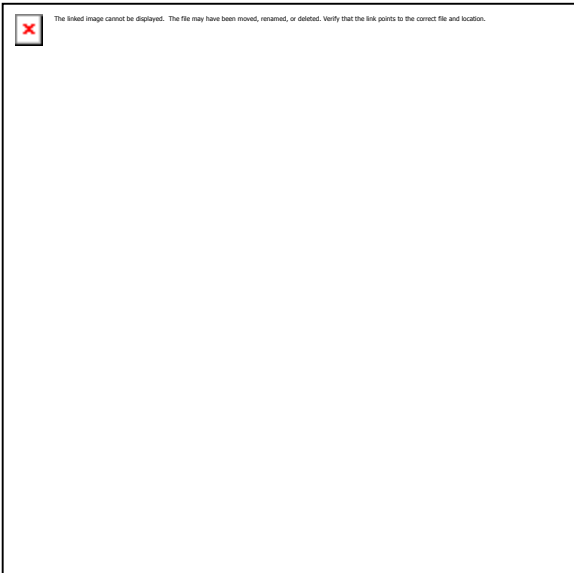




# Delegated Report

## Full Planning Application

**Planning Application No:** 20220642

**Location:** Land Adjacent To 28 Coutts Avenue Shorne Gravesend Kent

**Description:** Demolition of the existing garage and erection of 3no. four-bedroom houses and creation of new vehicular access and associated works.

**Applicant:** Mr C King, CT Building Contractors Ltd

**Site Visit Date:** 28<sup>th</sup> July 2022

### Submitted Documents/Plans

- Application Form
- Planning Statement
- Drawing No: 001 (Ver 1) (Proposed Floor Plans) – 28A
- Drawing No: 002 (Ver 1) (Proposed Elevations) – 28A
- Drawing No: 003 (Ver 1) (Proposed Floor Plans) – 28B
- Drawing No: 004 (Ver 1) (Proposed Elevations) – 28B
- Drawing No: 005 (Ver 1) (Proposed Floor Plans) – 28C
- Drawing No: 006 (Ver 1) (Proposed Elevations) – 28C
- Drawing No: 007 (Ver 1) (Proposed Block Plan)
- Drawing No: 008 (Ver 1) (Proposed Landscaping Plans)
- Drawing No: 009 (Ver 1) (Proposed Boundary Treatments)
- Drawing No: 010 (Ver 1) Site Location Map
- Drawing No: 011 (Ver 1) (Existing Block Plan)

### Relevant Planning History

| Reference | Description                                      | Outcome | Decision Date |
|-----------|--------------------------------------------------|---------|---------------|
| 20220956  | Reserved Matters Application for the approval of | Pending |               |

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                               |            |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------|
|          | details of appearance, landscaping, scale, full particulars of all fences, walls or other means of enclosure to the plot boundaries of the residential units and of cycle storage and refuse bin storage facilities pursuant to outline planning permission reference number 20190870 for the outline application with some matters reserved for the demolition of existing garage, and erection of 2no. three bedroom houses each vehicular access. | consideration (as of 29.9.22) |            |
| 20190870 | Outline Application with Some Matters Reserved for the demolition of existing garage, and erection of 2no. three bedroom houses each vehicular access.                                                                                                                                                                                                                                                                                               | Permitted                     | 16.10.2019 |
| 20211382 | Demolition of garage and sun lounge and erection of a two storey front extension incorporating new integrated garage, alterations and raising of the roof, erection of rear dormer windows to create habitable rooms on first floor, erection of a single storey rear extension, creation of new vehicular access and laying of hardstanding.                                                                                                        | Permitted                     | 10.01.2022 |
| 19780744 | Erection of a single storey extension at the side of the dwelling to form a utility room and the extension of an existing detached garage to form a store                                                                                                                                                                                                                                                                                            | Permitted                     | 22.11.1978 |

## Development Plan

### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS16 – Affordable Housing
- CS18 – Climate Change
- CS19 - Design & Development Principles

### Gravesham Local Plan: First Review (1994)

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

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

### National Planning Policy Framework (2021)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 – Promoting Healthy and Safe Communities

- Section 9 - Promoting sustainable transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and Enhancing and the natural environment

#### Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (1996)
- Technical Housing Standards – Nationally Described Space Standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- SPD4 - Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009)

### **Consultations, Publicity and Representations**

#### Consultees

#### KCC Heritage

The site lies within an area of multi-period archaeological potential. It is considered unlikely that these proposals at this particular location, would be likely to have a significant below-ground archaeological impact.

#### Shorne Parish Council

The Parish Council **OBJECTS STRONGLY** to this application

We note first that previous application ref 20190870 for 4 dwellings on the original plot was only permitted when the number of dwellings were reduced to only 3 in number, and with the rear dwelling being only a true bungalow. The decision notice included a variety of Advice/Conditions which have also been disregarded.

This present application seeks to revert to 4 dwellings overall, with two houses rather than one true bungalow on the rear plot. Overall, the layout represents a deterioration compared to the previously agreed plans. The unused triangular plot of land requires clarification.

#### We have the following specific reasons for objection, and comments:

- 1) Mini-estate layout, overdevelopment:
  - The proposal creates a mini-estate layout, which is alien in the area.
  - We consider that this proposal is over-intensification/overdevelopment of the site, being at a much greater density than currently found in the area and therefore out of character and with a negative effect on the streetscene.
- 2) Backland development:
  - The proposal includes inappropriate backland development that would impact adversely on the amenity of neighbouring houses on Coutts Avenue (and to some extent also those on Gravesend Road), particularly their enjoyment of their own gardens.
  - An undesirable precedent would be set such that similar future applications could not be refused.
- 3) Rear plot has houses rather than a bungalow:
  - The proposed B and C properties are now houses rather than bungalows, this will impact the amenity and privacy of neighbouring gardens.
  - The layouts are cramped and substandard for the area, particularly the exterior amenity space.

- 4) Refuse/recycling arrangements: The refuse/recycling bin store is located impractically far from the B and C properties.
- 5) Driveways and parking provision, additional traffic movements:
- Coutts Avenue is very narrow, and any on-street parking is already problematic.
  - The driveway for dwelling A is not shown on the plans but appears to be double width.
  - The additional wide driveway and double crossovers will limit any on-street parking in front of the plot itself.
  - On-site parking is very restricted and there is no provision for additional parking for visitors.
  - There are no cycle spaces provided.
  - The driveway remains narrow such that two vehicles cannot pass.
  - Moving the driveway to the eastern edge of the plot maximises the noise and other nuisance to the neighbouring property at No. 30.
  - There will be an increase in traffic movements on a difficult road, with more movements at the junction with Green Farm Lane, and then the A226.
- 6) Loss of mature trees and shrubs:
- The proposals involve loss of nearly all mature trees from the site, as requested previously any relevant trees should be subject to TPO's.
  - In the application form the applicant incorrectly states that there are not trees or hedges on the proposed development site.
  - A tree survey may be appropriate.
- 7) Building line encroachment:
- The Parish Council objected to Application ref 20211382 (revised plans for the original dwelling) as regards the build coming forward of the local building line although this was permitted by GBC.
  - Dwelling A should only be as far forward as the original building line or the average between Nos. 28 and 30.
- 8) Privacy issues: The upper windows of the rear dwellings will infringe the privacy of users of the rear gardens of all surrounding properties.
- 9) Other points, especially land excluded from the plans:
- The designs of all 4 houses as now proposed are out of character with Coutts Avenue.
  - The roof dormers do not show subsidiarity to the ridge line.
  - Bedroom 4 is extremely small and cramped.
  - The omission of part of the original plot (a triangle on the eastern rear part) from these plans requires explanation of its future use and maintenance.
  - Surface and foul drainage arrangements, and exterior lighting require clarification.
  - The planning application form refers to 3-bedroom dwellings not 4-bedroomed as shown on the plans.

There is an opportunity with the already permitted plans to create a quality (single, true bungalow) dwelling with a large curtilage on the rear part of the plot, unfortunately this opportunity is not being taken presently.

We support the previous GBC decision to refuse permission for 4 dwellings on the original plot and **OBJECT STRONGLY** to this attempt to overturn the previously agreed situation (maximum of 3 houses on the entire original plot) and agreed access layout.

We request that this present application should also be refused (or at least downsized in the same way) for the same reasons as before plus those given above.

Dickens Protection Society

"The Society wishes to register an objection to the application on the following grounds:

- (a) The existing development in Coutts Avenue is in a semi-rural location, predominantly single storey bungalows of which some have accommodation in the roof. What is being proposed are comparatively large four bedroom houses which would be out of character with the area in terms of massing and bulk and are likely to appear dominant.
- (b) The proposal includes a high density form of backland development out of character with the area by replacing one modest bungalow with four four-bedroom houses. It is noted there is also an extant planning consent granted under ref. GR/2021/1382 for the conversion of the existing bungalow at No. 28 into a four bedroom house of similar design to those being proposed.
- (c) The proposed layout of the development is cramped with insufficient land resulting in a poor standard of amenity.
- (d) The proposal would have an adverse impact on the existing properties surrounding the site particularly numbers 24, 26 and 30, all of which are bungalows, by the introduction of three, potentially four, four bedroom houses. It is noted that the impact on number 26 would be more significant because of the proximity of the extended No 28 and the difference in ground level; i.e. No 28 as extended, being two storeys on higher ground than 26.
- (e) The introduction of two tightly packed large houses in a row of bungalows will appear incongruous and will detract from the street scene. (refer to Figure 1 herewith)
- (f) If permitted, the development would set a precedent that could result in more development equally damaging to the area.

#### KCC Fire and Rescue

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20220642 I would like to make the following observation.

Although it appears access to the proposed building under the County of Kent Act 1981 can be achieved, please confirm that once on site the below is available;

- Due to the estimated length of travel distance on the access road and the dead-end conditions, please confirm the proposed turning head will provide adequate turning facilities for the appliance with a minimum radius of 16.8m.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

#### GBC Highways Officer

This is a back land development and requires very careful consideration of several aspects.

1. No replacement car parking is shown for the existing dwelling. This needs to be rectified.
2. The applicant will need to ensure that no surface water discharges from the property onto the highway.
3. Ideally the garages need some alterations plots 28b and 28c the garages are some 5 metres deep, whilst 26a garage appears to be approximately 5.5 metres deep the preferred size mentioned in SPG4.
4. All properties should have secure parking for cycles at the rate of one cycle per bedroom, this includes the existing dwelling as such storage would be possible in the garages to be removed.

The applicant should demonstrate what is the largest vehicle that can use the turning area within the development? Ideally this should be a delivery van/lorry that would bring white goods and similar items to the property due to the carry distance from the highway, although I am not aware of any policy to support this, it must accommodate a large car to comply with the requirements of the Kent Design Guide.

At 3.7 metres wide the access to the rear properties is deemed suitable in width as a fire engine access

#### **Vehicle Turning Considerations**

- large service vehicles should not be expected to reverse more than 40m
- refuse vehicles should not be expected to reverse more than 20m
- pantechnicons should not be expected to reverse more than 60m
- cars and smaller service vehicles should not be expected to reverse more than 25m.
- designers should note that poor provision for parking of large vehicles will affect accesses.

#### **Environmental Protection**

The following to be considered:

#### **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

#### **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.

#### **Electric Vehicle Charging Point(s)**

This Service would wish to see the inclusion of suitable electric vehicle charging facilities at the proposed development in support of the Council's commitment to become carbon neutral by 2030.

#### **Neighbouring properties**

The application was advertised by way of letter to 10 surrounding properties. The consultation period expired on 5<sup>th</sup> July and 21 objections were received.

The main points raised in the objections were:

- Scale of development
- Larger than original permission which was in keeping with the area due to the small scale of the bungalows
- Overdevelopment of site
- Loss of privacy to an adjoining property
- Site is vacant but application states it is not
- Previous consent approved by Council despite objections from Locals and Parish Council
- Out of Keeping with the rest of the properties in the street
- Permission may set a precedence for redevelopment in Coutts Avenue
- Loss of Privacy, Light and Outlook
- Developments impact on restricted parking in street
- New junction to proposed properties will have telegraph pole on the corner of the junction which could be knocked down or damaged

- Extra traffic generated by proposal will increase air pollution
- Lorries may damage road when delivering/removing building materials from the site and due to the narrow nature of the highway the lorries may mount the pavement
- Development should be policed to ensure access to road is not blocked for emergency vehicles
- Potential impact on drainage and water supply
- Large proposed family homes will result in extra traffic and footfall increasing the chance of crashes and accidents
- Development at application site and No 25 Coutts Avenue should not be allowed to go ahead at the same time so to ensure there are not too many lorries entering/exiting the road during development phase.
- Trees removed from site and existing trees at risk of removal, application form states there are no trees when there are.
- Bungalows should be detached/semi detached bungalows in keeping with the neighbourhood
- Development should not be allowed to start until a comprehensive code of construction has been submitted and approved.
- If consent granted then construction hours should be limited and suitable mitigation methods installed to reduce noise and dust pollution arising from the site.

## Officer's Analysis

### Background

The application site has had a previous outline planning consent for the erection of two dwellings. One dwelling was positioned in the rear garden of the application site and the second dwelling was positioned adjacent to 28 Coutts Avenue. The property situated adjacent to No.28 was described as being built to match its neighbour and the property to the rear described as being a single storey property. The application also highlighted the entire site within the red line boundary and was approved on the basis of a larger site.

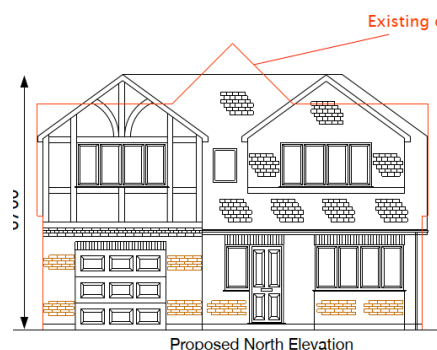
Since the outline consent a further planning application to extend no.28 has been submitted and approved to allow for the creation of a two storey front extension incorporating new integrated garage, alterations and raising of the roof, erection of rear dormer windows to create habitable rooms on first floor, erection of a single storey rear extension, creation of new vehicular access and laying of hardstanding.

### Existing Bungalow



### Site Location Map Submitted under 20190870

### Proposal Granted Consent under 20211382



### Site Location Map Submitted under current proposal



The application site is defined on the Policies Map of the Gravesham Local Plan Core Strategy as lying within the Rural settlement of Lower Shorne which is inset from the Green Belt. Policy CS02 of the Core Strategy supports development within rural settlements inset from the Green Belt.

Furthermore, the principle of additional dwellings on the site have been established with the approval of 20190870.

There is no objection to the principle of development on this site subject to the proposal being appropriate in terms of other planning issues.

### Design, Character and Appearance

Section 12 of the NPPF 2021 relates to achieving well-designed places and sets out the Government's requirements in relation to design issues. Paragraph 126 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 119), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF. Relevant to this proposal, paragraph 124 of the NPPF states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places.

In a similar vein, Policy CS14 of the Core Strategy 2014 sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities

The current site comprises a generous garden space which is home to several mature trees and shrubs, at present there is a small green house in the garden and the site is enclosed by close board fencing which is not visible in all cases due to the extensive overgrowth of vegetation. It is evident that some of the trees have been removed from the site, however this would not require any sort of planning consent as the trees are not protected. It is also noted that the submission does not include a tree plan to outline the location and types of trees and whether these will be preserved, removed or replaced.

The current proposal seeks to remove the single storey side extension from 28 Coutts Avenue in order to allow for the creation of three four bedroom dwellings. The dwellings will be two storey which will be uniform in appearance. The current house has planning consent to allow for a two storey front extension which will involve raising of the roof, erection of rear dormer windows to create habitable rooms on first floor, erection of a single storey rear extension and creation of new vehicular access and laying of hardstanding.

Whilst the proposal may seek to make a more efficient use of the site, and would provide 3 additional dwellings, this should not be outweighed by the clear development plan objectives that include maintaining and improving the character of the area. The proposed dwelling will sit on a prominent and obviously smaller plot than its surrounding counterparts, and will result in a clearly cramped over-development of the site that would be out of keeping with the character and appearance of the layout of the properties in the immediate area. This is demonstrated below.

The site plan for 28 Courts Avenue shows a large rectangular lot. The main building footprint is divided into two sections, 28A and 28B. Section 28A is on the right and contains a large rectangular building footprint. Section 28B is on the left and contains a building footprint with a central courtyard. To the left of section 28B is a green diagonal line indicating a 21m privacy distance from neighbouring properties. To the right of section 28A is a dashed line indicating a 2m site display. A horizontal dimension line above the building footprints indicates a distance of 21000. A vertical dimension line between the building footprints and a dashed line indicates a distance of 2714. A dashed line at the bottom of the lot is labeled 'Existing Boundary (to be retained)'. The lot is bounded by a red line on the top and right, and a blue line on the bottom and left. A north arrow is located in the bottom right corner of the plan.

21m Privacy distance from neighbouring properties

28B

28A

21000

2714

Existing Boundary (to be retained)

2m site displays

North Arrow

CT BUILDING

07532 calvin@ct-building.com.au

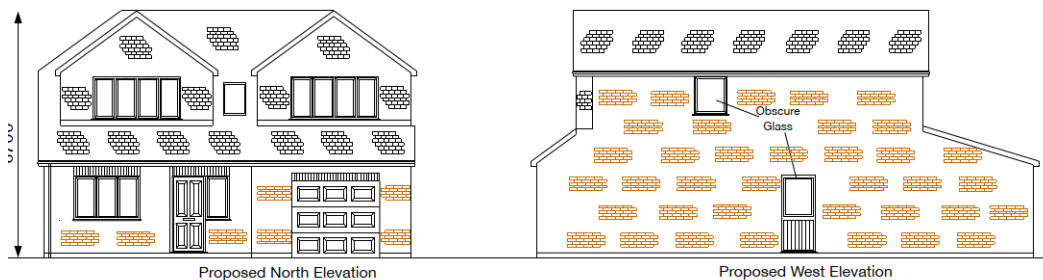
Reputation Built On Quality www.ct-building.com.au

Site Land adj. 28 Courts Avenue

Scale 1:2000 UNLESS STATED

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This is demonstrated when looking at the reserved matter application for the dwelling in the rear garden (20220956).



On this basis, the proposal is considered to be contrary to the requirements of Policies CS15 and CS19 of the Core Strategy 2014, and paragraphs 119, 124, 126 and 130 of the NPPF 2021.

## Amenity of Future occupiers

### *Internal Space*

To determine whether the new accommodation created is fit for purpose account is taken of the nationally described space standards. These set out minimum internal space standards for new dwellings based on the level of occupancy, bedroom size and number of storeys. The 3 proposed dwellings are all 4 bedroom two storey dwellings and comply with the local and national space standards.

### *External Amenity Space:*

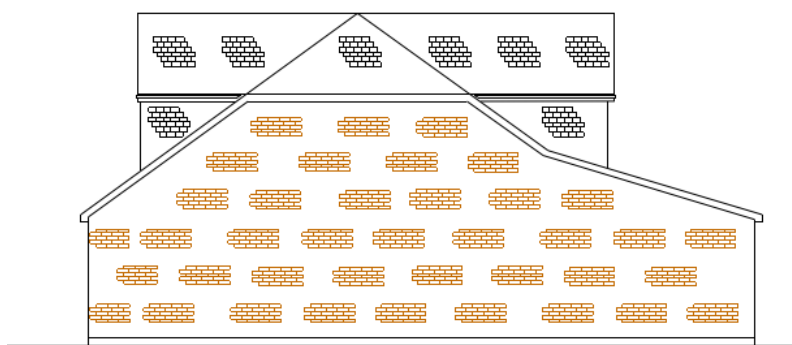
The adopted Residential Layout Guidelines set out minimum space standards for private amenity space. Each property has over 100m<sup>2</sup> of private garden space to the rear which will not be adversely overlooked by any other dwellings.

In summary the proposal would provide acceptable living conditions for future occupiers and no conflict with local and national planning policy.

### Neighbouring Amenity

The adopted Residential Layout Guidelines sets out minimum distances between facing windows to avoid overlooking and loss of privacy.

The introduction of development will result in in an oppressive from of development only 1 metre from the boundary of 26 Coutts Avenue, as demonstrated below.



Proposed West Elevation

Whilst there is concern from 3<sup>rd</sup> parties regarding overlooking into their properties from this development the distance from the proposed dwellings to any surrounding properties is sufficient that there will be no overlooking into adjacent properties.

It is considered the proposed development will result in an unneighbourly form of development that will impact on the outlook from the adjacent property. As such the proposal is contrary to Policy CS19 (LPCS).

### Ecology and Biodiversity

#### *Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff:*

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas(SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £275.88 is required per new dwelling.

The applicant has signed a SAMMS Contribution Agreement and has paid the appropriate tariff for the development which would help put in place adequate measures to mitigate against potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, and would meet the requirements of paragraphs 174 and 180 of the NPPF 2021 and Policy CS12 of the Core Strategy 2014.

### Landscape Character

The application site is located within the Higham Arable Farmlands Landscape Character Area defined by a gently undulating topography with open arable farmland, hamlets and settlements and isolated farmlands and scattered properties with locally distinct styles and materials that contribute to the rural character of the area. Policy CS12 seeks to conserve, restore or enhance the overall landscape character. The proposal would noticeably change the character of the site but not impact on the wider landscape area and there is no conflict with Policy CS12 (LPCS).

### Effects on highway safety/parking provision

The scheme as submitted needs to be considered against saved policy T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 of Gravesham Core Strategy and Section 4 of the NPPF. These policies ensure that development has an acceptable amount of parking, is not detrimental to the highway network and promotes sustainable transport methods.

It is considered this proposal will provide an acceptable amount of onsite parking and the proposed dwellings will not have an adverse impact on the surrounding highway network. Comments are raised from Gravesham Highways Officer and in the event of the application being supported these would have been addressed through either negotiations or planning conditions.

No conflict with local or national planning policy in regard to highway matters.

### Climate Change

Policy CS18 of Gravesham Core Strategy (2014) sets out the requirements for dealing with sustainable drainage and surface water run-off. The application makes no reference in detail to either of these requirements. In order to deal with Sustainable Urban Drainage Strategy (SUDS) for the site if permission was to be granted this would be dealt with through a planning condition which would look to include the following:

- Pervious pavements/road surface to allow water to drain through the surface;
- Outlet to pipes or infiltration to ground;
- Rain gardens for each dwelling (simple and small basins for roof water drainage); and
- Filter Drains.

### Affordable Housing

Policy CS16 of Gravesham Core Strategy states that the provision of affordable housing will be required on all new housing developments of 15 dwellings or more or on sites of 0.5 hectares or more in the urban area; and 3 units or more or on sites of 0.1 hectares or more in the rural area. As this site is within designated rural areas (refers to areas designated under section 157 (1) of the Housing Act 1985. These areas are National Parks, AONB's and any other area designated by order of the Secretary of State as a rural area. Shorne Parish was designated as a rural area (appendix 3) under Statutory Instrument 1999 No. 1307: The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas) Order 1999. (See: <http://www.opsi.gov.uk/si/si1999/19991307.htm>).

The requirement for affordable housing on this site would be 35% which equates to 1 of the 3 dwellings. The Local Planning Authority recognises that the Written Ministerial Statement of the 28 November 2014 as an "other statements of government policy" that can be a relevant material consideration when deciding applications. The intention of the Written Ministerial Statement is to ensure that financial contributions do not become a disproportionate burden for small scale developers and thus frustrate housing supply.

Therefore, the Local Planning Authority will consider Policy CS16 (LPCS) as part of the decision making process for this planning application. Given recent evidence, as set out in the Local Planning Authority strategic Housing & Economic needs assessment, incorporating a strategic housing market assessment (SHENA) of affordable housing need, considerable weight in its balancing of the Local Plan Core Strategy, Written Ministerial Statement and Planning Practice Guidance results in a conflict between the national threshold relating to the provision of affordable housing in the Written Ministerial Statement and the Planning Practice Guidance and the local thresholds set out in Policy CS16 (LPCS).

However, the above issue relating to a conflict between the national threshold relating to the provision of affordable housing in the Written Ministerial Statement and the Planning Practice Guidance and the local thresholds have been recently dealt with by the Inspectorate for appeal APP/V5570/W/17/3183143 (appendix 1).

Paragraphs 6 – 17 of the APP/V5570/W/17/3183143 appeal decision conclude that where there is a conflict between Core Strategy Policies, the Written Ministerial Statement and Planning Practice Guidance it is the decision-maker to decide how much weight to give to relevant policies with regards to the circumstances of each specific application.

In the case of this application all the available evidence, including previous and current SHENA points to a high level of local need for affordable housing. However, targets in the plan have to be not only practical but also economically viable if delivery is to be maximised over time. The evidence by the Inspector in his Local Plan Core Strategy examination report in the Local Planning Authorities Affordable Housing Viability Study is considered satisfactory and sufficient to justify that the levels and thresholds set out in the Local Plan Core Strategy are appropriate as overall borough targets. It also confirms the generally differing residual land values between urban and rural sites, with the latter able to support a higher percentage provision, as well as a smaller site size threshold given the large ratio of new homes built on sites of less than 5 units there.

The applicant within their supporting planning statement makes no reference to the provision of affordable housing.

A recent appeal decision (APP/K2230/W/20/3255704) (appendix 2) stated that;

### *Affordable housing*

22. The appeal development is for 3 open market self-build dwellings. The glossary to Framework confirms that self-build housing could be either market or affordable housing. In this instance the Council seeks a 35% contribution towards affordable housing.
23. The planning practice guidance<sup>3</sup> sets out that planning obligations for affordable housing should only be sought for residential developments that are major developments (10 homes or more, or the site has an area of 0.5 hectares or more). Designated rural areas may choose to set a lower threshold, providing that the designation fits the description under section 157(1) of the Housing Act 1985, which refers to National Parks, Areas of Outstanding Natural Beauty or areas the Secretary of State has ordered be designated a rural area.
24. Policy CS16 of the Core Strategy states that affordable housing will be required on sites of 3 units or more, or on sites of 0.1 hectares or more, in the rural area. The proposed development would not provide any affordable housing units nor any commuted sum of equivalent value, thus rendering the proposal non-compliant with the Development Plan.
25. However, no evidence has been put to me to demonstrate that the appeal site fits the description of a designated rural area<sup>2</sup> (other than the site is not in an  

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urban area). The Green Belt is not listed as a designated rural area and therefore there is no national or statutory support for seeking a lower threshold for affordable housing contributions in this case. For this reason, policy CS16 is considered to be inconsistent with the national guidance and the weight of conflict with the policy is reduced.
26. A viability assessment has been submitted with the appeal, that appears to set out a reasoned case for waiving the need for affordable housing contributions from the proposals. The Council has not commented on whether the assessment is robust but has equally not indicated that the reason for refusal on this ground can be withdrawn. In the circumstances, I have had regard to section 38(6) of the Planning and Compulsory Purchase Act, which affirms that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
27. In the absence of affordable housing contributions, I therefore conclude that the proposal would be in conflict, albeit limited, with policy CS16 of the Core Strategy, which seeks the provision of affordable housing.

Whilst the above appeal decision is noted for the avoidance and attached as appendix 3, the entire Parish of Shorne (which the application site is located within) is a Designated Rural Area.

It would appear from APP/K2230/W/20/3255704 the Inspector was not provided sufficient evidence to show the appeal site was a designated rural area.

Taking all of the above into account the proposal is therefore considered to be contrary to Policy CS16 of Gravesham Core Strategy, as no affordable housing is being offered by the applicant.

### Conclusion & Recommendation

It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 (LPCS) must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF (2021).

The proposals are considered to constitute an overdevelopment of the garden which would result in a comparatively cramped form of development and would be incongruous considering the existing pattern of development and the character of the residential gardens which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 130 of the NPPF (2021) which states developments will function well and add to the overall quality of the area and are sympathetic to local character including the surrounding built environment.

The proposal would also result in a detrimental impact on the amenity of the occupiers of the residents of the adjacent property of 26 Coutts Avenue, in terms of the development being dominant and overbearing. As such the proposal is contrary to Policy CS19 of the Core Strategy (2014) and paragraph 130f of the National Planning Policy Framework 2021.

The proposed development for a net increase of 3no. dwelling units would offer a minimal contribution towards meeting this local need and delivery and, accordingly, adds some weight in support of the application.

However, notwithstanding this a balanced approach has to be taken and it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2021) and established local policy taken as a whole.

The proposal is finally considered to be contrary to Policy CS16 of Gravesham Core Strategy, as no affordable housing is being offered by the applicant.

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

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|----------------------|---------------------------------|---------------------|---------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Richard Hart                    | <b>Team Leader:</b> | Miss Faye Hobbs                                                                       |
| <b>Signed:</b>       | <i>R Hart</i>                   | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 29 <sup>th</sup> September 2022 | <b>Dated:</b>       | 29 September 2022                                                                     |