



Delegated Report

Planning Application

Planning Application No: 20240056

Location: 7 The Turnstones Gravesend Kent DA12 5QD

Description: Demolition of existing 4 bed bungalow and double garage. Erection of two semi-detached four bed two storey houses with single garages.

Applicant: Mr Sukhdeep Randhawa

Site Visit Date: 08.02.2024

Submitted Documents/Plans

Application Form
Certificate of Ownership (certificate B)
TT/001 A – Site Location Plan
TT/002 A – Existing Site Plan
TT/003 – Existing Street Scene
TT/301 – Existing Ground Floor Plan, Elevations and Roof Plan
TT/501 A – Proposed Site Plan – Plots 7a and 7b
TT/502 – Proposed Floor Plans, Elevations and Roof Plan Plot 7a
TT/503 – Proposed Floor Plans, Elevations and Roof Plan Plot 7b
TT/504 – Proposed Street Scene
Design and Access Statement

Superseded Documents:

~~TT/001 – Site Location Plan~~
~~TT/002 – Existing Site Plan~~
~~TT/501 – Proposed Site Plan – Plots 7a and 7b~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20230696	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear and side extension, erection of entrance canopy.	Certificate Granted	12.09.2023
20230419	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear and side extension, erection of entrance canopy.	Certificate Refused	14.06.2023
20230072	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear and side extension, erection of entrance canopy	Certificate Refused	14.03.2023

20210788 Appeal Ref: APP/K2230/W/21/3284659	Demolition of existing 4 bed bungalow and double garage. Erection of 1no detached 5 bed two storey house and 1no detached 4 bed two storey house.	Refused and dismissed at appeal	30.07.2021
20110225 Appeal Ref: APP/K2230/A/2155221	Erection of a detached 3 bedroom dwelling with front hardstanding for vehicle parking.	Refused and dismissed at appeal	11.05.2011
19840393	Erection of 100 dwellings with car parking and garages associated earthworks and laying out of access road onto Hillside Avenue and Old Road East	Permitted	22.11.1984

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Highways Officer

This is a departure from the previous submission and involves forming new accesses, as such the visibility requirements of Manual for Streets should be complied with of 43m x 2.4m x 43m for a road subject to a 30mph speed limit. To the north this appears to cross public open space, so can be readily accommodated by removing the boundary treatment as necessary between this property and the open space.

However, the applicant needs to note the proposed car parking for both plots may encroach on the public highway and the garages do not comply with guidance and so parking is reduced to one space per unit which is deemed to be inadequate. Kent County Council need to be contacted regarding the highway boundary and the carrying out of any works on the highway. Land ownership does not prevent it forming part of the highway. The evidence for this is the change in use of materials on the existing drive and the location of a lamp column and utility box in the verge.



Google Street View May 2018

Extract from SPG4 regarding preferred garage sizes.

Garages

B2. Experience has shown that garages provided for individual residential dwellings are unlikely to be used for the parking of a vehicle unless sufficient space is also incorporated within the garage for storage. This may have less relevance for garages that are provided as a communal facility for residential accommodation. However, the needs of the mobility impaired, either as a driver or as a passenger, should also be considered in the design of garages and sufficient space should also be allowed to enable a garage to be used as a secure location for any cycle parking provision.

Taking these factors into account the preferred internal dimensions of a garage that should be considered for residential developments in Kent are:

Preferred Garage Size for Single Car	5.5m (length) x 3.6m (width)
Preferred Garage Size for Two Cars	5.5m (length) x 6.0m (width)

Where it can be demonstrated that cycle parking is provided elsewhere width of garage can be reduced.

It should also be noted that a 3.6 metre garage, would just provide sufficient space for a physically mobility impaired person to access a vehicle.

The applicant needs to make provision for the secure and weather proof parking of bicycles at the rate of one bicycle per bedroom.

Any boundary treatment, hard or soft landscaping within 2 metres of the highway should not exceed 850mm in height to protect visibility splays.

The applicant may wish to consider providing cabling for future electric vehicle charging points for each property.

With the information I have available I would suggest that inadequate provision is being made for the parking of cars and cycles and the applicant needs to provide more information regarding the highway boundary and improve the size of the garage to readily accommodate a parked car, with a minimum internal width of 2.9 metres to provide access around the vehicle, the extra width over a normal parking space being that which is normally borrowed from the adjacent parking spaces. Alternatively, the garages could be set back to provide a greater driveway length that is 11 metres long at its shortest and avoids the highway verge. This would permit two cars to be parked on the driveway whilst retaining pedestrian access to the garage which could then be used for the parking of cycles etc and its size can remain as designed as it would not count towards the car parking.

GBC Environmental Protection

This application site falls within the boundary of the Holyoake Mount historic landfill site. Information gleaned from other applications within this street indicate that a protective capping layer of 750mm clean soil was placed in all gardens. It is assumed this was completed and a letter from the developer to the initial property buyers states that they should not dig below 2'6" (0.76m) in the gardens as this is the depth of protective material.

Construction workers will therefore need to be informed about the potential for contaminated material below this capping layer.

The following conditions should be applied which are in keeping with conditions placed on similar permission in this area.

1. The applicant shall undertake a watching brief during construction in case any contamination is

encountered during the groundwork phase. Workers on site during construction should be advised by the applicant that there is a possibility of finding contaminated material. 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 Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Any material brought onto the site must be suitable for use and the results of chemical analysis of this material to demonstrate that it is free from contamination and suitable for the proposed end use shall be submitted to the Local Planning Authority for approval.

In addition, material for off-site disposal should be dealt with appropriately as determined by a waste classification assessment. Appropriate documentation relating to the removal of material from site should also be forwarded to the Local Planning Authority.

Reason To ensure that the development is adequately protected against contaminated material and the management of soil decontamination can be adequately controlled.

2 Prior to the works commencing on site, details of a gas impermeable membrane should be submitted and approved by the Local Planning Authority. The gas impermeable membrane shall be incorporated within the structure along with a ventilated sub-floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or adequate seals will have to be provided if the membrane has to be breached. The development shall be built in accordance with the approved plans and details.

Reason To ensure that the development is adequately protected against contaminated material and the management of soil decontamination can be adequately controlled.

In addition to the above, the following conditions and informatives are also recommended.

Code of Practice on Construction and Demolition

Please apply as appropriate to minimise the impact of the demolition and construction on nearby properties in addition to the risk of breaching the protective layer and excavating into contaminated material as explained above.

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).

Smoke Control Informative

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-

mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

GBC Waste and Refuse

No comments received.

KCC Highways

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Southern Water

Protection of Public Apparatus

Please see the attached extract from Southern Water records showing the approximate position of water distribution main within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised.

- The 100 mm water distribution mains require a clearance of 6 metres on either side of the water

distribution mains to protect it from construction works and to allow for future access for maintenance.

- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water distribution mains without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public water mains.

- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

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.

In order to protect water apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect/divert the public water supply main.

Foul and Surface Water Drainage

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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. gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

KCC Public Right of Way Officer

I can confirm that I do not have any objections to the above planning application at 7 The Turnstones. The closest Public Right of Way Footpaths are some streets away from the proposed site. I enclose a copy of the Public Rights of Way network map showing the Public Rights of Way in the vicinity.

Neighbouring properties

A site notice was placed on 08.02.2024. 6no. surrounding properties were consulted by letter and 18no. comments were received objecting to the scheme. The final date to submit comments ended on 1st March 2024. No comments of representation or support were received. The objections are summarised as follows:

- Appeals for similar development have been previously dismissed and comments in those appeal decision remain valid for this proposal.
- Subsidence remains an issue for this application.
- The statement in the Design and Access Statement that the site is 'disused, previously developed land' is not correct as the site contains a bungalow and garage which has been continuously rented out since 2007.
- The two buildings would be squeezed onto the site and would not constitute an

enhancement to the street frontage.

- The statement in the Design and Access Statement that the 'layout increases natural surveillance' is not correct as the existing bungalow has natural surveillance onto the Turnstone currently.
- No's 8 and 9 which formed part of the original development would be smaller in size than the proposed dwellings and would have a 'squeezed in' appearance.
- No 6 The Turnstones, which would have been adjacent no. 7 was never built due to subsidence issues, which is why this plot is larger than others.
- The revised proposal does not fit within the existing well laid out, low density design of the estate and would substantially adversely change the character of the community, contravening the original ethos of the development.
- The replacement of the open plan front lawn with 6 parking spaces will not improve the street frontage or result in a better sense of openness.
- The plans do not correctly show the tree's surrounding the site and it is therefore misleading.
- Removal of trees would raise concerns regarding effect on stability and subsidence of the land.
- Usable garden space would be minimal in proportion to the scale of the properties.
- The small 650mm increase in distance from the neighbour would not enhance the area.
- Previous comments in the report that the proposal is 'an incongruous form of development which is cramped and out of character with the surrounding area that is characterised by open planned soft landscaping and modest family properties', remains valid.
- Parking uses and obstruction of emergency, large delivery vehicles may arise from the development.
- Retention of the bungalow is a positive as bungalows are in short supply.
- Top floors rooms of proposed houses will overlook neighbours' rooms and gardens.
- The measurements in the Design and Access Statement do not correlate with the scaled block plans.
- The forward projection of the properties and their height will restrict visibility on the bend and have an overbearing appearance to the street view on approach.
- Lamp post is not shown on block plan.
- Given the steep slope of the rear gardens there is potential for subsidence.
- The unique brickwork style would be difficult to replicate.
- The proposal would adversely affect the integrity of the SPA.
- The road bend is dangerous when vehicles leave and reverse from the bungalow and there is no public footpath.
- The small garages proposed would not house an average car.
- Hard landscaping is not in keeping with other properties.
- There currently existing protected slow worms and bats and other wildlife.
- Plot 7a is touching existing tree screening.
- During construction builders' vehicles will obstruct access to the narrow road and driveways.
- Heavy traffic during construction could cause problems onto Old Road East particularly during school time causing danger to pupils.
- The sewage system may not be able to accommodate additional new development.
- The site is an old landfill site and so there is risk of methane gasses expelling during construction works.
- The removal of trees to the front of the property would need to be removed, result in two large two-storey properties in full view on the approach to the area.
- The development would change the skyline.
- The proposal presents a significant overdevelopment of the site.

Officer Note: Issues raised including loss of light, existing littering issues are not material planning considerations which can form part of this assessment.

Officer's Analysis

History of site

In 2011 under planning reference 20110225 a proposal which included the erection of a detached dwellinghouse to the northeastern side of 7 The Turnstones was refused for the following reasons:

1. The proposal subject of the application stands to be evaluated in accordance with the provisions of Policy TC1 (Design of New Development) of the adopted Gravesham Local Plan (First Review) 1994 and BE1 (Townscape, Conservation and Design) and BE12 (Design of New Development, Extensions and Alterations) of Gravesham Local Plan Second Review (Deposit Draft) 2000. These policies require that all development is in keeping with the character of the area and that the design of any new development shall respect the character and appearance of the surrounding area. The proposed new development by reason of its siting, bulk and massing would materially harm the character of the area. As such the proposal is contrary to the above adopted policies.
2. The proposal subject of the application stands to be evaluated in accordance with the provisions of Policy H2 (Residential Layout Guidelines) and Policy H3 (Character of Housing Area) of adopted Gravesham Local Plan (First Review) 1994 and H3 (Design of New Housing Development) and H4 (Character of Existing Housing Areas) of Gravesham Local Plan Second Review (Deposit Draft) 2000 and PPS3 (Housing) national planning guidance. These policies require that all development provide satisfactory living conditions for future occupiers whilst protecting the amenity and character of the surrounding area. This proposal would constitute an over intensive form of back land development with a poor setting and standard of amenity which would present an unacceptable environmental setting for the future occupants of the dwelling. As such the proposal is contrary to the above adopted policies.

An alternative scheme was refused in 2021 under planning reference 20210788 which included the demolition of the existing property and erect of two detached, two storey dwellinghouses.

These were refused for the following reasons:

1. The proposed dwellings, due to their size, scale, design and siting in relation to other dwellings in the street scene, result in a dominant and incongruous form of development which is cramped and out of character with the surrounding area that is characterised by open planned soft landscaping and modest family properties. The proposed development therefore conflicts with the objectives of Policies CS14, CS15 and CS19 of the Local Plan Core Strategy 2014 and paras. 130 and 134 of the National Planning Policy Framework 2021.
2. The proposed dwellings, due to their size, scale, design and siting in relation to other dwellings in the street scene, result in a dominant and incongruous form of development which is cramped and out of character with the surrounding area that is characterised by open planned soft landscaping and modest family properties. The proposed development therefore conflicts with the objectives of Policies CS14, CS15 and CS19 of the Local Plan Core Strategy 2014 and paras. 130 and 134 of the National Planning Policy Framework 2021.

These reasons were upheld in the decision by the inspector to dismiss the appeal reference; APP/K2230/W/21/3284659.

Refused Streetscene Elevation Ref 20210788 (Not to Scale)



Proposed Streetscene Elevation (Not to Scale)



Principle of Development

Local adopted policies CS02 (Scale and Distribution of Development); CS15 (Housing Density); and CS19 (Development and Design Principles) provide together an assessment framework in line with the guidance provided by paragraph 53 of the National Planning Policy Framework (NPPF) (2023). Therefore, these policies are key to the whether the scheme is appropriate.

The principle considerations in the assessment of this application are:

- Housing Need
- Location
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Land Instability
- Contaminated Land
- Ecology and Biodiversity

Housing Need

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."

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.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

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

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.

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.

The proposed development for a net increase of '1' residential unit would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Location

Policy CS02 (Scale and Distribution of Development), identifies first tier settlements, including Gravesend as the most sustainable parts of the borough.

Policy CS05 also states that in these areas the council will 'support the provision of new residential development where a satisfactory living environment can be achieved.'

It is therefore evident that the location proposed for residential development is sustainable in principle. Particularly when it is also considered that the existing dwellinghouse contained on the site forms part of a relatively modern 1980's residential scheme.

Design, Character and Appearance

The below image shows the front elevation of the existing dwellinghouse. It is a bungalow, with bricked elevations and an 'L' shaped layout which provides a front projecting gable. Two storey dwellinghouses are prominent in the area. The delegated officers report with the refused decision notice under planning ref 20110225, was originally used as a showroom for the wider site.



The below image taken from the northern end of the road, shows how the building projects forward of its neighbours but the single storey nature of the building does not interrupt the views of the neighbouring properties from the streetscene and ensures that the building does not dominate the streetscene. The tree planted to the front of the building would also further obscure the single storey building during certain seasons. Its associated garage can be partially seen to the left of the image below, whilst a large part of the bungalow is obscured by the hedging which is shown in this image.



The inspector in appeal decision; APP/K2230/W/21/3284659 stated of the area;

‘Although the individual dwellings vary in design there is a consistency of materials, forms and sizes which gives rise to a harmonious street scene.’

In the same appeal decision, the inspector raised concerns regarding; the use of a hipped roof where front gables are prevalent and the extensive hard standing proposed. They stated:

‘One of the themes within the area is the extensive use of gable ended roofs. The proposed main hip on Plot 1 as proposed would be at odds with this. The existing frontage is largely grassed with some planting but would be replaced by quite extensive parking areas. Surrounding properties are not generally dominated by hard surfaces and the proposal would also detract in this respect. These considerations add to the harm that would be caused by the excessive size of the house on Plot 2.’

It is noted that this alternative scheme would use a gable frontage with lower ridge height and design more akin to those used on dwellinghouses in the wider streetscene. It would also use a more centralised drive between the plots which would allow for an increased retention of soft landscaping. So the proposed scheme has addressed these particular concerns. However, full consideration of the form and layout should be considered for this new scheme.

In terms of layout the semi-detached nature of the proposed dwellinghouse with adjoining single storey garages would be reflective of the wider area and is considered a positive way to achieve appropriate spacing with visual spacing between the dwellinghouses above the garages.

The proposed dwellinghouses would lie at the entrance to this cul-de-sac of residences and would be set

forward of dwellinghouses to the south and so would have greater prominence. This in itself is not unacceptable as it would follow the curved nature of the road and would be necessary to ensure adequate rear garden spaces. However, the design of the dwellinghouses should be sensitive to the greater prominence and appearance of the dwellinghouses as the first focal point in this section of dwellinghouses as there are no other dwellinghouses to the north of this building on this side of the street. The dwellinghouses would have a cumulative width of 21.4m. Whilst, 8 and 9 The Turnstones would have a cumulative width of 16.8m. The proposed dwellinghouses as originally submitted with this application would have therefore been 4.6m greater in width and set forward of these dwellinghouses by 4.2m and 9.9m respectively. Following amended plans submitted upon request, the buildings would be set back further. In relation to 8 The Turnstones, plot 7b would be set forward by 3.3m and plot 7a would be set forward by 7.8m thus reducing the prominence of the building.

The proposed dwellinghouses would use brickwork (Colour not provided), fibrous cement weatherboarding, roof tiles (material not provided) and powder coated aluminium doors and windows which would be appropriate in this setting, although further details would be required by condition.

Overall, the proposed dwellinghouses would reflect the form, size and scale of the dwellinghouses in the wider area. The buildings would be in a prominent location, as the first point of built form along this section of the street but would be appropriately set back whilst following the curve of the road. It would therefore be appropriate visually within the wider streetscene, resulting in a cramped appearance of the site.

On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF (2023) in terms of design, character and appearance.

Amenity of Future Occupiers

The NPPF (2023) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land. The impact on neighbours will be assessed in the next section of the report.

The below tables compare the internal space standards as laid out in Table 1 of the Residential Layout Guidelines (amended 2020).

Plot 7a

Room Type	Proposed Floorspace (m ²)	Minimum Space Standard (m ²)
Bedroom 1 (Double)	13.9	11.2
Bedroom 2	9.1	6.5
Bedroom 3	9.1	6.5
Bedroom 4	7.9	6.5
Bathroom and WC	3.6	3.6
Ensuite (As above)	2.9	3.6
Lounge (Living Room)	24.1	13.2
Kitchen/Diner	40.7	12.0
WC	2.1	

Plot 7b

Room Type	Proposed Floorspace (m ²)	Minimum Space Standard (m ²)
Bedroom 1 (Double)	13.8	11.2
Bedroom 2	9.2	6.5
Bedroom 3	9.2	6.5
Bedroom 4	7.8	6.5

Bathroom and WC	3.6	3.6
Ensuite (As above)	2.9	3.6
Lounge (Living Room)	23.9	13.2
Kitchen/Diner	41.1	12.0
WC	2.0	1.3

It is noted that bedrooms 1-3 show double beds on the floor plans. However, as bedroom 1 complies with double bedroom space standards, the remaining rooms could be used as single bedroom rooms and so are only required to comply with single bedroom standards. The ensuite proposed does not comply with internal space standards. However, adequate shared bathroom facilities would be available.

The Residential Layout Guidelines (amended 2020) also requires that dwellinghouses with 4 or more bedrooms have a minimum garden area of 100m² and depth of 10m.

Plot 7a has a rear garden depth of 12.5m and plot 7b has a rear garden depth of 13.2m. The rear garden of Plot 7a and 7b is approximately 155m² and 134m² as it states on the proposed block plan.

Neighbouring Amenity

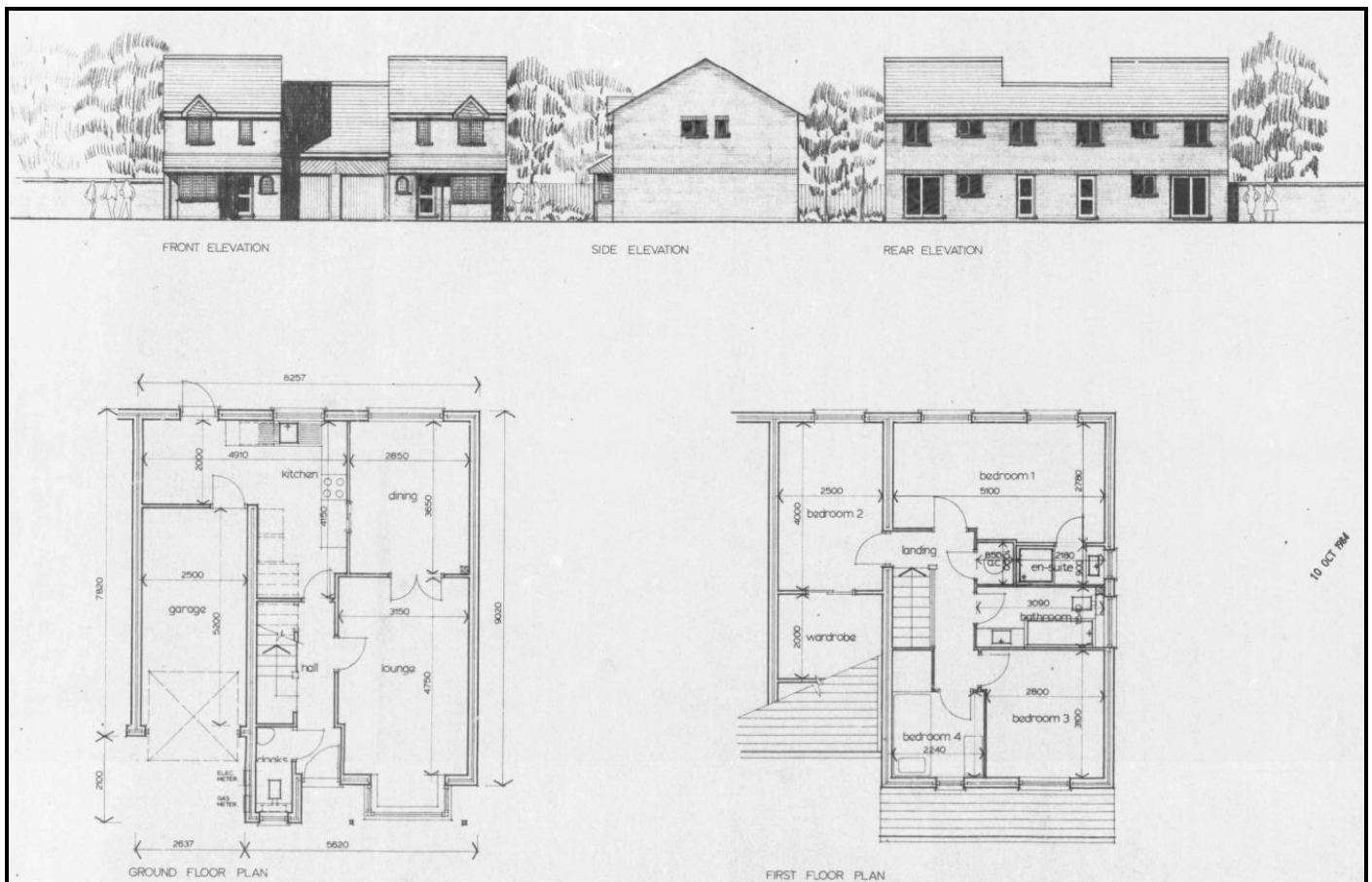
As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, 14 objections to the proposal were received.

The property directly adjoins two properties: 8 The Turnstones and 18 The Sandpipers.

8 The Turnstones

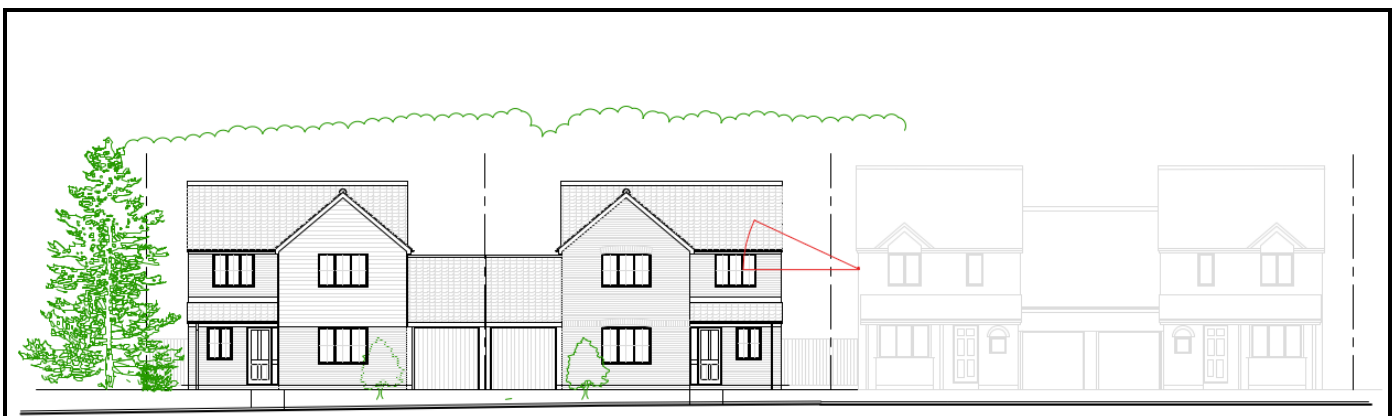
This property is located to the south. There is 2.3m between the buildings. The existing dwellinghouse sits forward of the neighbour's front elevation by a further 4m. The proposed dwellinghouse at the closest point would be distanced by 2.6m from this neighbour's dwellinghouse. Whilst this distance is greater it is important to note that this dwellinghouse would increase in height from a 4.8m high bungalow to a 7.5m high dwellinghouse. The nearest part of the proposed new building would project forward of this neighbour's front elevation by 3.5m. To summarise there would be an increased distance between this neighbour and the proposed dwellinghouse and the forward projection would be somewhat reduced. However, there would be a height increase which could result in overshadowing and further assessment of this would therefore be required.

The below plans are taken from planning approval 19840393 and show the approved 'Type E' floor layouts, and elevations (not to scale). These plans help to understand the relationship of this neighbour's building and windows with the subject dwellinghouse.

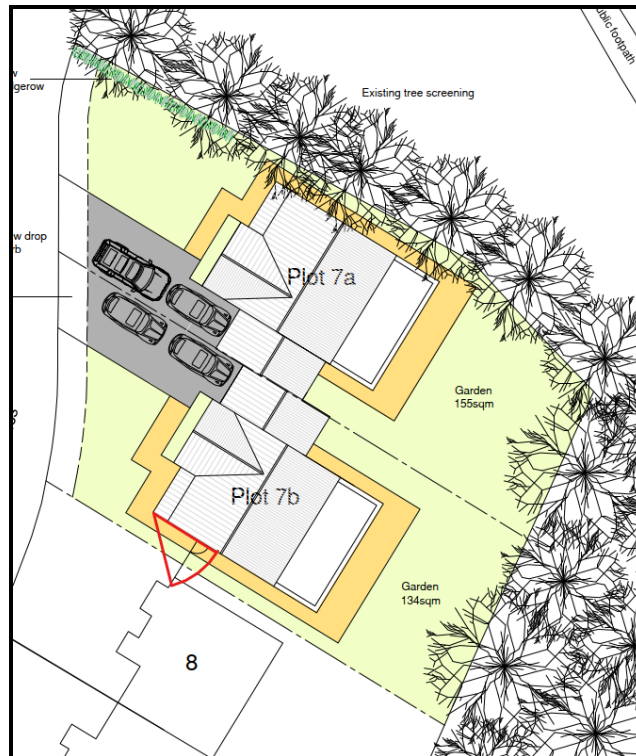


There would be one upper floor side windows facing this neighbour's property, which would be obscure glazed and serving a staircase. This would be a non-habitable room but there are two upper floor windows on this neighbour's property which it would face. As such where approved a condition would be included to ensure that this window would be obscure glazed and fixed shut.

The below elevations include a 25-degree line drawn from the approximate position of the side windows to assess potential overshadowing. It is evident that these windows could be overshadowed by the new development.



The below 45-degree test shows that there could be a small section of overshadowing to part of the side facing front projection square bay window but most of the window not be overshadowed.



As the building would project forward of the subject dwellinghouse, there would be no overshadowing of the rear openings. In any case this neighbour lies to the south and the sun takes a southerly east to west route and so significant overshadowing is not likely in this position.

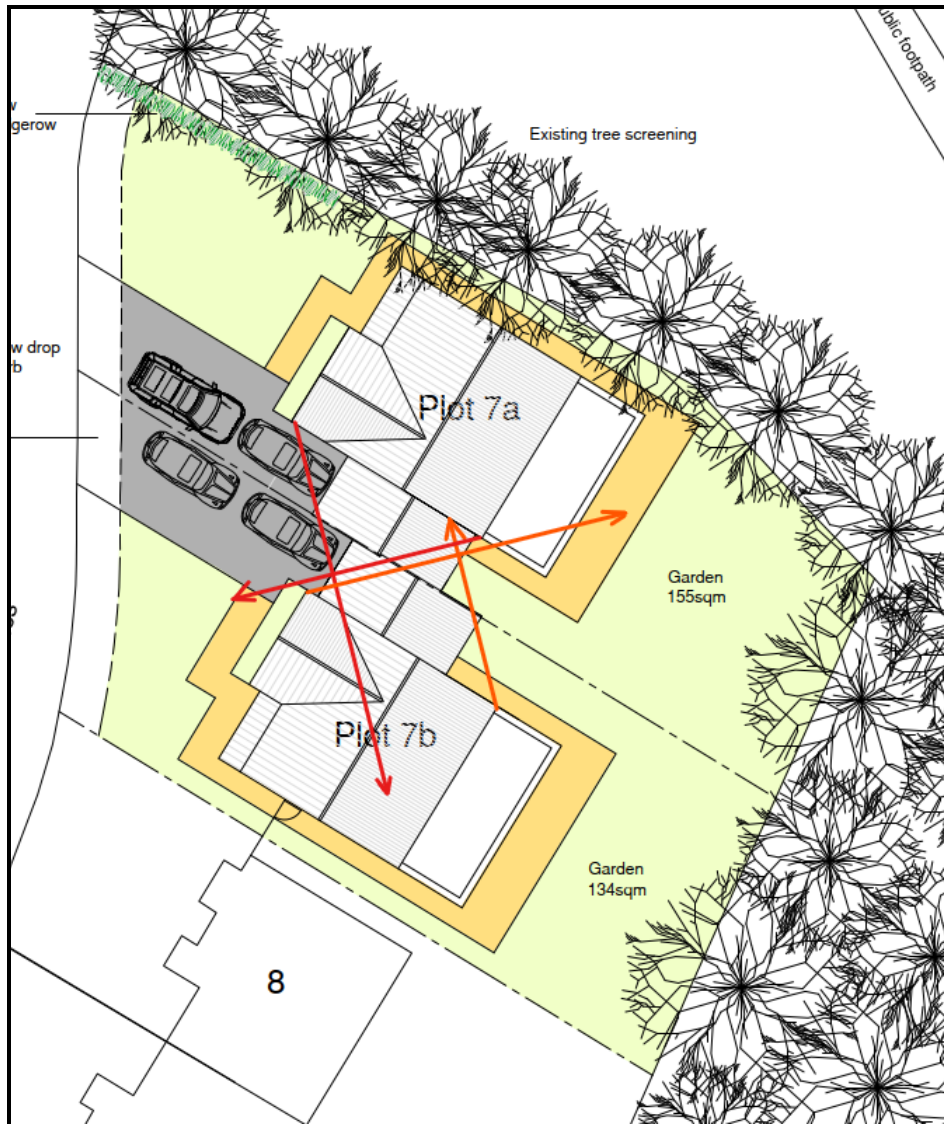
18 The Sandpipers

This neighbour is located to the southeast. There is 21m between the existing building and this neighbour's building and trees and planting obscures visibility at the boundary. The proposed block plan does not include this neighbour's position, so it is difficult to fully ascertain the distance between the proposed dwellings and this particular neighbour. However, it is clear from the block plans that the proposed dwellinghouses would be a minimum of 10.3m from the shared boundary. 18 The Sandpipers is 6.5m from the shared boundary approximately. The distance would therefore be approximately 16.8m in total. The block plan also shows that the widespread planting at the boundary would be retained. Given the distance between the buildings and the significant obscuration, it is not likely that the proposed dwellinghouses would impact this neighbour significantly.

Plots 7a and 7b

As two new dwellinghouses are proposed, impact on residential amenity on those potential dwellinghouses should also be considered.

The below additional red lines indicate a 25 degree overshadowing assessment.



The proposed dwellinghouses would have upper floor windows facing one another, which would serve en-suites and bathrooms. Given the southerly, east to west route of the sun, 7b would not likely be overshadowed. Given the set forward of 7a compared to 7b it would not be overshadowed due to its position as shown in the above 45 degree test. The side facing windows would be obscured and fixed shut by condition where approved.

The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Highways and Parking

The proposed development would result in the provision of 2no. 4-bedroom properties. SPG 4 - KCC Vehicle Parking Standards (2006), requires adequate parking provision of 3 spaces per dwelling with 4 or more bedrooms. Cycle storage of 1 space per bedrooms would also be required.

Based on the submitted plans, each dwellinghouse would be provided with a garage and a driveway accommodating 2 additional vehicles.

However, as per the GBC Highway Officers comments the spacing provided for these vehicles appears to be insufficient. The internal width of the garages would be 2.7m with a length of 5.8m. The KCC Parking Standards (2006) requires single bay garages to be 5.5m (length and 3.6m (Width). The internal width standard of the garage therefore fails to meet the standard. Parking bay sizes are expected to be 5.0m

(length) by 2.5m (width) per car. Whilst it appears that the proposed driveway does appear to provide correct spacing for 2 vehicles per dwellinghouse, this appears to cut into public highway land. The GBC Highways Officer has advised that land ownership does not prevent it being part of the highway. Visibility splays have also not been provided. However, the GBC Highways Officer has advised that it may be possible to achieve the necessary visibility splay, this would depend on the extent of boundary treatment, of which details have not been provided. No details of cycle storage have been provided.

Following comments from the GBC Highways Officer, amended block plans were provided, which both indicate highway land and push the proposed building further to the rear along with the driveways, providing more spacing for parking. Visibility splays and cycle storage details could be provided via planning condition.

Adequate vehicle and cycle parking provision would therefore be available, subject to planning conditions in accordance with paragraphs 110 to 113 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision.

Contaminated Land

Due to the previous use of the land the following conditions are recommended where approved.

A gas impermeable membrane shall be incorporated within the structure along with a ventilated sub-floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or adequate seals will have to be provided if the membrane has to be breached.

- a) Prior to the works commencing, details of the foundation design, including the gas impermeable membrane should be submitted and approved by the LPA.
- b) Once installed, a report shall be provided from the installation company confirming all works were completed satisfactorily.

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.

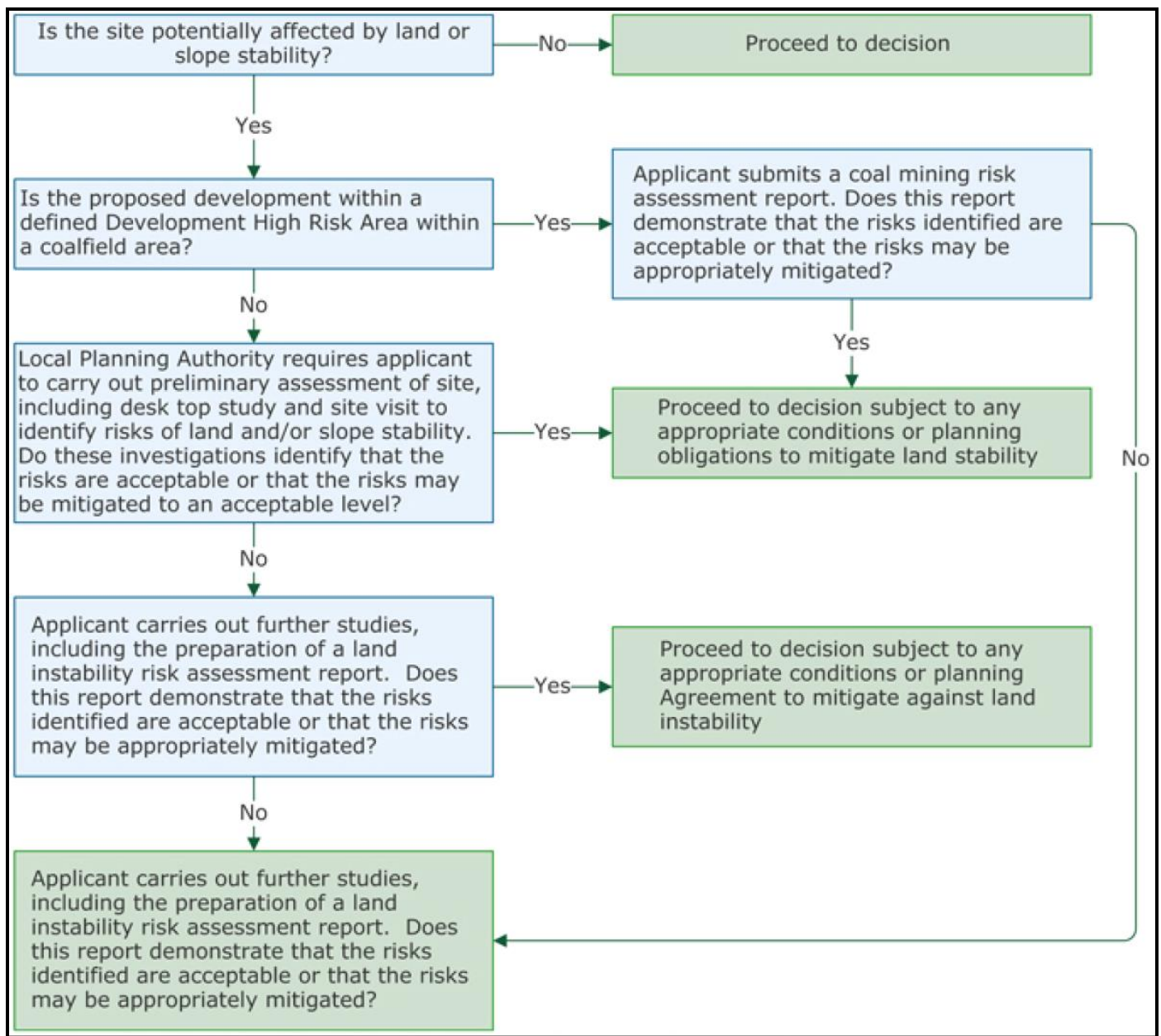
Land Stability

There is sufficient evidence from previously development, the sloping nature of the site and neighbour comments to ascertain that there has previously been an issue with subsidence on this plot and the surrounding area.

National Planning Policy Guidance on Land Stability at paragraph 001 states that the planning system has an important role in considering land stability by:

- minimising the risk and effects of land stability on property, infrastructure and the public;
- helping ensure that development does not occur in unstable locations or without appropriate precautions; and
- to bring unstable land, wherever possible, back into productive use.

The below flowchart is included at paragraph 6 and details the steps that the planning authority should follow where land stability may be an issue.



The site is potentially affected by land or slope stability but is not within a defined Development High Risk Area within a Coalfield Area. It would therefore be necessary that the applicant carry out a preliminary assessment of the site, including desk top study and site visit to identify risks of land and/or slope stability. To be acceptable the information supplied must demonstrate that the risks identified are acceptable or that the risks may be appropriately mitigated.

Paragraph 005 specifically states:

'If land stability could be an issue, developers should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected.'

A preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed planning application is prepared. Applicants should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development of the site. A site needs to be assessed in the context of surrounding areas where subsidence, landslides and land compression could threaten the development within its anticipated life or damage neighbouring land or property.

Such information could be provided to the planning authority in the form of a land stability or slope stability risk assessment report. Developers may choose to adopt phased reporting, eg desk study results followed by ground investigation results.'

No such information has been supplied with this application.

Paragraph 189 (a) and (c) of the NPPF (2023) states:

(a) site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

(c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

In Planning Appendix A, appeal reference T/APP/B1415/A/95/258848/P5, COLE V HASTINGS (1996), the inspector concluded that the appeal for a site for development of 3 houses on a sloping site in a residential coastal area, should be dismissed. The inspector stated that there were good reasons for suspecting the land was unstable and despite the geotechnical evidence submitted, they were unable to determine whether the proposed development or neighbours would be threatened/endangered by the instability, without an appropriate site investigation and geotechnical appraisal.

No site investigation information has been provided and so inadequate information has been provided to ascertain whether the site would be suitable for its proposed use and taking into account any risks arising from land instability.

Upon request for additional information the planning agent advised that land stability issues are historical but would be addressed as part of a Building Control application. In the aforementioned appeal, the inspectorate also cited advice in PPG14 which states that the responsibility for determining whether land is suitable for a particular purpose rest primarily with the developer. Given that there is a crossover with building control requirements and that the guidance firmly places the responsibility of land suitability with the developer, it would be unreasonable to refuse this scheme based on land stability issues which would be addressed under building control legislation.

The scheme would therefore comply with paragraph 189 of the NPPF (2023).

Ecology and Biodiversity

Paragraph 174 and 177 of the NPPF (2023) 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).

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.

The existing garden will be altered as part of this proposal, and no details of biodiversity loss or gain have been supplied with the application. However, the application was submitted prior to 12th February, which is when the requirement for a 10 Biodiversity Net Gain, would apply.

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent

years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £328.27 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

Where there are no other contributions required for a development, applicant's generally have chosen to submit the payment of £328.27 per additional dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue. With no details submitted relating to ecology it is not possible to assess the impact of the development in ecological terms.

Therefore, the development would not comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Conclusion & Recommendation

The proposed development would be in a sustainable, urban location. The provision of 2 (1 additional) residential units, would provide a minimal contribution to the housing supply shortfall. The proposed design, including the position, height, massing and design features, would result in a building which would be of good design, reflective of the wider setting. The internal rooms would meet the minimum space standards required. The external amenity space would comply with the minimum space standards required. There would be no substantial impacts on residential neighbour from overshadowing, or direct overlooking. Appropriate vehicle parking provision would be provided. Cycle storage would be provided and secured via planning condition and would contribute to encouragement of cycling as a sustainable, active travel solution. Given the nature of the site as residential garden in an urban area, no biodiversity issues have presented, and the applicant has paid the SAMM's contribution to appropriate mitigate harm to the Thames Estuary and Marshes Ramsar Site and Special Protection Area (SPA). Conditions would also secure refuse details and there is adequate spacing to provide appropriate refuse facilities. Environmental issues relating to Contamination would be reasonably addressed via condition.

On balance, the proposed development would comply with all relevant national and local planning policies, subject to details reserved by conditions.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	28 th May 2024	Dated:	28th May 2024