

Delegated Report

Full Planning Application

Planning Application No: 20221282

Location: Elizabeth Huggins Cottages Cross Lane West Gravesend Kent

Description: Demolition of existing bungalows and erection of 2 x 2 bed and 3 x 3 bed dwellings

Applicant: (The Trustees) Elizabeth Huggins Cottages Charity

Site Visit Date: Various

Submitted Documents/Plans

Application form;
Design & Access Statement;
Drawing No.PL-10 Revision P4 – Proposed Site plans;
Drawing No.PL-11 Revision P4 – Proposed Plans & Elevations Block A-B;
Drawing No.PL-12 Revision P2 – Proposed Plans Block F;
Drawing No.PL-13 Revision P2 – Proposed Elevations Block F; and
Drawing No.PL-14 Revision P4 – Block Plans and Location Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220135	Application for variation of condition 2 attached to planning permission reference no. 20210672 to provide social housing to ex service personnel to provide a mix of 3 bedroom 2 storey houses, single bedroom flats, 2 bedroom flats, 2 bedroom cottages and a 3 bedroom maisonette for warden, car parking and cycle storage; to allow a reconfiguration of the Blocks A, B, F and G, car parking layout and refuse and cycle store locations.	Permitted	18.11.2022
20210672	Application for the variation of condition 2 attached to planning permission reference number 20130801 to provide social housing to ex service personnel to provide a mix of 3 bedroom 2 storey houses, single bedroom flats, 2 bedroom flats, 2 bedroom cottages and a 3 bedroom maisonette for warden, car parking and cycle storage; to allow amendment of the design of Block D, an increase in the number of flats from 12 to 14 and for all the flats to be 2 bed apartments.	Permitted	26.07.2021
20130801	To provide social housing for ex-service personnel. Demolition of existing bungalows in phases and construction of new dwellings in phases to provide: 4 no	Permitted	22.12.2014

	three bedroom two storey houses, 8 no single bedroom flats, 12 no two bedroom flats, 9 no two bedroom cottages, 1 no three bedroom maisonette for warden, car parking and cycle storage.		
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Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1- Impact of Development on the Highway Network
- T5 – New Access onto 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)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- 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); and
- Householder Extensions/Alterations Design Guide (2021).

Consultations, Publicity and Representations

Consultees

Internal

Environmental Protection Services

Environmental Protection has no objection to this application for an additional 5 dwellings on this site. It is recommended that conditions placed on earlier decisions (20210672 and 20220135) relating to a

Construction Environmental Management Plan, Contaminated Land Assessment and external lighting are re-iterated on any permission granted for this application.

Private Sector Housing

We can confirm Private Sector Housing have no comments to relay in relation to our housing legislations and regulations. We believe the proposed scheme is currently out of our remit with Planning requirements and Building Regulations taking precedence.

Leisure & Resilience Manager

No comments

Highways Officer

I have no objections the site has adequate car parking provision. However, provision should be made for additional cycle parking including adaptive cycles at the rate of one cycle per bedroom or 13 in total. Given the size of adaptive cycles this may require an additional store.

Neighbouring properties

70 surrounding properties were consulted and a site notice displayed on site which expired on 25th January 2023. No comments were received.

Officer's Analysis

Housing Need and the Principle of Development

Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period, with the Objectively Assessed Need derived from the Standard Method set out in the NPPF and PPG (Planning Practice Guidance) advising that this figure is now significantly higher (707 dwellings/year as at April 2022). Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 7 of the NPPF (2021) and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the NPPF (2021) Para 11(d) unless:

i. the application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF (2021) at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 180)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 67); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the

relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development

The proposed development for a net increase of '5' dwellings would offer a minimal contribution towards meeting local housing need and, accordingly, officers consider that this should be accorded significant weight in support of the application.

However, as part of this balancing exercise it should be noted that paragraphs 130 and 134 of the NPPF (2021) requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers. With Section 16 of the NPPF (2021), also requiring the development to conserve and enhance the local historic environment.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the NPPF (2021)) and established local planning policy taken as a whole.

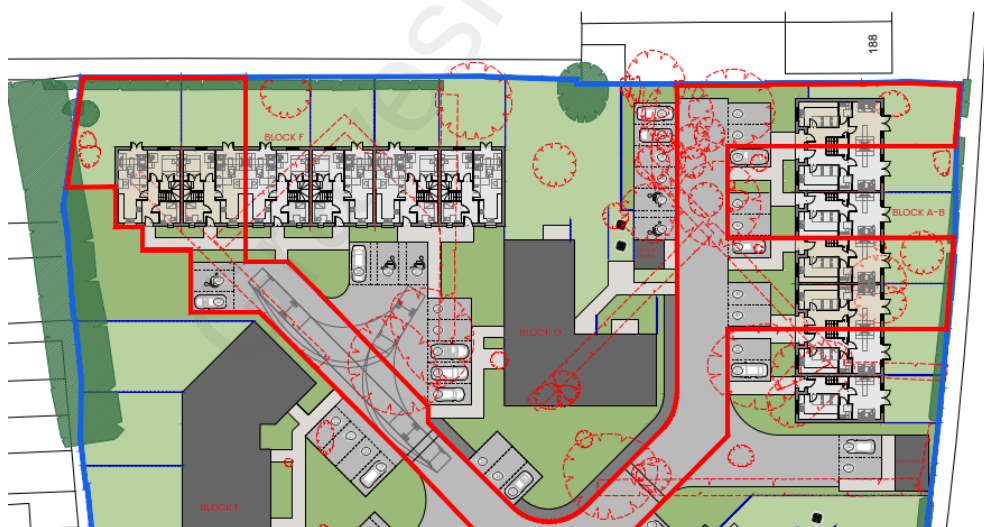
Design, Character and Appearance

When considering the design of this proposal, it needs to be considered against the relevant local and national planning policy. Policy CS15 (LPCS) states that sites will be developed at a variety of densities depending on the sites location and accessibility to public transport. Furthermore, development needs to be delivered at a density that achieves good design and does not compromise the character of the area.

Policy CS19 (LPCS) states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. The NPPF (2021) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

At a national level, the NPPF (2021) Section 12 states development should create high quality buildings and places which will function well and add to the overall quality of the area for the lifetime of the development. The site is currently being developed with the implementation of 20220135. This development is minor material amendment which allowed the reconfiguration of the Blocks A, B, F and G, car parking layout and refuse and cycle store locations. By permitting this minor material amendment it reconfigured the site layout to allow sufficient space for standalone additional residential development on the site.

Proposed Site Plan



Approved Site Plan (showing clearly the locations where the additional dwellings can be accommodated).



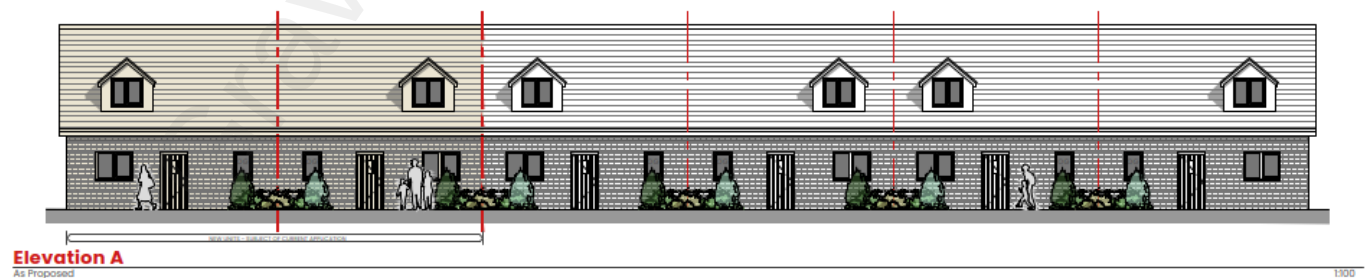
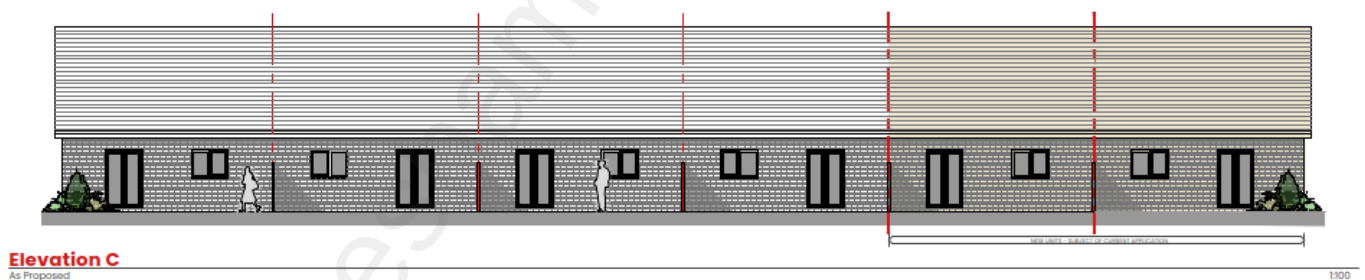
It is clear that the approval of 20220135 will not result in a conflict between the approval of this application or the implemented scheme.

The design limitations of wider site relate back to the original 20130801 application which under developed the site and has set the wider limitations for this development.

The architect has worked with the limitations of the development to come up with design for 5 additional dwellings which complement the existing development which is currently under construction.

Block F

Turning to Block F which is in the south west corner of the development the architect has taken the approach of mirroring the existing terrace which is an acceptable design and this is illustrated below.



There is no conflict with the two additional dwellings for block F and the built form will complement the existing development and will not have an adverse impact on the wide townscape.

The second element of the development is 3 additional dwellings on the eastern side of the site which will be attached to the existing pair of semi-detached as shown below.

Proposed Front Elevation.



The architect has taken the approach of adding one dwelling onto north end of the block B and then two dwellings between block A & B As will turn two pairs of semi-detached dwellings into a terrace of 7 dwellings. Whilst this changes the frontage onto Wrotham Road (it should be noted the front elevations of these dwellings look into the site and not Wrotham Road) this is not deemed detrimental the character and appearance of the area. The dwellings opposite whilst semi-detached are close together and directly to the north of the site on Wrotham Road are terraced dwellings. It is considered that the proposed creation of a terrace by the inclusion of 3 additional dwellings will be in keeping with the wider development.

To ensure the proposed development is in keeping with the existing development a condition will be included that all external facing materials match the existing dwellings approved under reference 20220135.

Furthermore a condition will be added regarding land levels for the 3 additional dwellings to ensure they match 20220135.

In design terms the development is deemed to be acceptable and complies with local and national planning policy.

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines'. On 25 March 2015, the Government issued a written ministerial statement which introduced new technical housing standards in England.

The proposed development of 5 dwellings all meet the national space standards with many of the units exceeding the minimum floor space. The gardens are sufficient size, depth and on usable flat land. Outlook from the dwellings is acceptable and future occupiers will not be adversely overlooked by development under construction or existing surrounding dwellings.

It is considered there is no conflict with local or national planning policy in regard to the amenity of future occupiers.

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 130 of the NPPF (2021) requires development to have a high standard of amenity for existing users (In this case surrounding properties).

The 5 proposed dwellings being essential being 'infill' development and in line with the existing built form on the site will not result in any conflict with the other dwellings under construction on site.

No adverse impact on the properties on the western side of Wrotham Road from the proposed 3 dwellings.

The additional dwelling at the northern end of the site which is the south of 188 Wrotham Road has no windows in the flank elevation which would overlook into their property. PD rights will be removed that no additional openings in the flank wall of the new dwelling to avoid this being a problem in the future

The additional bungalow in Block F will overlook garages and there will be no adverse impact on Alfred House to the east.

No loss of outlook/overshadowing is caused by this development.

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

Highways

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

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

Each dwelling has two parking spaces and will use the existing highways entrance to the site, Gravesham Highway Officer has been consulted and raises no objection to the development. In regards to cycle provision it is considered that the wider site provides acceptable amount of cycle storage which could accommodate the needs of the 5 dwellings. There is no requirement to seek further cycle storage for this development.

In conclusion, when considering the parking provision for the site and the impact on the highway network during the schemes' full occupation, the proposed development is unlikely to have significant impact on the highway network which has been confirmed in the applicants transport assessment. As such there is no conflict with local or national planning policy.

Refuse arrangements

The applicant has confirmed that the refused arrangements for the development under construction will use the refuse arrangements approved and no further details are required.

Appropriate Assessment

The Habitats Directive protects certain species of plants and animals that are particularly vulnerable and requires a Habitats Regulations Assessment (HRA) to be undertaken by a competent public body, such as a local planning authority where any development has the potential to have an impact on a European protected site. The process of HRA involves an initial 'Screening' stage followed by an Appropriate Assessment (AA) if proposals are likely to have a significant (adverse) impact on a protected site - in this case the Thames Estuary and Marshes Special Protection Area of SPA (termed Natura 2000 site).

In the light of any such assessment, the Borough Council may only grant planning permission if it has been ascertained that the proposed development will not, either on its own or in-combination with other plans and projects, have an Adverse Effect on the Integrity (AEOL) of such a site, unless there is no feasible alternative or imperative reasons of overriding public interest apply.

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

The Thames Estuary and Marshes Special Protection Area (SPA) is classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Local Planning Authority has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £275.88 per dwelling) where applicable. This approach is approved by Natural England for all new residential developments. For every planning application for a new dwelling (including new flats), the tariff contributions are secured through a Section 106 legal agreement or unilateral undertaking or if there are no other financial contributions this is secured through a contribution agreement. Where a developer is unwilling to make the SAMMS payment, sufficient evidence is required to be supplied to enable the Council to undertake an Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.

The tariff has previously been accepted effectively in lieu of an Appropriate Assessment (AA). However, in a recent Court of Justice European Union (CJEU) ruling this approach was not considered to be valid, as the CJEU considered the first stage to be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. In this respect, the CJEU judgement made a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an Appropriate Assessment and that mitigation measures cannot be taken into account at the screening stage.

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

Final Balancing Exercise

The proposed development is deemed to be a sustainable form of development that accords with national and local planning policy.

This report has considered the entire scheme as a whole and in summary it is considered that there are no material overriding issues and concerns that have not been considered and addressed including responses received from consultees and third party representations. The proposal accords with policies CS01, CS02, CS10, CS11, CS12, CS14, CS15 and CS19. On balance it is considered that the proposal is in accordance with the development plan as a whole and that there are no material considerations which indicate otherwise. In particular, the Council also has concluded that the clear and convincing justification has been given which is required by the NPPF (2021). It is therefore recommended that the proposal can be supported.

Permission is recommended subject to planning conditions.

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

Case Officer:	Mr Richard Hart	Team Leader:	Shazad Ghani
Signed:	<i>R Hart</i>	Signed:	
Dated:	26th January 2023	Dated:	26 th January 2023