-BPTW-S01-02-DR-A-1003 - Rev. C01 - Proposed Roof Plan;
- Drawing no. WCL-BPTW-S01-ZZ-DR-A-2001 - Rev. C01 - Existing and Proposed Elevations (Sheet 1);
- Drawing no. WCL-BPTW-S01-ZZ-DR-A-2002 - Rev. C01 - Existing and Proposed Elevations (Sheet 2);
- Drawing no. WCL-BPTW-S01-ZZ-DR-A-2003 - Rev. C01 - Existing and Proposed Elevations (Sheet 3);
- Drawing no. WCL-BPTW-S01-ZZ-DR-A-2004 - Rev. C01 - Existing and Proposed Elevations (Sheet 4);
- Drawing no. 2208032-TK01 - Rev. B - Swept Path Analysis (Large Car).

Documents

- Planning Application Form - dated 17/02/2023 (updated 07/2023);
- Covering Letter - prepared by Frankham (dated 17/03/2023);
- Design and Access Statement - including Landscape Strategy prepared by BPTW - WCL-BPTW-DO-XX-XX-A-0650-C01-A3 (January 2023);
- Planning Statement - prepared by Frankham - 700564 - Rev. P01 (January 2023);
- Statement of Community Involvement - prepared by Frankham - 700564 - Rev. P01

- (January 2023);
- Transport Statement - prepared by Motion (20th January 2023);
- Arboricultural Report - prepared by The Mayhew Consultancy Ltd - AR/116322 (December 2022);
- Archaeological Desk Based Assessment - prepared by Allen Archaeology Limited - AAL2022111 (September 2022);
- Drainage Impact Assessment & Flood Risk Assessment - prepared by Tridax - T-2022-097 - Rev. 4 (8th February 2023);
- Energy Statement - prepared by Weald Energy (27th January 2023);
- Preliminary Ecological Appraisal - prepared by the Ecology Partnership (September 2022);
- Ecological Mitigation and Enhancement Strategy - prepared by the Ecology Partnership (January 2023);
- Ground Investigations Main Investigation Report - prepared by Soils Limited - 20374/MIR - Rev. 1.2 (October 2022);
- Ground Investigations Preliminary Assessment - prepared by Soils Limited - 20374/PIR - Rev. 1.0 (September 2022);
- Detailed Unexploded Ordnance Risk Assessment - prepared by 1st Line Defence - PA16287-00 (11th August 2022);
- External Lighting Strategy Report - prepared by Frankham - 522326-FCG-ZZ-XX-RP-E-0501-S2-P04 (February 2023).

Reason For the avoidance of doubt and in the interests of proper planning.

Pre-commencement

Code of Construction Practice

3. No development approved by this permission shall be commenced until a comprehensive Code of Construction Practice covering all environmental impacts of this development is provided by the applicant and submitted for approval to the Local Planning Authority in consultation with the Local Highway Authority. The development hereby permitted shall be carried out in accordance with the approved Code of Construction Practice. For the avoidance of doubt Code of Construction Practice shall include, but not exclusively cover the following:
 - a) Construction Logistics Plan (CLP)
 - b) Routing of construction and delivery vehicles to and from site
 - c) Parking and turning areas for construction and delivery vehicles and site personnel
 - d) Timing of deliveries
 - e) Provision of wheel washing facilities
 - f) Temporary traffic management/signage
 - g) Storage of plant and materials
 - h) Dust management controls;
 - i) Location and height of cranes and scaffolding;
 - j) Measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities;
 - k) Predicted noise and, if appropriate, vibration levels for construction using methodologies and at locations agreed with the Local Planning Authority;
 - l) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
 - m) Scheme for location and appearance security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - n) Details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded);

- o) Hours of operation;
- p) Smoke management controls;
- q) Odour controls; and
- r) Any other matters relevant to this particular site.

Reason To ensure the free flow of traffic on the highway and to protect the amenity of local residents and businesses in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Contaminated Land Strategy

4. No development approved by this permission shall be commenced until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 - a) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (2021) and to accord with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Archaeology

5. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an 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. 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 shall be submitted to and approved in writing by the Local Planning Authority.

Reason To ensure that features of archaeological interest are properly examined and recorded in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and saved Policy TC7 of the Gravesham Local Plan First Review (1994).

Sustainable Surface Water Drainage

6. No development approved by this permission shall be commenced until a scheme for sustainable surface water drainage has been submitted to and approved, in writing, by the Local Planning Authority. The detailed drainage scheme submitted shall
- (i) demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site during any rainfall event (up to and including the climate change adjusted 100yr critical storm)
 - (ii) demonstrate that the existing on-site surface water flow-routes and accumulation points will not be altered in such a way that the development places property at risk from flooding during any rainfall event, up to and including the climate change adjusted critical 100yr storm,
 - (iii) demonstrate that infiltration features are not located on parts of the site where contamination might be present
 - (iii) include a timetable for its implementation, and
 - (iv) include a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The surface water drainage scheme shall thereafter be implemented in full prior to first residential occupation of the development and thereafter maintained and managed in accordance with the approved scheme.

Reason To ensure that the principles of sustainable drainage are incorporated into this proposal; to ensure that the development does not contribute to, or is not put at risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and to ensure ongoing efficacy of the drainage provisions, in accordance with policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Tree Protection

7. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking

areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing

h) a specification for scaffolding and ground protection within tree protection zones.

i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

k) Boundary treatments within the RPA

l) Methodology and detailed assessment of root pruning

m) Arboricultural supervision and inspection by a suitably qualified tree specialist

n) Reporting of inspection and supervision

o) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in strict accordance with the approved details.

Reason Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and pursuant to section 197 of the Town and Country Planning Act 1990.

Prior to Above Ground Works

Foul and Surface Water Sewerage Disposal

8. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence details of the proposed means of foul and surface water sewerage disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason To ensure that the principles of sustainable drainage are incorporated into this proposal; to ensure that the development does not contribute to, or is not put at risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and to ensure ongoing efficacy of the drainage provisions in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Biodiversity and Ecological Enhancement

9. Within six months of works commencing, details of how the development will offset biodiversity loss/enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape scheme. The approved details will be implemented and thereafter retained.

Reason In order to enhance the biodiversity of the site in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

Biodiversity and Lighting

10. Prior to above ground works, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, as well as expected light spill in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason In order to enhance the biodiversity of the site in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

External Facing Materials

11. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence details (and samples where requested by the Local Planning Authority) of all the external facing materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to any part of the development first being brought into use.

Reason To maintain the character and appearance of the building and to ensure a satisfactory visual relationship between the existing and new development in accordance with adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

Crime Prevention Measures

12. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence, details of crime prevention measures according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to any of the residential units hereby permitted first being occupied and shall thereafter retained.

Reason To ensure the development protects the environment of the site and its locality generally, in the interest of security, crime prevention and community safety and is in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Prior to occupation

Obscure Glazing

13. Prior to first occupation of any of the residential units hereby permitted and notwithstanding the details shown on the approved plans, submitted documents and application form, a schedule and details of all windows within the development to be obscure glazed (and where applicable fixed shut) shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be implemented as approved prior to any of the residential units hereby permitted first being occupied. For the avoidance of doubt any obscure windows shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and shall be permanently retained as such. All fixed shut windows shall be permanently retained as such.

Reason To protect the amenity and privacy of neighbouring properties in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Hard Surface and Boundary Treatments

14. Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall include the following:

- proposed boundary treatments,
- proposed finished levels and contours,
- hard surface finishes to the vehicle parking areas, pedestrian accesses, private gardens and amenity areas;
- details of any retaining walls, steps, railings, walls, fencing, gates or other supporting structures
- details of the pedestrian access and circulation areas
- minor structures such as play equipment, log piles, and any proposed seating.

The approved works shall be completed in accordance with the approved details prior to first occupation of any of the residential units hereby permitted.

Reason To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity and highway safety in accordance with Policies CS11 and Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review (1994).

Soft Landscaping Scheme

15. Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans, submitted documents and application form, a scheme detailing the proposed soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following first occupation of the development. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and species during the next available planting season.

Reason To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Formation of Parking Spaces

16. Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans, submitted documents and application form, the vehicle parking areas shown on the approved plans shall be formed, surfaced, drained and marked out in accordance with a scheme first to be submitted to and approved in writing by the Local Planning Authority. Thereafter, notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to it in any statutory instrument revoking and re-enacting that Order, with

or without modification, no development shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking and turning areas.

Reason To ensure sufficient off street car parking provision is available to serve the development, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and saved Policy P3 of the Gravesham Local Plan First Review (1994).

Allocation and Safeguarding of Parking Spaces

17. Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans, submitted documents and application form, a strategy for the allocation and safeguarding of parking spaces for the occupiers of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy and measures to safeguard the use of the spaces shall be implemented prior to any of the residential units hereby permitted first being occupied and maintained thereafter.

Reason In order to ensure an acceptable standard of development upon completion, in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Visibility Splays

18. Notwithstanding the details shown on the approved plans, prior to any part of the development first coming into use full details of visibility splays for the vehicular access onto Valley Drive shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the vehicular access first being brought into use and retained as such thereafter.

Reason In the interests of highway safety in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014).

Cycle Storage

19. Prior to any part of the permitted development being occupied or used, the cycle storage facilities as shown on the approved plans, shall be provided prior to any of the residential units hereby permitted first being occupied and thereafter be retained for such purposes at all times.

Reason In order to encourage options for sustainable travel in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and saved Policy P3 of Gravesham Local Plan First Review (1994).

External Lighting

20. Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans, submitted documents and application form, details of all proposed external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details prior to any of the residential units hereby permitted first being occupied and no additional external lighting shall be provided on the site.

Reason In order to ensure the development does not cause harm to residential amenity by reason of the installation of intrusive lighting and in accordance Policy CS19 of the Gravesham Local Plan of the Core Strategy (September 2014).

Refuse Arrangements

21. Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans, submitted documents and application form, details of the refuse arrangements along with a refuse collection management plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores and the management plan shall include arrangements for how the bins shall be taken nearer to the public highway on collection days and then returned to the bin store after the refuse has been collected. The development shall be carried out in accordance with the approved details prior to first occupation of any of the residential units hereby permitted and shall thereafter be retained for such purposes at all times.

Reason In order to ensure the development is served by a suitable refuse storage area in the interest of amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Deliveries and Servicing the Proposed Development

22. Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans, submitted documents and application form, details and arrangements for deliveries and servicing the proposed development, shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be implemented as approved. The servicing strategy shall include the following:
- Details for the servicing of the residential apartments and communal spaces to be provided as part of the development, to have regard to the phased delivery of the development and interim arrangements required until such time as the whole development is built out and operating

Reason To ensure acceptable delivery and servicing arrangements to enable the efficient operation of the development and to minimise any potential impacts on the road network and existing properties and businesses and in accordance with adopted Local Plan Core Strategy Policies CS11 and CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

Broadband

23. Prior to any part of the permitted development being occupied or used a fibre to premises (FTTP) Statement shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a high speed wholly FTTP connection to the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that have been made in the absence of FTTP). Thereafter, the infrastructure shall be laid out in accordance with the approved details and be available for use on the first occupation of any of the residential units hereby approved.

Reason To ensure that the new development in Gravesham is provided with high quality broadband services enhancing Gravesham as an attractive location in accordance with Policy CS19 and CS20 Gravesham Local Plan Core Strategy (September 2014).

Prior to Installation

Noise Impact Assessment

24. Notwithstanding the details shown on the approved plans and application form, prior to the installation of the Air Source Heat Pumps a noise impact assessment (BS4141:2014) shall be submitted to and approved, in writing by the Local Planning Authority, the approved details shall then be implemented.

Reason To ensure the development does not cause harm to residential amenity by reason of the noise nuisance and in accordance Policy CS19 of the Gravesham Local Plan of the Core Strategy (September 2014).

Plant Equipment

25. Notwithstanding the details shown on the approved plans and application form prior to the installation of plant equipment, details of any services and plant systems, including roof top plant equipment shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include the siting, external appearance and any proposed screening. The works shall thereafter be carried out in accordance with the approved details prior to first occupation of any of the residential units hereby permitted.

Reason In the interest of the amenities of neighbouring properties and the area generally and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

On-going Conditions

Infiltration of Surface Water Drainage

26. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework (2021) and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Watching Brief

27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (2021).

Dishes/Telecommunication

28. No satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the site or roofs/walls of the development hereby approved.

Reason In the interests of the visual amenity of the development and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

INFORMATIVES

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 REASON FOR IMPOSITION OF PRE-COMMENCEMENT CONDITIONS

Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of conditions 3 - 8 (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site.

Due to the importance attached to these details, it is reasonable and necessary to seek full approval in advance of works commencing. The applicant has agreed in writing on 6th June 2023 to all the pre-commencement conditions.

3 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority as proceeding without the necessary permissions could nullify this permission.

4 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

5 NAMING & NUMBERING

As a result of the proposal, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered. The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is

available at the Planning/House Numbering page of the council's web-site <http://www.gravesham.gov.uk/street-naming>. Please submit the application and the requisite fee in accordance with the guidance on the form.

6 SOUTHERN WATER

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Please read their New Connections Services Charging Arrangements documents which has now been published and is available to read on their website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

7 DRAINAGE / SEWERAGE

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. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

8 KCC ECOLOGY ADVICE SERVICE – BREEDING BIRD INFORMATIVE

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

9 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.