

Delegated Report

Planning Application

Application no:	20211415
Location:	Garages Rear Of Osney Way Car Park Lower Higham Road Gravesend Kent
Description:	Demolition of 14 existing lock-up garages and the erection of 4 no. three-storey terraced homes, with associated parking, gardens, access, refuse and bike storage, and boundary treatments.
Applicant:	Mr Navneet and Abhinav Vij And Duggal, Stem Homes Ltd
Site Visit Date:	17 and 23 December 2021

The Site and Surroundings

The site the subject of this planning application comprises 14 semi derelict lock up garages of brick construction with flat metal corrugated roofs and the ramped access to them situated in an urban area on the south side of Lower Higham Road Gravesend near its junction with Chalk Road. The application site also includes a small piece of land at the rear of the lock ups that is currently unused and overgrown and gated from an alleyway that runs between existing dwellings - The Brambles and No 1 Osney Way.

The garages are unused and there are signs of car dumping and anti-social behaviour (including extensive graffiti and damaged garage doors) within the garage court. The garages were built circa 1959/1960. The garages and access to them (*see photos below July 2020*) were apparently sold at Auction in February 2020 although at the time 7 were still let to tenants and used for lock up storage. More recently the garage doors to the lock ups have all been removed.

Inside the existing garage court



Ramped access to the garage court



There is a ramped access to the garages that runs along the west side of the Chalk Parish Hall. The Parish Hall is a large modern building that adjoins the site, immediately to the east of the garages. The access is part concrete and part roughly surfaced and accesses on to Lower Higham Road. There is a small enclosed/gated grass strip of land to the south of the garages, which does not appear to be a domestic garden although the applicant's D and A statement indicates it as the private garden of 'The Brambles'.

To the north of and adjoining the lock up garages is a Council owned public car park which is currently leased to the Parish Hall. This is a free car park which is height barriered and has an entrance into the car park from Lower Higham Road and an exit on to Osney Way to the west. The car park provides space for about 25 cars. The site is not within a Controlled Parking Zone (CPZ).

Public Car Park looking south



The Brambles side garden looking east to the garages and Hall

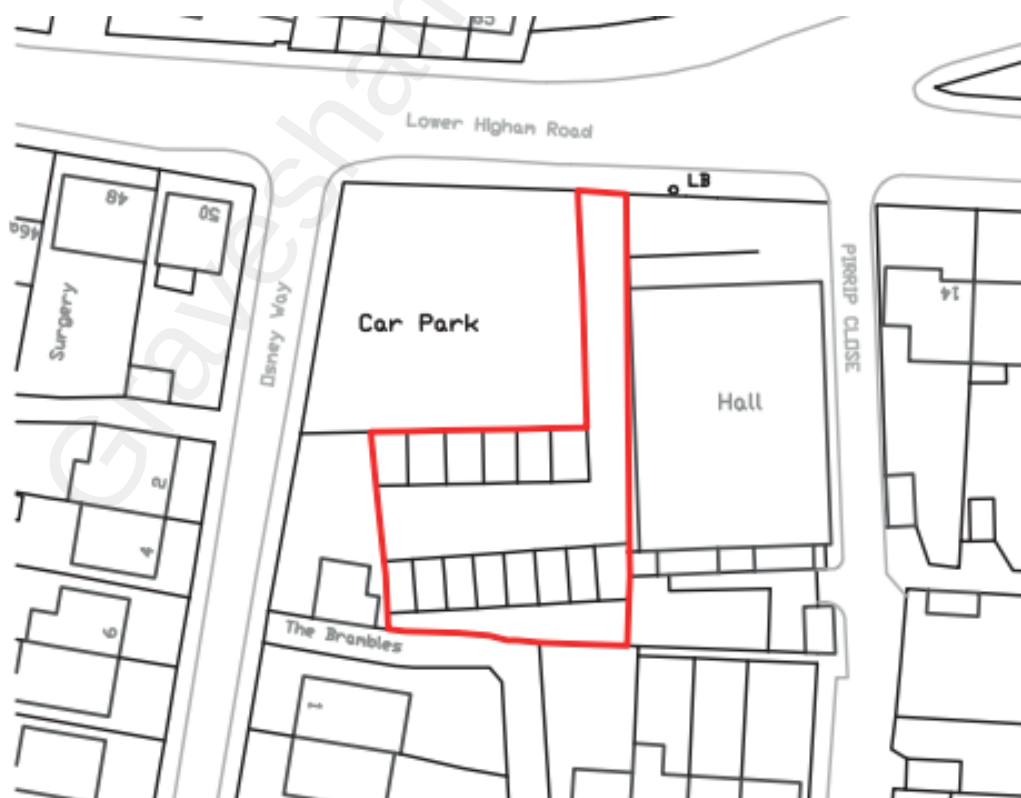


Also to the west is a two storey detached dwelling (The Brambles) fronting Osney Way. To the east of the Chalk Parish Hall is Pirrip Close which is a small cul de sac containing two terraces of modern two storey dwellings as well as access to rear garaging in the rear gardens of dwellings in Miller Road. Osney Way, also a narrow cul de sac, comprises a mix of modern two storey dwellings dating from the 1960's.

Opposite the car park on the north side of Lower Higham Road are a mix of two storey terraced and semi-detached dwellings including some new infill and with two small parades of local shops.

Lower Higham Road is a classified highway (C2). It is on a bus route - Gravesend to Chatham (Arriva service 190) via Chalk Road and A226 Rochester Road. Chalk Road is also separately classified as C369. There are double yellow lines parking restrictions in Lower Higham Road outside the site.

The site area for the garages including the access drive and land at the rear is 615m² (0.061 hectares) and the building area of the garages is 250m². The site area of the site is shown in the extract from the submitted OS red line plan below.



The following 3D aerial photographs from Google Earth show the existing garage site looking to the north, south and east respectively

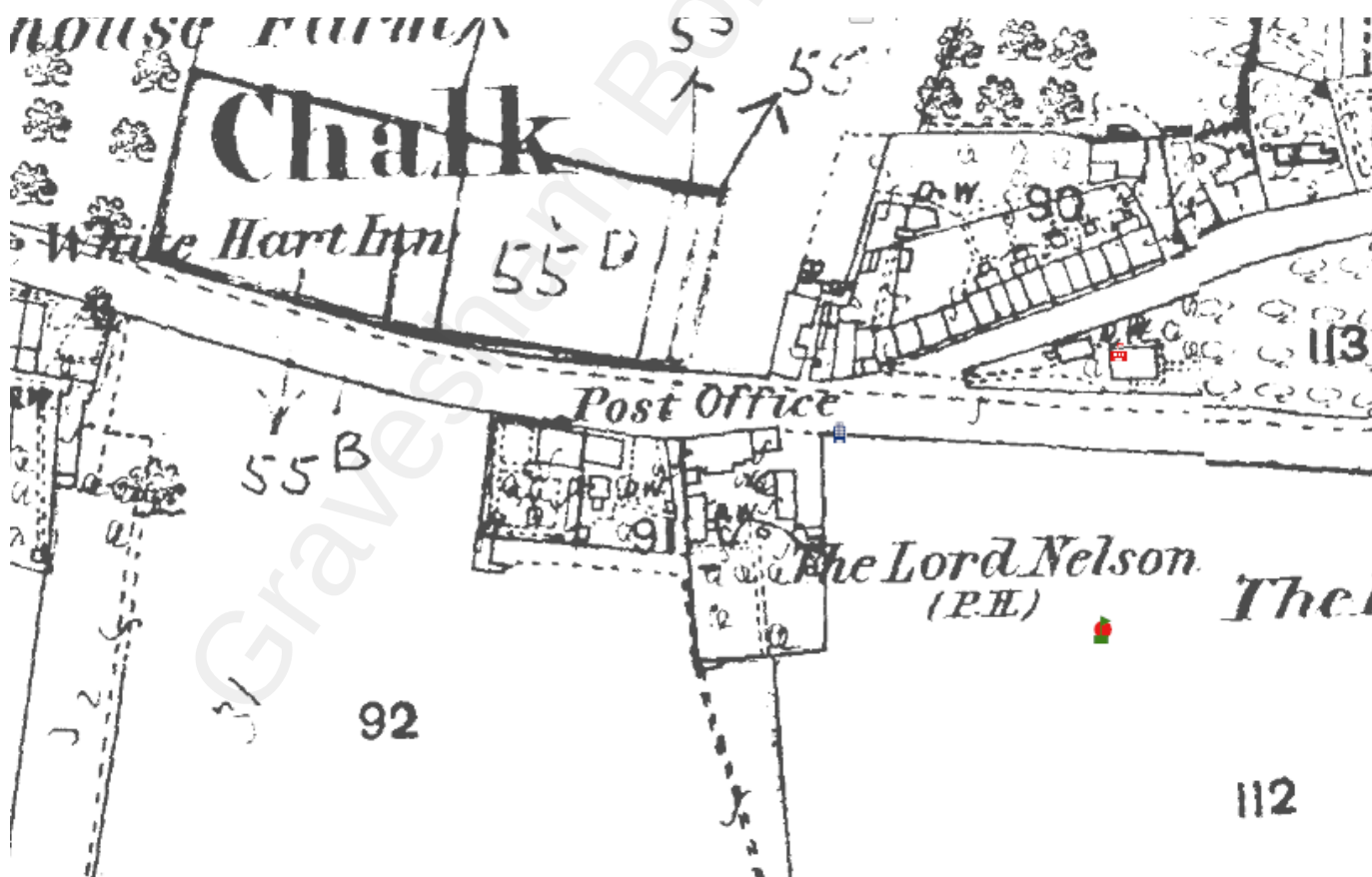




Planning History

Historical records show that there was public house (The Lord Nelson PH) on the site of the existing Council car park and with a garden area on the site of where the lock up garages are now located.

It was apparently closed in 1923 and in 1947 it became a church youth centre and the building was eventually demolished in 1950 (see plan and photograph below)





The site of the current Chalk Parish Hall to the east of the application site was the former site of a school building.

Relevant Previous Planning History

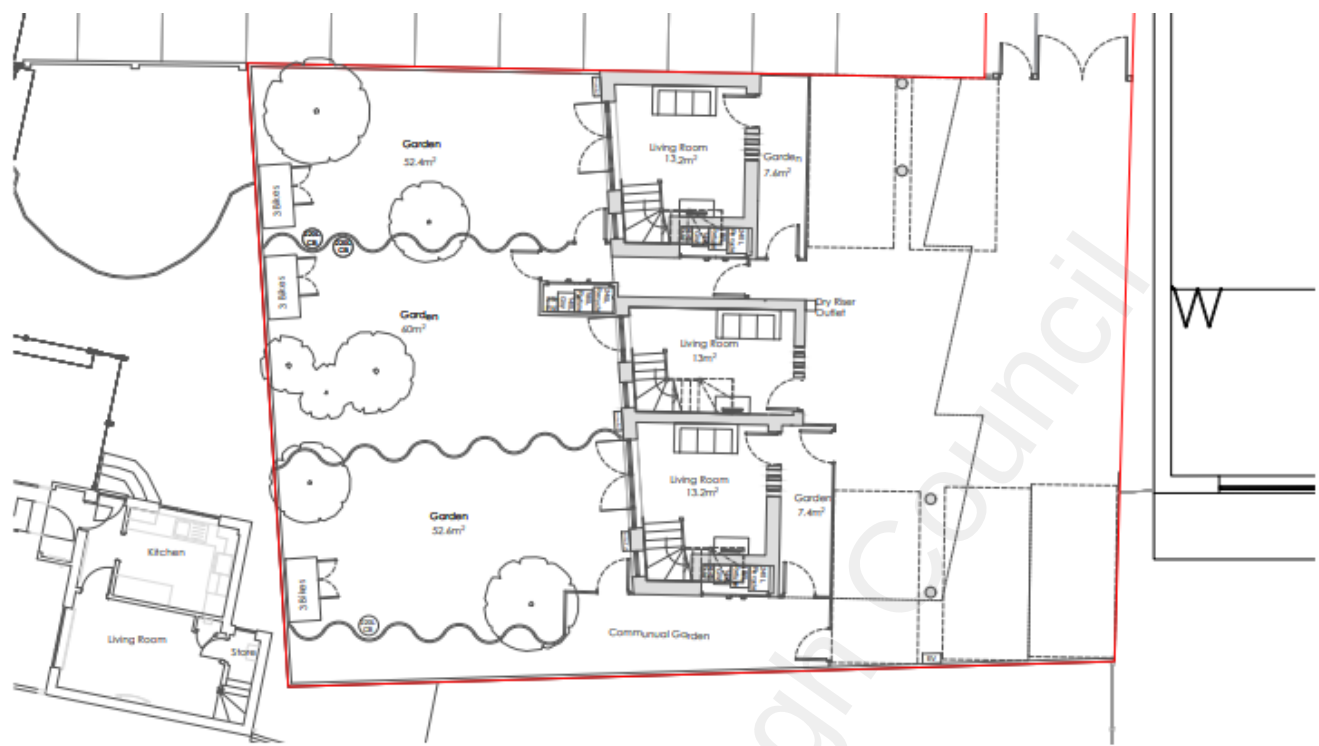
Lock Up Garage Site

Ref No	Description and Site	Decision	Date
TH/2/56/204	Proposed shop premises and 14 lock up garages	Permission	30.07.1956
TH/2/56/204A	Revised details of 14 garages.	Permission	28.05.1959
TH/2/72/310	Outline application for the erection of a three-storey block of 5 shops with 10 flats over. <i>(Note - The plans for the shops and flats relate to the adjoining Car Park site but with the lock up garages retained for parking by the occupants of the shops of flats)</i>	Refused <i>Appeal dismissed on 27 March 1974 on grounds of serious overdevelopment.</i>	21.12.1972
20201379	Demolition of 14 existing lock-up garages and the erection of 3no three storey terraced houses, with associated parking, gardens, access, refuse and bike storage, and boundary treatments.	Permission subject to planning conditions	25.03.2021

Pre-Application Enquiry

PRE20200255: Demolition of existing garages and redevelopment comprising 4 new houses, with 2no. 3B4P terraced houses, one 3B5P semi-detached house, and one 2B3P semi-detached house, along with parking, gardens, access road, and boundary treatments. Response issued on 14 August 2020.

The recent planning permission referred to above (ref 20201379) and which is still extant is a key and material consideration to this current application. The ground floor layout and visuals for that approved scheme are shown below.



Consented Ground Floor Plan



CGI of the consented scheme

Other Planning History

Car Park Site

Ref No	Description and Site	Decision	Date
19760070	Outline planning application for two dwellings.	Permission	27.02.1976

	<i>(Note - The applicants at the time, Royal Arsenal Co-operative Society were also owners of the lock up garage site at the rear. The permission was not implemented and has long since lapsed)</i>		
19781003	Erection of 3 no three bedroom detached houses on car park.	Withdrawn	
19781004	Erection of 3 no detached dwellings with sewerage pump house and three garages at the rear.	Refused	25.01.1979
19810467	Formation of a car park for a temporary period of five years.	Permission	22.07.1981
19960098	Continued use of land as a car park.	Permission	22.03.1996

Note: The applicants Design and Access Statement also includes images of the submitted drawings relating to the above planning records (Chapter 1 - Pages 22-23)

Proposal

This planning application proposes the demolition of 14 existing lock-up garages and the erection of 4 no. three-storey terraced homes, with associated parking, gardens, access, refuse and bike storage, and boundary treatments.

Submitted Plans and Documents, as revised/amended

Application Form and Certificates;
Drawing No 21366 001: Site Location Plan;

Existing Plans

Drawing No 21366 001: Existing Block Plan;
Drawing No 21366 010: Existing Ground Floor Plan;
Drawing No 21366 020: Existing North and South Elevations;
Drawing No 21366 021: Existing East and West Elevations;

Proposed Plans

Drawing No 21366 002: Proposed Block Plan;
Drawing No 21366 100 Rev A: Proposed Ground Floor Plan;
Drawing No 21366 101: Proposed First Floor Plan;
Drawing No 21366 102: Proposed Second Floor Plan;
Drawing No 21366 103: Proposed Roof Plan;
Drawing No 21366 104: Proposed House 1 Floor Plans;
Drawing No 21366 200: Proposed North and South Elevations;
Drawing No 21366 201: Proposed East and West Elevations;
Drawing No 21366 202: Proposed North Elevation;
Drawing No 21366 203: Proposed East Elevation;
Drawing No 21366 204: Proposed South Elevation;
Drawing No 21366 205: Proposed West Elevation;
Drawing No 21366 206: Proposed Elevations;
Drawing No 21366 300: Proposed Section A-A;
Drawing No 21366 301: Proposed Section B-B;
Drawing No 21366 400: Proposed Boundary Treatments;
Unnumbered Fire Access Drawing (received 07.01.2022);

Documents

Planning Statement by Maddox Planning November 2021;
Design and Access Statement Part 1 by Office S&M Architects;
Design and Access Statement Part 2 by Office S&M Architects;
Daylight and Sunlight Assessment for Planning (Ref No: 3146 Issue 1) November 2021 by T16 Design;
Daylight and Sunlight Assessment Addendum - Response of consultants to neighbour objections re sunlight/daylight impacts (Reference: 4146/OW/ow) dated 26.01.2022;
Transport Statement and Travel Plan Statement (Ref P2577) November 2021 by Paul Mew Associates;
Construction Traffic Management Plan (Ref P2577) November 2021 by Paul Mew Associates;
Archaeological Desk-Based Assessment (Document Ref. 240420.01) December 2020, Updated November 2021 240421 by Wessex Archaeology;
Flood Risk and Drainage Strategy (ref 2914) Issue 5 Revision 4 November 2021 by Herrington Consulting Limited;
Appendix A.8 Ground Investigation Report by Soil Technics Report No STT5362-G01 Rev 0 June 2021;
Landscape Strategy (Revision 01) by Maude Pinet;
Drawing No LUAR2107-100 Rev 01: Site Plan - Illustrative (Hard and Soft Landscaping) by Maude Pinet (Luar Landscape) 12 November 2021;
Response to neighbour comments by Maddox Planning dated 09.02.22;
Transport Statement Addendum Figures 6 a-f - Revised Parking Spaces Tracking;

Details of the Development

The application is for the erection of 4 no. three-storey terraced homes, with associated parking, gardens, access, refuse and bike storage, and boundary treatments.

It follows from a permission (ref 20201379) granted in March 2021, but not yet implemented, on the same site of the lock up garages for a terrace of three dwellings. However, the current application site has been enlarged to incorporate a parcel of unused land immediately adjoining to the south.

Three of the units, as before, are 3-bedroom 4 person dwellings while the additional unit (Unit 4) is a 2-bedroom 4 person unit.

It is a mews type development. The density of the development (based on the whole site including the access road) is 65 dwellings per hectare.

The orientation of the dwellings is for their front elevations to face east towards the side elevation of the Parish Hall. The rear gardens of the proposed dwellings will face westwards towards the rear and side elevation of the existing adjoining two storey dwelling in Osney Way, The Brambles.

In the previous scheme there was a small communal garden to the south of the units, partly for biodiversity gain and also as part of the sustainable drainage proposals (described as a rain garden). This has not been included in the current scheme to allow (alongside the extended site area to the south) for the additional dwelling unit.

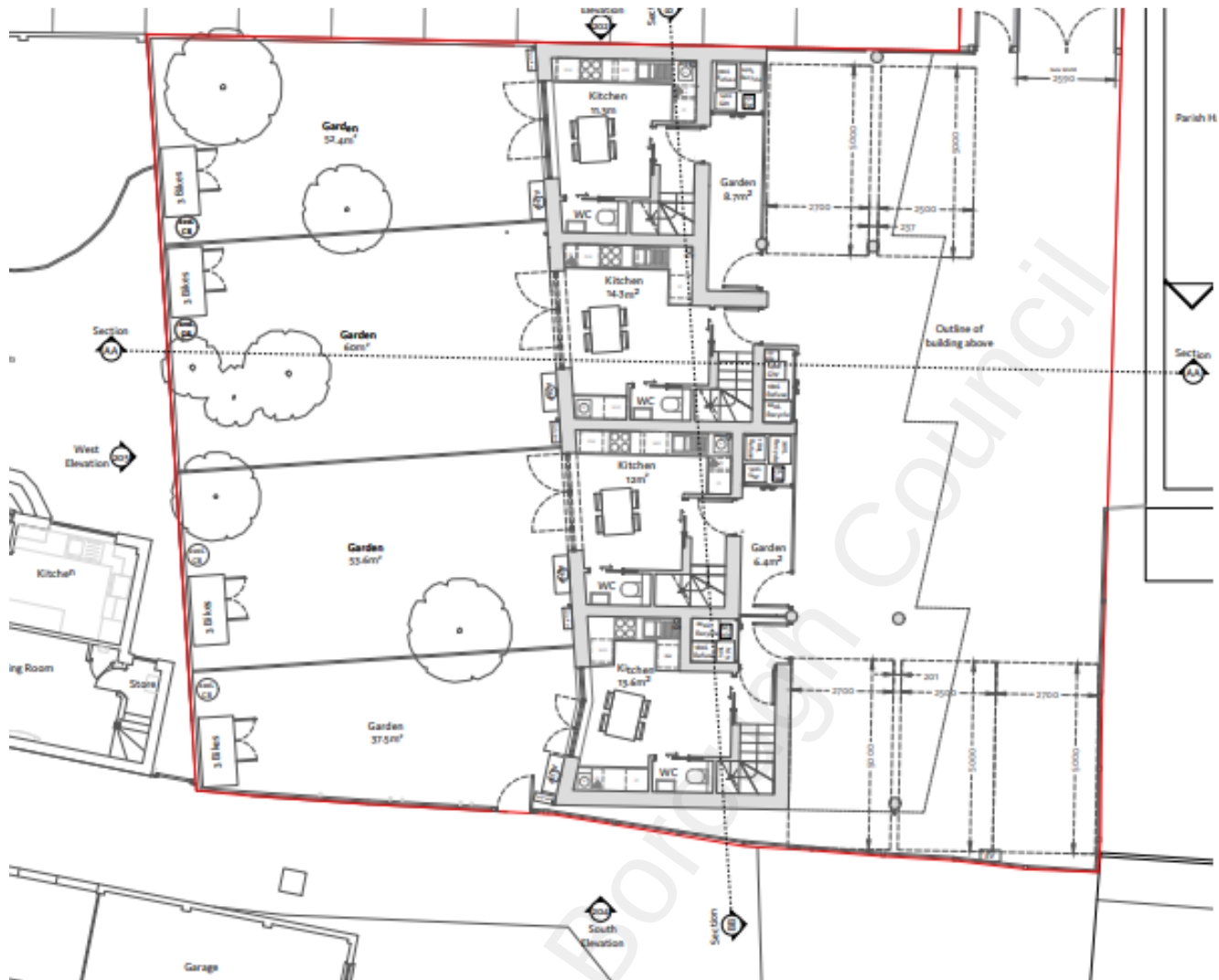
The parking provision, as before, includes 5 car parking spaces (but now for the 4 units) that include a part undercroft parking arrangement, and although there is a slightly wider area between the facing car parking spaces the access to the spaces is perhaps less commodious than in the approved scheme.

The height of the development is indicated as being 9.5 m from ground floor FFL to the top of the roof. It includes a dormer bedroom at roof level and gable ends to the roof.

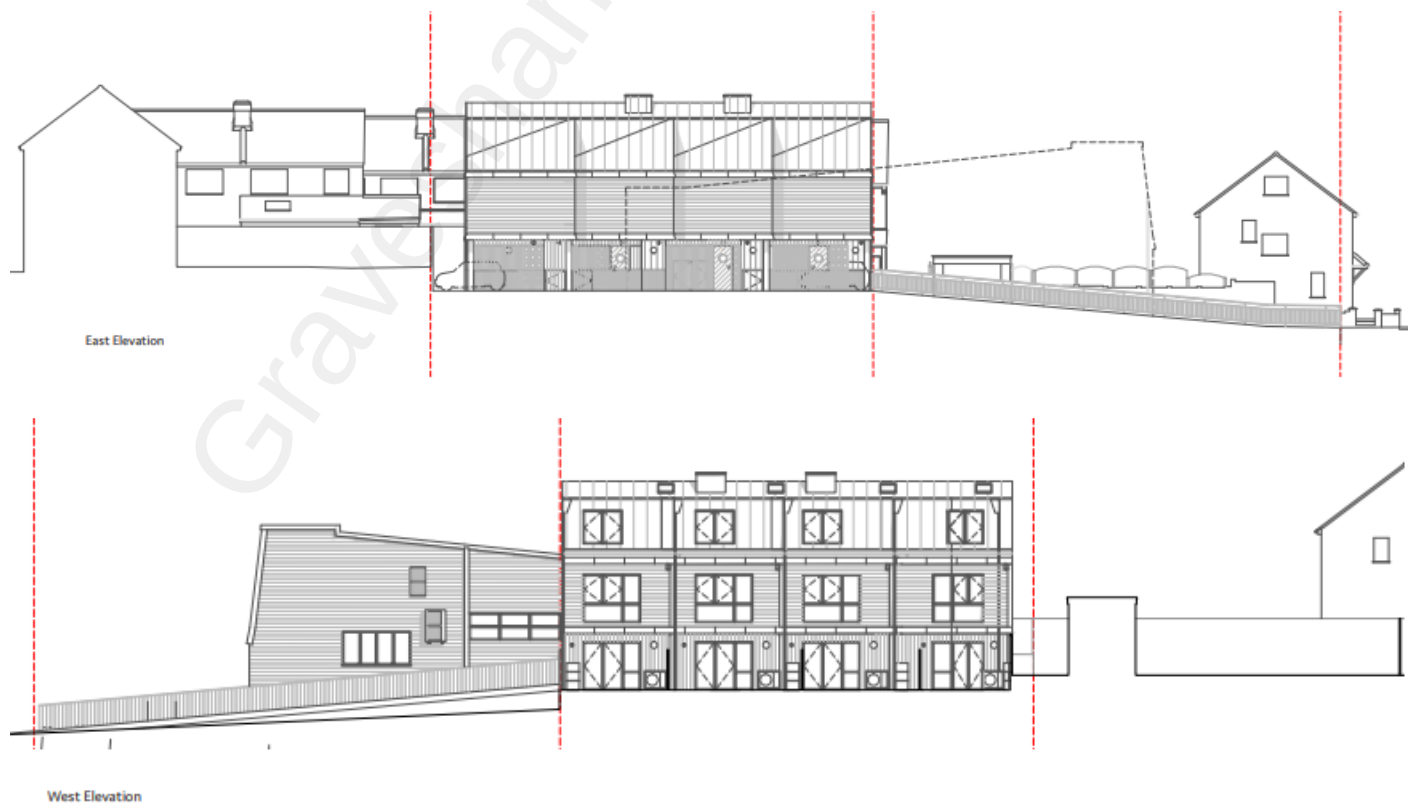
The design is very contemporary in its style, form and materials to be used. The design includes double glazed windows looking northwards and turned away from the Parish Hall. Unit 4 has a slightly angled (kinked) rear elevation wall compared to the rest of the terrace, intended to reduce neighbour impacts.

The applicant's project name for the development is "Goldsmith Mews", named apparently in honour of the first landlord of The Lord Nelson, called Sarah Goldsmith.

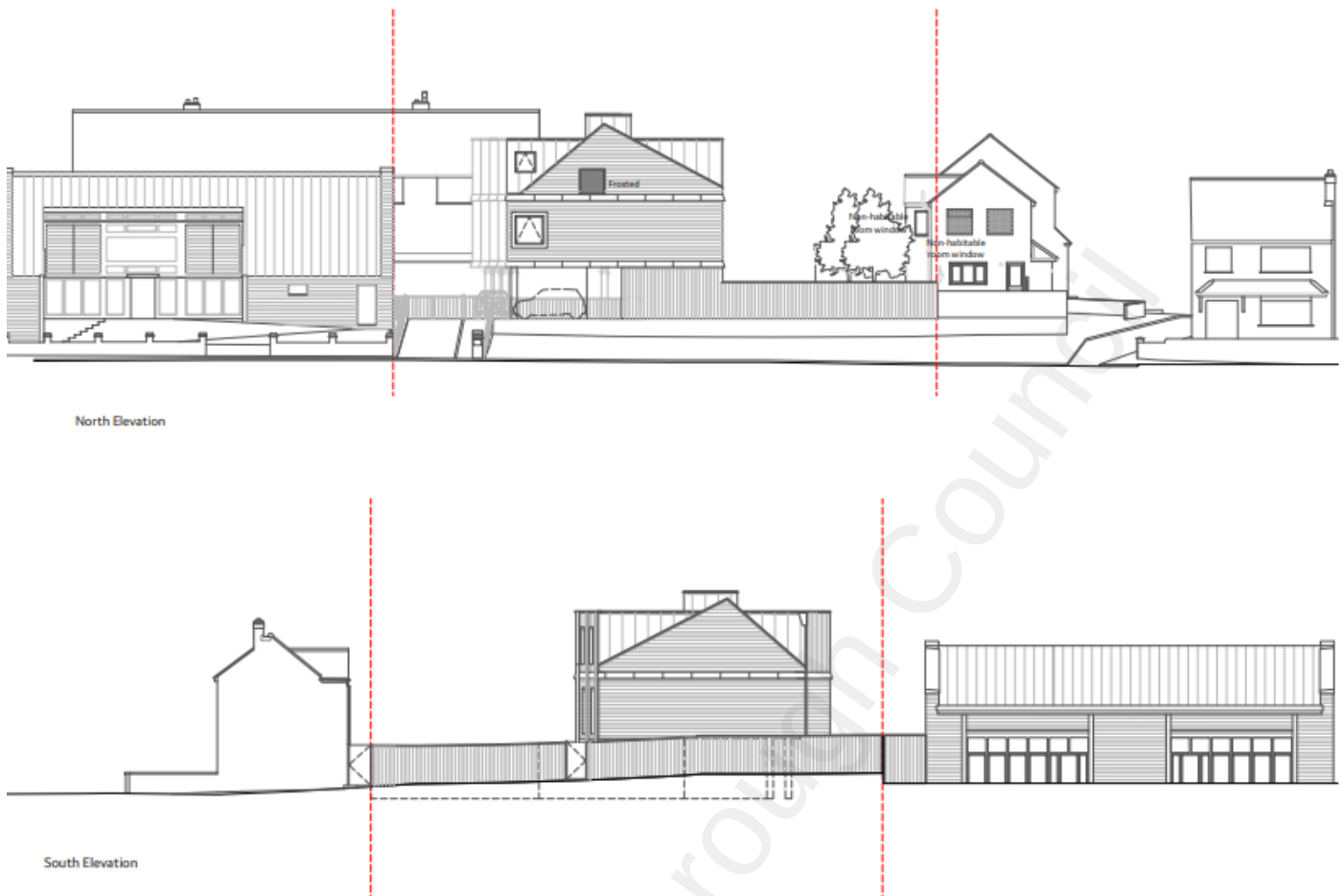
The extract below shows the proposed ground floor site layout, as revised, with the upper floor overhang over the undercroft parking (indicated as 'outline of building above')



The front and rear elevations respectively are shown below (east and west elevations)



The side elevations are respectively shown below (north and south)



Development Plan and other related Planning Policies and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.¹

Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

The Development Plan for Gravesham currently comprises:

- *The Gravesham Local Plan Core Strategy and Policies Map (September 2014);*
- *Remaining Saved Policies in the Gravesham Local Plan First Review (November 1994); and*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance and where they exist neighbourhood plans. There are currently no relevant neighbourhood plans.

Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

¹ See the Judgement in the Court of Appeal on R(on the application of William Corbett) and The Cornwall Council and others [2020] EWCA Civ 508 at <https://www.bailii.org/ew/cases/EWCA/Civ/2020/508.pdf>

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The application site is shown as being within the **urban area**, and fronting on to a **local distributor** (Policies T1-T5) in the Gravesham Local Plan Policies Map.

It is outside of the local centre of Lower Higham Road (outlined in red) as shown in the Town Centre Retail Frontages and Neighbourhood and Village Centres Retail Centres, April 2018, a background (technical) paper produced for Part 2: Development Management Policies Document - Regulation 18 Consultation (see boundary below).



The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance to this planning application:

Core Strategy Policy CS01: Sustainable Development
Core Strategy Policy CS02: Scale and Distribution of Development
Core Strategy Policy CS11: Transport
Core Strategy Policy CS12: Green Infrastructure
Core Strategy Policy CS14: Housing Type and Size
Core Strategy Policy CS15: Housing Density
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles
Core Strategy Policy CS20: Heritage and the Historic Environment

Policy CS01 (Sustainable Development) sets out that support will be given to proposals that accord with the development plan. A positive approach to new development will be taken that reflects the presumption in favour of sustainable development set out in the NPPF and the Local Plan Core Strategy.

Policy CS02 (Scale and Distribution of Development) makes a commitment to meeting the Borough's objectively assessed need for 6,170 new dwellings over the plan period and outlines where new

development will take place. The strategy prioritises development in the urban area by promoting regeneration by:

- the redevelopment and recycling of underused, derelict and previously developed land;
- revitalising Gravesend Town Centre as a focal centre for small scale office development; and
- bringing forward a range of suitable sites for residential and employment development.

Policy CS11 (Transport) sets out that new developments should mitigate their impact on the highway and public transport networks as required. As appropriate, transport assessments and travel plans should be provided and implemented to ensure the delivery of travel choice and sustainable opportunities for travel. Sufficient parking in new development will be provided in accordance with adopted parking standards reflecting the availability of alternative means of transport and accessibility to services and facilities.

Policy CS12 (Green Infrastructure) indicates that all green spaces contribute to the green infrastructure network and that the multifunctional network of green spaces will be created, protected, enhanced and maintained. It requires that there should be no net loss of biodiversity in the Borough and gives protection amongst other things to internationally designated sites. It sets out that the overall landscape character and valued landscapes within the borough will be conserved and enhanced

Policy CS14 (Housing Type and Size) expects new housing development 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.

Policy CS15: (Housing Density) states that sites will be delivered at a variety of densities, depending on their location and accessibility to public transport. It states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, within the urban area, new residential development will be expected to achieve a minimum density of 40 dwellings per hectare.

Policy CS18 (Climate Change) seeks to ensure that Water Framework Directive objectives are secured and that the impact of development on waste water drainage systems is minimised. Surface water run-off from all new development should, as a minimum, have no greater adverse impact than the existing use. It requires the use of Sustainable Drainage Systems where technically and financially feasible. It requires the water efficiency measures to be installed to achieve the equivalent of level 3/4 of the Code for Sustainable Homes (105 litres per person per day)²

Policy CS19 (Development and Design Principles) sets out detailed criteria against which the acceptability or otherwise of proposed development will be evaluated. In particular, it requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene and to the character of the area.

It requires account to be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings and of the wider context including features of townscape and landscape value, which contribute to local character and sense of place.

It requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and avoid adverse environmental impacts from pollution. New residential development is required to accord with the adopted Residential Layout Guidelines and will be required to provide appropriate levels of private and public amenity space.

Proposals should include details of appropriate hard and soft landscaping, protect and where opportunities arise enhance biodiversity and provide appropriate facilities for the storage and disposal of waste.

Policy CS20 (Heritage and the Historic Environment) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central

² Now equivalent to 110 litres per person per day as required by National Standard – see GBC Housing Standards Policy Statement (2015) at http://www.gravesham.gov.uk/__data/assets/pdf_file/0016/201625/Housing-Standards-Policy-Statement.pdf

to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994.

A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this proposal:

Policy TC7: Other Archaeological Sites;

Policy T1: Impact of Development on the Highway Network;

Policy T2: Primary and District Road Network;

Policy T5: New Accesses onto Highway Network;

Policy P3: Vehicle Parking Standards;

Policy LT6: Additional Open Space in New Housing Development;

Saved Policy TC7 indicates that planning permission may be refused without adequate assessment of the archaeological implications in areas of archaeological potential

Saved Policy T1 requires that all proposed developments are adequately served by the highway network identified on the Proposals Map.

Saved Policy T2 requires all traffic travelling through Gravesham to be directed on to the primary road network and to channel traffic between and within residential, industrial and principal business districts of the Borough onto the district distributors.

Saved Policy T5 requires that the formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map, will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.

Saved Policy P3 requires development to make provision for vehicle parking, in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception. All vehicle parking provision should normally be made on the development site.

Saved Policy LT6 requires new housing development to make provision for open space and play space, having regard to the proximity of the development to open space in the vicinity.

Review of Local Plan

Paragraph 33 of the NPPF (2021) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF, policies in this document may be accorded weight in the decision making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going and are considered as being relevant to the consideration of this application albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy INF 2: Transport Design Principles;
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts;
Proposed Policy INF 4: New Accesses and Junctions;
Proposed Policy INF 5: Electric Vehicle Charging Points;
Proposed Policy RES 2: Residential Space Standards;
Proposed Policy RES 6: Residential Intensification through New Build;
Proposed Policy AM 1: Air Quality;
Proposed Policy AM 4: Sunlight and Daylight within New Development;

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) July 2021 is a material consideration.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The NPPF includes (in paragraph 8) three overarching objectives to achieving sustainable development:

- An economic objective;
- A social objective; and
- An environmental objective.

The following paragraphs are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered.

Section 2, Paragraphs 7 - 14: Achieving sustainable development
Section 4, Paragraphs 38 - 59: Decision Making
Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes
Section 8, Paragraphs 92 - 103: Promoting healthy and safe communities
Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport
Section 11, Paragraphs 119 - 125: Making effective use of land
Section 12, Paragraphs 126 - 136: Achieving well-designed places
Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment
Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

Section 2, Paragraphs 7 - 14: Achieving sustainable development

Paragraph 8, advises that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The social objective is to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Section 4, Paragraphs 38 - 59: Decision Making

Paragraph 47 indicates that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraphs 55-58 of the NPPF contain advice on planning conditions and obligations. Paragraph 56 indicates that conditions should be kept to a minimum and only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes

Paragraph 60 indicates that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 69 (c) requires local planning authorities to support the development of windfall sites.

Section 8, Paragraphs 92 - 103: Promoting healthy and safe communities

Paragraph 92 indicates that planning decisions should aim to achieve healthy, inclusive and safe places which:

- (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport

Paragraph 110 indicates that in assessing specific applications for development, it should be ensured that:

- (a) Appropriate opportunities to promote sustainable transport modes can be – or have been taken up, given the type of development and its location;
- (b) Safe and suitable access to the site can be achieved for all users;
- (d) The design of streets, parking areas, other transport elements and the content of associated standards reflect current national guidance; and
- (c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112 (e) requires applications to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 11, Paragraphs 119 - 125: Making effective use of land

Paragraph 119 indicates that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 120d requires decisions to promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained.

Paragraph 122 requires decisions to reflect changes in the demand for land.

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Paragraph 126, advises that 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, indicates that, amongst other things, planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change

Paragraph 132, requires applicants to work closely with those affected by their proposals to evolve designs that take account of the views of the community. It states that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Paragraph 133, requires local authorities to ensure that they have access to and make appropriate use of tools and processes for assessing and approving the design of development. They should have regard to the outcome of these processes, including any recommendations made by design review panels.

Paragraph 134, states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

This sets out (amongst other things) national policy in relation to flood risk. This should be read in conjunction with the relevant sections of National Planning Practice Guidance (NPPG) and the Environment Agency Flood Risk Standing Advice available on line via <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

Paragraph 154 indicates that new development should be planned in ways that avoid increased vulnerability to the range of impacts arising from climate change and can help to reduce greenhouse gas emissions such as through its location, orientation and design.

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Paragraph 174 of the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:

- (a) Protecting and enhancing valued landscapes,
- (b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

Paragraph 194 of the NPPF indicates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the

relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF.

It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things.

The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It indicates that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this proposal:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006);
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006);
- Vehicle Accesses on Classified Highways (SPG6 November 1992);
- GBC Residential Layout Guidelines, SPG2, including Housing Standards Policy Statement October 2015, Adopted February 1996 - amended June 2020;
- Technical Housing Standards: Nationally Described Space Standards, March 2015;

Consultations, Publicity and Representations

Consultations - Internal

GBC Highways Development Management Officer - Original Comments

This is a complex application and requires careful consideration. A similar application for 3 dwellings has already been submitted and therefore must be taken into account.

Cycle Provision

It is noted that the cycle stores are located in the rear garden and the cycles have to be wheeled/carried through the kitchens which is not desirable, and although potentially no different to other terraced properties, it is bad design. It will be potentially awkward to transfer a cycle from the front to the rear of the

properties where the storage is. Only one unit has a straight through walk and all have to traverse the kitchen.

Quantum of Car Parking Provision

From a highway perspective it is a question if 5 car parking spaces are adequate for four properties instead of 3 dwellings. The Council have adopted maximum parking standards with no reference to minimum requirements. This however is at odds with Kent County Council adopted guidance which sets minimum requirements, which depends on whether this is considered as a suburban or suburban edge location. In the first instance 5.5 car parking spaces would be required increasing to 7 in the latter. Both exceed the proposed provision.

Car Parking Bay Sizes, Manoeuvrability and EV Charging

The adopted guidance SPG4 has the following preferred requirements for car parking space sizes, although it should be noted that a width of 2.4 metres is often accepted elsewhere, but this does not necessarily reflect some wider vehicles commonly available today.

B8. The preferred sizes for parking bays in Kent provided as part of development proposals are:

	Length	Width
Parking Bay Size for Powered Two-Wheelers ⁽¹⁾	2.5m	1.5m
Parking Bay Size for Cars ⁽²⁾	5.0m	2.5m
Parking Bay Size for People with a Mobility Handicap	5.5m	3.6m
Parking Bay Size for Light Goods Vehicles	7.5m	3.5m
Parking Bay Size for Minibuses ⁽³⁾	8.0m	4.0m
Parking Bay Size for Coaches ⁽³⁾	14.0m	4.0m
Parking Bay Size for Rigid Heavy Goods Vehicles	12.0m	3.5m
Parking Bay Size for Articulated Heavy Goods Vehicles	16.0m	3.5m
Notes:	1. A minimum space of 1.0m should be allowed between each motorcycle. 2. Where car parking spaces are provided parallel to, and abutting, a carriageway, aisle or drive the preferred bay size should be 6.0m x 2.5m to allow vehicles to manoeuvre into the bay when adjoining bays are occupied. The width of end spaces abutting an enclosed boundary should be increased to 2.7m 3. A width of 4.0m is the minimum necessary to allow passengers to embark and disembark safely.	

Whilst neither Gravesham or Kent County Council have guidance on EV car charging parking bays, depending on how a vehicle is parked and the location of the charging socket, without having a vehicle walk round capability the simple matter of plugging in could be unnecessary complicated. For example the Nissan Leaf has a central front charging point.

So we have the car parking space adjacent to the entrance at 2.39 metres, slightly below the 2.4 metre minimum, but well below the 2.5 metres from Kent supplementary guidance. However as this space is adjacent to the access there is some argument that it could be narrower as there is no conflict with another parked car when opening the door; it is also the only parking bay that could be considered suitable for a person with a mobility impairment. However, if used by a disabled person the space dictates how the person can park which may or may not limit their ability to access other parts of the car such as the boot to remove luggage, shopping or even a mobility scooter.

The other parking space is close to the new building and only has a 170mm clearance to open a door rather than the 200mm suggested by SPG4, see note 2 above in the extract from SPG4. The positioning of a car in this area is also further complicated by the support pillars for the building above given little option in better positioning the car.

The two car parking spaces nearest the boundary both measure 2.5 metres and are so the one on the boundary is definitely below the preferred 2.7 metres, whilst the middle one should equally be 2.7 metres due to the positioning of the support pillar and there is no guarantee on whether any doors may align when

a vehicle is parked.

Building side. Here the width is 2.7 metres so better, but again with the issues of the pillar and doors aligning should it be 2.9 metres. With the forward pillar there is also the issue of getting good alignment to access the parking space.

The support pillars appear to be some 300mm wide, but no calculations have been submitted to demonstrate these are adequate for purpose and are suitably protected if required. Any enlargement will compromise the parking spaces and their access.

As there is only a single EV charging point although it may serve two parking spaces, there will have to be some flexibility in the use of parking spaces. This means those parking spaces nearest the front doors to the properties may not be serving the occupiers of those properties and there are no pedestrian sight lines for emerging pedestrians particularly children which even in a low speed environment where drivers will be occupied in avoiding supporting pillars and adjacent walls is not an ideal environment and must be considered to be a hazard. Indeed this is true for all properties even if the parking were allocated.

The use of a Skoda Octavia is noted for the tracked drawings and was accepted on the previous application, but does not reflect some of the larger cars on the road.

Given the limited manoeuvring area and the size of parking spaces available with possible restricted access to charging an electric vehicle and storing a cycle, the conclusion has to be that this proposal is an overdevelopment of the site and should be refused.

Street Parking Survey - Lambeth Method

Reference is made to an on street parking survey using the Lambeth Method which I'm aware the County Council have accepted in terms of their school developments. However, given that SPG4 requires a parking space of 6 metres for longitudinal parking this is at odds with the 5 metre spacing used within the Lambeth Method. I therefore discount this element of the submission and it does not form part of my considerations.

SUDS

I note the proposal to have a sustainable drainage system if possible and this is to be welcomed. It is a matter for Southern Water to consider if it is not possible to provide a SUD's solution due to the need to connect to a public sewer.

GBC Highways Development Management Officer - Further Comments

Having checked the measurements in the revised layout plan, there appears to be some rounding up in the size of the bays, but it is just a few millimetres so nothing to refuse on.

However, we do come back to column encroachment and in particular in the northwest corner which narrows the space to approximately 2.59m.

Looking at the swept path drawings for this parking space it is tight and any encroachment could be considered critical in the usability of the parking space.

I assume no details showing the support columns are fit for purpose?

They also don't appear to have addressed the issue of taking cycles through the ground floor of the houses, where with one exception they have to 90 corners to negotiate. Nor has the issue of sight lines for people emerging from the houses been addressed.

So I think the first issue of parking space size may need to be allowed and concentrate on ease of access for cycles, sight lines for pedestrians emerging from their properties, (use of windows and low screening as appropriate, removal of a door) and the size of the supporting columns to ensure they will not encroach on the parking spaces.

The following to be considered:

Noise Control

The proposed development is located adjacent to Chalk Parish Hall, which benefits from a premises licence and is available to hire for private functions. These established uses present a real risk of noise nuisance being caused to future residents introduced in the proposed location and it is incumbent on the developers to ensure that any such risks are fully mitigated as per the agent of change principle (paragraph 187 of the NPPF) that says:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The developers appear to have recognised the fact that there is a risk of noise affecting future residents by making reference to proposed noise mitigation within the Design and Access Statement, where they rely on windows being (marginally) turned away from the façade of the hall as the primary means of noise mitigation. It is considered that the level of mitigation afforded by this would however be negligible, not least of which because of the effects of reflection caused by the flank walls extending from the adjoining dwellings.

Whilst mention is also made of the windows being double glazed and providing "a significant dB reduction to any noise that is produced," this is not quantified nor referenced against appropriate British Standards and therefore offers no real assurances at all. In addition, glazing can only be relied upon when it would be sealed/un-openable all year round (i.e. when coupled with mechanical clean air ventilation) since in warmer weather when windows would reasonably be open, any sound reduction effects would be lost. The developers should also consider whether having bedrooms facing the parish hall will increase the risk of nuisance to future occupiers.

Due to these concerns, if permission is granted, we would wish the following condition to be applied:

1. Prior to any above ground works, a suitable noise impact assessment demonstrating compliance with the following requirements shall be carried out, including details of the glazing and ventilation strategy and their respective noise reduction values, submitted to and approved by the LPA:

- a) The internal ambient noise levels in all habitable rooms of the residential dwellings shall not exceed the guideline LAeq values in Table 4 of BS 8233:2014
- b) The maximum internal noise levels in all habitable rooms should not normally exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- c) Where relevant, the rating noise from fixed building services/mechanical plant/equipment associated with/in the vicinity of the development (e.g. the air conditioning unit or similar on the flank wall of the Parish Hall adjacent to the proposed development) shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

2. Any mitigation measures recommended in the assessment in order to meet the above criteria as agreed by the LPA shall be implemented prior to first occupation.

3. Where compliance with the above criteria will rely on closed windows, the development must include sufficient and suitable ventilation to affected residential dwellings by means other than opening windows to ensure that the internal noise levels required by the above conditions can be retained all year round.

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.

Code of Practice on Construction and Demolition

Please apply

Contaminated Land

Proposed Condition 1:

The above ground works of the development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation, based on the findings of the submitted Ground Investigation Report from soiltechnics, ref STT5362-G01 dated June 2021, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This is to include a detailed UXO assessment.
- 2) A Remediation Method Statement (RMS) based on the site investigation results and the detailed risk assessment at (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 3) Prior to occupation, a Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (2). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto, or taken from, the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express written consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Proposed Condition 2:

If during construction/demolition works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to, and approved in writing

by, the local planning authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to, and approved in writing by, the local planning authority. The closure report shall include:

A) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

B) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria, together with the necessary documentation detailing what waste materials have been removed from the site.

Electric Vehicle Charging Point(s)

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

GBC Waste Management

I have reviewed the above planning application and can confirm that I am satisfied with the number of refuse/recycling bins provided and their storage location.

However, the collection crews will not be able to collect from outside the properties. Due to keeping our refuse and recycling service efficient, the residents will need to place their bins at the bottom of the driveway at the junction with Chalk Road to allow collection.

GBC Property Services

No comments received

Ward Councillor

No comments received

Consultations - External

Kent Highways and Transportation

The current proposal is for four dwellings and the proposed vehicle parking provision is in line with KCC Residential Parking Standards (IGN3), for an edge of town centre site.

It is recommended that one space is allocated per dwelling, with the remaining space unallocated. I am pleased to note that adequate cycle storage and electric vehicle charging points are also to be provided.

I can therefore confirm, that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel

- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

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

Kent Police Crime Prevention Design Advisor

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Our comments contained within our previous letter dated 17.02.2021 for this site, previously under application number 20201379, remain valid. Whilst, these plans have addressed points from our previous letter, we require further information to be provided regarding physical security and lighting plans to address CPTED or incorporate SBD into this design.

1. Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.

2. Parking - We advise against the use of undercroft parking as this can create an opportunity for crime. Where unavoidable, the areas must be covered by sufficient lighting. The proposed pedestrian and vehicle access gates, as shown on the illustrative plan, are a measure we support to reduce the opportunity for crime on the site.

3. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

4. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

5. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

6. For cycle security we advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area/sheds of dwellings.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime.

If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

KCC Heritage and Conservation

The proposed development lies within an area of multi-period archaeological potential in an area adjacent to the wetland edge in prehistoric times. This type of environmental zone was attractive to past human settlement and activity.

There is a potential that the proposed development will impact on below-ground archaeological remains and I recommend that if planning permission is granted the following condition be applied to any forthcoming consent:

AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

Southern Water (SW)

Advises on the approximate position of SW existing sewer asset within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Advises that:

- The public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
 - No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
 - No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
 - All existing infrastructure should be protected during the course of construction works.
- Please refer to: www.southernwater.co.uk/media/3011/stand-off-distances.pdf

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/> and please read New Connections Charging Arrangements documents which are available on our website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water, should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

<https://www.water.org.uk/sewerage-sector-guidance-approved-documents/>

[https://www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Environment Agency

No comments received

KCC Sustainable Drainage

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Internal Drainage Board

No comments received

Kent Fire and Rescue Service - Original Comments

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20211415 I would like to make the following observation/s.

- The access gate to the properties is detailed as being approx. 2.6m in width, this presents a pinch point for the pump appliance as it requires a minimum access with of 3.1m.
- The single direction of travel to the premises appears to be in excess of 20m, a turning circle with a minimum radius of 16.8m should be provided.
- If access for a pump appliance to within 45m of all points inside each building can be demonstrated, despite the above factors, this should be acceptable.

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, to be established. Fire Service access and facility provisions are a requirement under B5 of 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.

Kent Fire and Rescue Service - revised comments

I confirm that the means of access would be considered satisfactory subject to the information provided within the client's response being an accurate reflection of the design, and implemented.

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, to be established.

Fire Service access and facility provisions are a requirement under B5 of 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.

Natural England

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Publicity and Representations

The application was publicised by individual notification to 79 surrounding properties and by a site notice under Article 15.

The expiry date for neighbour publicity was 07 January 2022

There have been 5 neighbour objections with the following main planning issues and concerns raised:

Impact on Sunlight and Daylight to Neighbouring Houses

- There are errors in the in the daylight assessment in terms of the numbering of houses and showing a downstairs bedroom window as being non-habitable;
- The properties would directly affect the views and severely restrict the natural light into the gardens and properties in Pirrip Close, namely, house numbers 1, 3, 5 & 8;

Overlooking of Neighbouring Houses

- The size and proximity of the dwellings would result in overlooking and loss of privacy to neighbouring rooms and gardens; it would give a sense of enclosure;
- To angle the corner of the building away is not enough; window 4 shown in the diagrams is not a bathroom it is a bedroom
- There would be directly overlooking from windows in the development into the back gardens of a number of existing properties of the Brambles, 1, 3, 5 and 7 Osney Way and those properties on Pirrip Close behind Osney Way, which would border the proposed development.

Overshadowing of Neighbouring Houses

- The size and proximity of the dwellings would result in overshadowing and loss of privacy to neighbouring rooms and gardens

Overdevelopment

- To have 3 x three bedroom houses and 1 x two bedroom house on such a small plot, the building is not in keeping with the rest of the area; it would be a cramped form of development;

- Insufficient room for this proposed development itself for 4 properties and associated parking, gardens, access, refuse and bike storage, and boundary treatments;
- The development will result in substandard housing;

Development is Out of Character

- The erection of 4 x three storey terraced houses would not blend in with the current established housing structures within the local vicinity;
- The development is out of character with Osney Way (a cul de sac) and Pirrip Close (a close);
- The development will be one storey above all the existing properties;

Traffic and Parking Concerns

- Parking for the 15+ extra residents will be chaos in such a busy area;
- Loss of parking affecting existing residents and local businesses;
- Insufficient parking will result in on street parking in Osney Way;
- The development is likely to result obstruction during construction to access to the Parish Hall and its parking, potentially resulting in dangerous parking;

Other Matters

- Refuse and bike storage will be separate to the actual houses, which is both outside of the characteristics of the existing housing in Osney Way and Pirrip Close; this could create a hazard of excess refuse storage in the street, rodent infestation, and unwanted tipping;
- The previous application should not have been granted;

Planning Assessment and Analysis

Introduction

The proposals for the redevelopment of this former and now derelict lock-up garage site were the subject of a pre-application enquiry in 2020 (PRE20200255) for 4 units but in response to the officer pre-application comments this was reduced to 3 dwelling units in a subsequent formal planning application, submitted in late 2020 (ref 20201379). That subsequent planning application was the subject of very careful assessment and scrutiny but after balancing all the issues and taking into account neighbour representations and the consultation responses planning permission was granted in March 2021 subject to various planning conditions.

The officer report concluded:

The development as proposed was the subject of a comprehensive pre-application enquiry in 2020 which enabled the analysis and identification of the likely issues and concerns arising from the development and notably resulted in a reduction from 4 to 3 dwelling units on this site in response to concerns about what was likely to be a cramped form of development and too high a density. Although the density is still above the Local Plan Core Strategy target density the revised scheme represents an economic use of this brownfield site and is a sustainable development and will remove an existing use which has resulted in neglect and anti-social behaviour for a number of years and which will be an appropriate use on this site.

The residential development of the site also supports the Governments greater emphasis on delivering and prioritising housing land as set out in the current version of the NPPF (section 5 - delivering a sufficient

supply of homes) and the development of the site for 3 units would offer a modest contribution towards meeting this local need and, accordingly, weighs in support of this development.

The proposals have been carefully assessed and evaluated in terms of impacts on local privacy and amenity. There are some neighbour objections arising from the publicity given to the proposals relating to a number of concerns about the scheme including its height, the development potentially overlooking neighbouring dwellings and resulting in the loss of daylight/sunlight, design etc. These issues are fully addressed in this report and where possible amendments have been made to the scheme since it was first submitted.

The applicants have fully explored neighbour impacts against the various Council policies and guidelines and to the extent of also commissioning a sunlight and daylight analysis. It should also be noted that the pre-application enquiry enabled the opportunity to consider the likely impacts and address them before the planning submission. There has been some mitigation through the design and layout of the development including careful positioning of potential overlooking windows and a reduction in height since the pre-app proposals.

The applicants have submitted a statement of community involvement indicating that not only had they gone through the pre-application process in 2020 but also had undertaken pre-submission neighbour consultation and also talked to the Parish Hall owners and Church and managers of the Chalk Village Pre-School group.

However, given the wide Council publicity undertaken to this planning application it is considered that there is only a very limited level of neighbour objections.

A number of other planning matters or other concerns that have been referred to in the neighbour objections received including design issues, landscaping concerns and parking issues have also been evaluated and are not grounds to refuse the development as proposed. The design is a little quirky and very contemporary in style and perhaps not necessarily harmonious with the prevalent 1960's style of development locally but it does respond to the difficulties of the site and would sit aside the more modern and bulkier form of the Parish Hall to the east although it is considered that there needs to be more careful consideration of the final exterior materials, colours and finishes.

The overall design and level of accommodation nevertheless provides an acceptable living environment for the future occupants of the dwellings.

There are no highway objections to the development although it is nevertheless felt that the layout and parking arrangements are a little tight within the site.

It is considered that appropriate limitations through planning conditions can be placed on the development as proposed to address other issues that have been identified by the various consultees such that the development can now be supported.

The balance in this case therefore lies in favour of the development. Overall therefore there are insufficient grounds to withhold permission and it is considered that the development is not at variance with adopted local and national planning policy as set out in this report.

In the current application the proposed development has been increased from 3 units back to the 4 units that were shown in the pre-application enquiry but conversely the site area has increased from 538m² to 615m² by the acquisition of a small parcel of land immediately to the south of the garage site.

Notwithstanding the previous decision to grant planning permission which, it is acknowledged, in so doing accepted the principle of the redevelopment of this site, the current proposals will still need to be fully assessed having regard to the development plan and all material planning considerations.

The Key Issues

The key issues in the analysis and assessment of this further planning application therefore are as previously:

- The Principle of the Development
- Design, Layout and Impact on the Character of the Area
- The impact on the amenity of future residents of the development
- Impact on existing local residential amenity and existing residents
- Highways, Access and Parking
- Other Material Planning Considerations - *Ecology, Biodiversity and Landscape; Archaeology; Construction and Contamination; Drainage/Flood Risk; Security - Secured by Design, etc.*

Principle of the Development

The site to which this pre-application enquiry relates is not specifically allocated for residential development or any other forms of development as such in the adopted development plan (Gravesham Local Plan Core Strategy 2014 and saved policies of the Gravesham Local Plan First Review 1994) being within an urban area.

The site is a brownfield site and generally there is no overriding objection in principle to the development of the site per se for housing. Nevertheless, development proposals would need to be judged against the general policies of the development plan and national planning guidance and policy.

Planning Policy, the Provision of Housing and Sustainability

Local Plan Core Strategy Policy CS02 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 over 6,000 new dwellings in that time. Evidence now available shows that the Council is not able to currently demonstrate a five-year housing supply.

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. This requires that in regard to housing development, planning permission should be granted unless:

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

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 63); 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.

Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. It seeks to achieve this by promoting regeneration by prioritising redevelopment and recycling of previously developed land.

The site is within a highly sustainable location and on a direct bus route and the site is close to existing bus stops and within easy walking distance of local shops although the location of local primary and secondary schools are a little more distant.

The residential development of the site also supports the Government's greater emphasis on delivering and prioritising housing land as set out in the current version of the NPPF (section 5 - delivering a sufficient supply of homes).

The redevelopment of sites within the urban area can help reduce the pressures for the release of fresh land in rural locations, which is of particular importance in a Local Authority constrained by Green Belt policy. This would be in conformity with paragraphs 120 and 141 of the NPPF. Evidence of land scarcity can be found in paragraph 2.14 of the Site Allocations: Issues and Options consultation document, which identifies a shortfall in the supply of housing sites of 2,000 dwellings.

Therefore, the development of the site for 4 dwelling units would offer a very modest contribution towards meeting this local need and, accordingly, weighs in support of this development.

Nevertheless, this still has to be balanced against other requirements of the NPPF and in particular paragraph 130 and 134 of the NPPF which requires development to be added to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

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 National Planning Policy Framework (NPPF) and established local planning policy taken as a whole. There are a number of planning, highway and other material planning issues that need very careful consideration in the assessment of this development.

Density of Development

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area. The area is within a mixed area and there are nearby some new flatted schemes but generally family type housing.

Policy CS15 (LPCS) requires that all new housing will be developed at a density which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, new residential development within the urban area will be expected to achieve a minimum density of 40 dwellings per hectare. It is clear that whilst Policy CS15 (LPCS) seeks to achieve this minimum density, this should not be at the expense of compromising the character of the surrounding area.

Based on the applicant's site area the density of the development would be circa 65 dwellings per hectare thus exceeding the target minimum density. This might suggest therefore the site is being overdeveloped and the development might be at variance with the overall character of the area.

Loss of Garaging

The site is within an urban area of the Borough and outside of a local centre. It has been used for lock up garages since circa 1960.

Therefore, the proposal would result in the loss of an existing parking facility. As such, the loss of the existing parking would be a negative feature of the proposal. However, it should be noted that few if any of the garages are currently or have been in use and they are small in size, compared to modern alternatives.

It is noted from the Design and Access Statement that the applicants advise:

The site is occupied by 14 garages. Following the consent of the previous scheme for this site, the tenancies of the garages have been brought to an end, and they are in the process of being demolished.

This was deemed to be appropriate because one garage is damaged beyond use and another blocked off by an abandoned car. Of the 14 garages, only 7 were rented. Of the seven tenants, none used the garages parking and all were used as "lock-up" storage. In addition all but one tenant were located a considerable distance from the site, with the furthest in London and Canterbury.

As such, the removal of these garages will not result in loss of parking to local residents, since the garages are neither used for parking by local residents.

This is nevertheless a broad generalisation and there are a number of substantive planning, highway and other material planning issues that come into play and that need very careful consideration in the assessment of this proposal.

Nevertheless, the principle of the development of this site for housing is accepted, it is a sustainable development and there are no fundamental policy reasons to reject the scheme per se.

Design, Layout and Impact on the Character of the Area

The design and built form of the proposals need to be considered against the Council's Local Plan Core Strategy Policy CS19 (Development and Design Principles) that sets out detailed criteria. 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 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 (paragraphs 126 and 130 of Part 12 - Achieving well designed places).

Paragraph 130 of the NPPF also indicates that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation and change (such as increased densities; and establish a strong sense of place, using streetscapes, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 134 of the NPPF advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The original design and layout for the 3 dwelling scheme in the previous planning application was assessed by Design South East (DSE) at a Gravesham Design Surgery both at the pre-application stage in July 2020 and following submission of the application at a Gravesham Design Surgery on 10 February 2021. The original application scheme went through a number of design changes to respond to the DSE advice.

The current application is again supported by both a Planning Statement and a detailed Design and Access Statement that sets out and justifies the proposed design approach, including the scale, massing and external appearance. The above argue that the proposal adopts a design quality which is like a high quality listed building, significantly enhancing the existing outlook of the site and wider area. It is also suggested that whilst contemporary in style it is meeting the policy objectives in paragraph 134 of the NPPF.

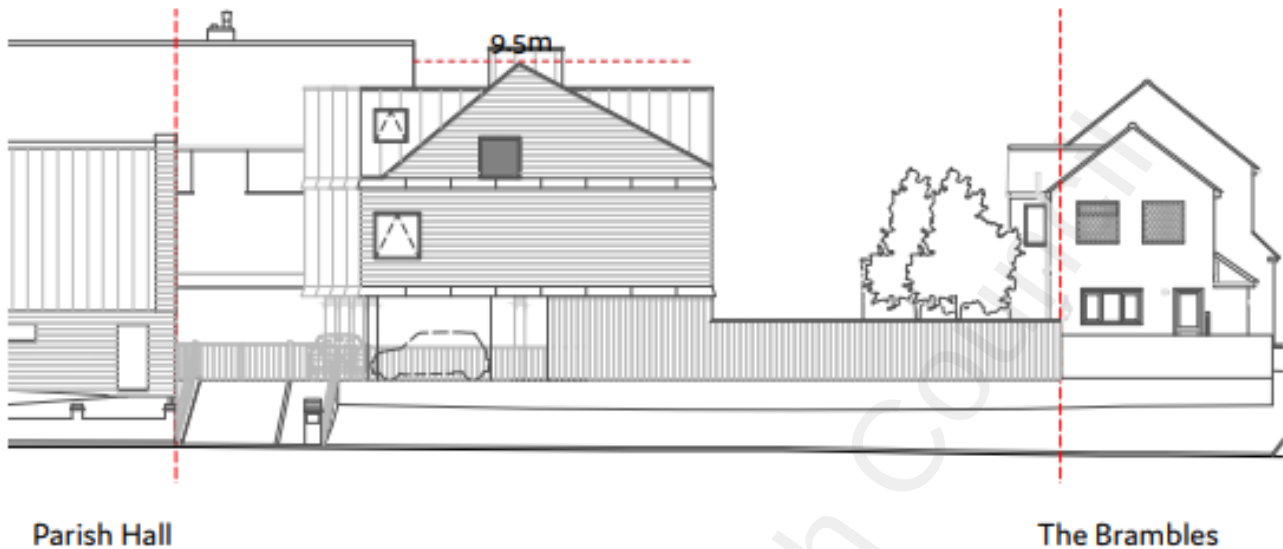
The site is not in a conservation area. The surroundings are typified by two storey pitched roof terraced houses, many which have had loft conversions to create three stories.

There are nevertheless some neighbour objections to the publicity given to the proposal on design and character grounds commenting that:

- The development would not blend in with and is out of keeping with the current established housing structures within the local vicinity;
- The development is out of character with Osney Way (a cul de sac) and Pirrip Close (a close);

- The development will be one storey above all the existing properties;
- It is overdevelopment and a cramped form of development;

In respect of the neighbour concerns that the development would be above existing properties and out of character, the height of the development is 9.5m to the roof ridge and this is shown in the extract from the north elevation drawing below.



As can be seen this is not so high or necessarily out of character with adjoining or nearby development, although it does also in part reflect relative differences in land levels across these different sites.

There is an infill development almost opposite the site in Lower Higham Road, which has a second storey with dormers in the roof to the front (see photo below)



There is also an existing 1960's three storey flat roofed development at Vicarage Court nearby at the junction of Lower Higham Road and Vicarage Lane (see Google Earth image below)



The design and form of the proposed dwellings is somewhat quirky, unusual and contemporary in style and whilst it may not necessarily accord with some of the typical 1960's and 1970's development that is prevalent in the locality, it has responded reasonably well to the difficulties and limitation of the site and the orientation as proposed is the most logical having regard to the shape of the site and the challenges in relation to adjoining development in terms of avoiding undue impact.

It should be noted that other iterations and orientations and alternative massing options were considered but discounted as demonstrated in the Design and Access Statement. The staggered front elevation creates a more inviting entrance, and allows clear views to the north from the bedrooms.

It is indicated that the flexible living space is a key to the project, with the two living spaces offering options for a variety of living configurations. The kitchen is on the ground floor, while the open-plan living dining room is on the first floor, providing views over what are described as the generous 10m-long private gardens. A third bedroom on the first floor can be adapted as a home office or as an annex space.

Although the density of the scheme is quite high, the development still is able to meet space standards and although the concerns about overdevelopment are acknowledged this is not necessarily borne out by the detailed analysis, although the car-parking layout is a little cramped as referred to below in the Highways, Access and Parking section of this report.

The applicant's planning consultant's (Maddox Planning) response dated 09.02.22 to the neighbour comments that the site is overdevelopment, is not in keeping with the area and does not blend in says:

The proposal makes optimum use of a brownfield piece of land, which is supported by national, regional, and local planning policy. The houses are larger than national space standard requirements, and the ample gardens and parking area meet local SPG2 policy requirements, meaning that the development is not cramped. The buildings have been developed from a careful reading of the design of the local area, and it is considered to be in keeping with the form, massing, detailing and materials of the surrounding area and as established by the previous planning permission. Parking has been carefully considered, as set out in the Transport Statement, to ensure there is no unacceptable impact on the area, including a parking stress survey having been carried out to support the application...

..It is noted that the proposal is of a form common to the area – terraced houses on a cul de sac. The proposal is lower than its surrounding context, notably the houses on Pirrip Close and the Parish Hall, and there are many three storey homes nearby including number 2, 8 and 18 Osney Way, as well as residential buildings of three stories at 75a Lower Higham Road and Vicarage Court. As such, the proposals are considered to complement the form of existing buildings in the vicinity in accordance with the NPPF Paragraph 130 and Core Strategy Policy CS20.

A CGI of the proposed development is shown below indicating the proposed external appearance of the dwellings.



In terms of materials, textures, colours and detailing there are neighbour concerns in relation to the appearance of the proposed dwellings suggesting that the development is not in keeping and that the selection of colour requires a detailed explanation particularly the blue or yellow exterior cladding to the units.

Whilst the development includes modern (non-traditional) materials and finishes the architects have introduced elements in the scheme that provide echoes to the past history including weatherboarding. The applicant states that the appearance of the weatherboard has been informed by the history of the site as it was used in the Lord Nelson Public House but in order to maintain durability and weatherproof it will be made of metal cladding (aluminium). The development includes circular glass blocks and the roof is shown to be Zinc standing seam.

Nevertheless, whilst understanding and accepting the contemporary style and nature of the development it is agreed that the colours and materials as shown in the submitted D and A Statement and drawings are perhaps challenging (if not potentially garish) and the case for them at this stage is not entirely convincing. It is unsurprising that there are neighbour comments suggesting that the appearance of the dwellings would be out of character with the local neighbourhood. It would therefore be appropriate to safeguard the final textures and colours for further examination and submission of samples through a planning condition, and to seek a toning down of the exterior, which would be accepted by the applicants in this case.

Overall and subject to appropriate planning conditions it is considered that the design and layout and impact on local character is not at variance with local or national policy and notably Policy CS19 of the Gravesham Local Plan Core Strategy and Section 12, Paragraphs 126 - 136: Achieving well-designed places of the NPPF.

The impact on the amenity of future residents of the development

Policy CS19 of the Gravesham Local Plan Core Strategy (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 (SPG2) adopted GBC Residential Layout Guidelines'.

The Supplementary Planning Guidance Note 2 Residential Layout Guidelines referred to above sets out the Council's standards in relation to private garden areas and internal space standards, amongst other things.

The introduction of new housing technical standards on 1 October 2015 means that the Borough Council now interpret Tables 1 and 3 of the Residential Layout Guidelines July 1996 in accordance with the new standards. The National Technical Standards require bedroom sizes of 7.5m² for a single bedroom and 11.5m² for a double bedroom and minimum overall areas of 70m² for a 2 bedroom (4 person) unit and 86m² for a 3 bedroom (5 person) unit as well as overall sizes for dwellings based on the number of storeys, bedrooms and bed spaces.

An audit of the accommodation is presented in the table below, taken from the Design and Access Statement (DAS), to show proposed internal floorspace standards.

Area Schedule	Key	Meets Standard	Exceeds Standard
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Unit		1	2	3		4		Unit
3 Bed 4 Person	National Space Standard	3 Bed 4 Person	3 Bed 4 Person	3 Bed 4 Person		2 Bed 4 Person	National Space Standard	2 Bed 4 Person
Area	90m ²	96.8m ²	99.9m ²	97.9m ²		101.7m ²	80m ²	Area
Bed 1	11.5m ²	11.5m ²	11.5m ²	11.5m ²		11.5m ²	11.5m ²	Bed 1
Bed 2	7.5m ²	10.5m ²	10.5m ²	10.5m ²		11.5m ²	11.5m ²	Bed 2
Bed 3	7.5m ²	9.6m ²	9.6m ²	9.6m ²				
Living		20.2m ²	20.5m ²	20.2m ²		31.5m ²		Living
Kitchen		11m ²	14.3m ²	12m ²		13.6m ²		Kitchen
Store	2.5m ²	4.28m ²	4.35m ²	4.33m ²		4.35m ²	2m ²	Store
Amenity	60m ²	61.1m ²	60m ²	60m ²		37.5m ²	37.2m ²	Amenity
Depth	10 m	10.1m	10.1m	10.1m		10.1m	7.6m	Depth
Car		1	1	1		1		Car
Cycle		3	3	3		3		Cycle
	SPG2						SPG2	

Accommodation Schedule

As can be seen above all the units meet and exceed national space standards in terms of bedrooms and the overall size of the units.

These have been checked against the submitted drawings and although there are some differences in the size of rooms particularly the single bedrooms that are smaller than the figures indicate (e.g. 9.18m² instead of 10.5m²) they are fairly minor and still not at variance with the national and local standards.

It is indicated that all the units have been designed to meet M4 (2) standards (Accessible and Adaptable Dwellings) in line with aspirations set out under Policy CS19.

In terms of private amenity (garden) space the development also meets the SPG2 requirements of 60m² private outdoor space for 3 bedroom houses and minimum garden depth requirements of 10m for each dwelling.

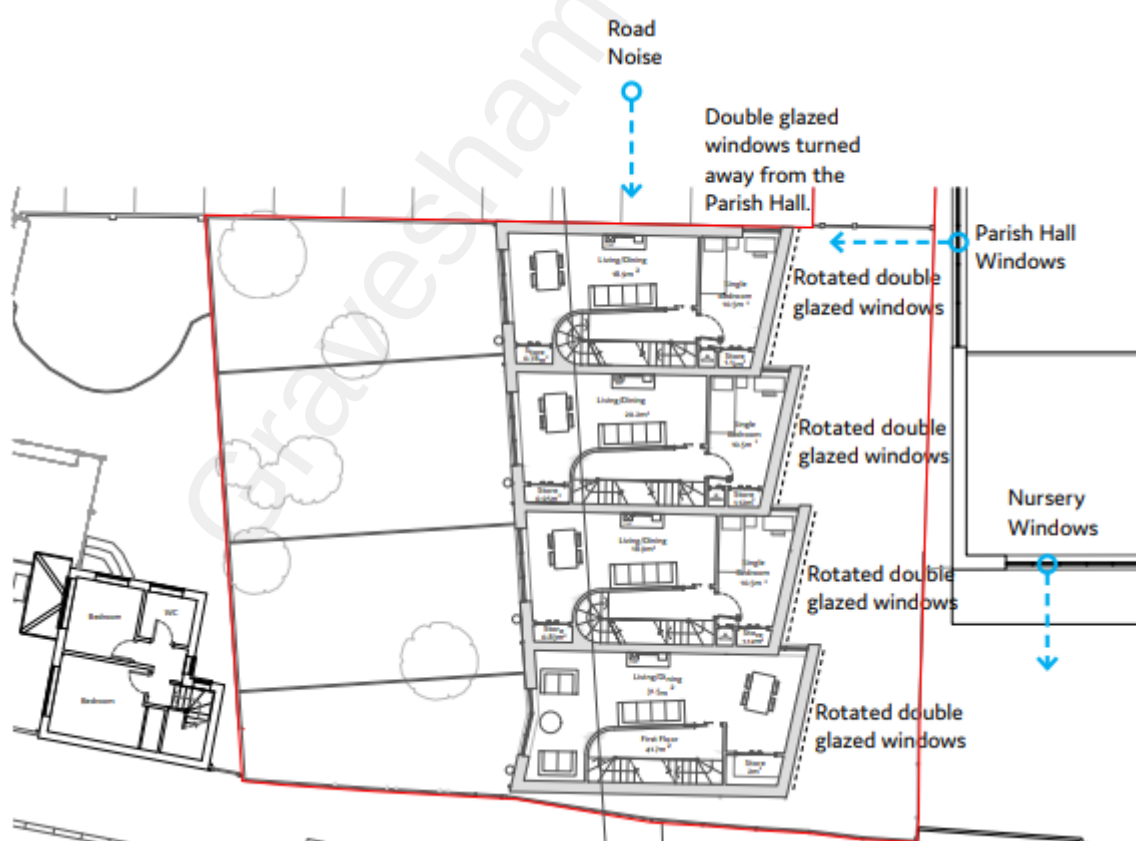
The two-bed unit will have a smaller rear private garden with an area of 37.5m² and a depth of 10.1m (mostly) but this still accords with the Supplementary Planning Guidance Note 2 Residential Layout Guidelines. Two of the units will also have small front garden areas to meet the overall minimum standard of 60m².

The proposed layout of amenity space is shown in the extract from the DAS below.



Ground Floor Plan Proposed Amenity Space

The design of the building has considered the impact of noise from the adjacent Parish Hall on the occupants of the future houses. Notably, the windows to the bedrooms have been turned away from the parish hall, so as to protect them from any noise. The windows will be double-glazed, and the applicants advise that this will provide a significant dB reduction to any noise that is produced. This is shown in the extract plan below.



However, in this context it should be noted that paragraph 187 of the revised National Planning Policy Framework (NPPF) 2021 says:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

GBC Regulatory Services (Environmental Protection) have therefore advised that as the proposed development is located adjacent to the Chalk Parish Hall, which benefits from a premises licence and is available to hire for private functions and these established uses present a real risk of noise nuisance being caused to future residents introduced in the proposed location and it is incumbent on the developers to ensure that any such risks are fully mitigated as per the agent of change principle (paragraph 187 of the NPPF).

A planning condition is recommended that prior to any above ground works a suitable noise impact assessment is submitted for approval. This is accepted by the applicants.

Impact on local residential amenity and existing residents

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions.

Safeguarding residential amenity, in terms of privacy, daylight and sunlight and ensuring that all development proposals are fit for purpose and adaptable to meet the need of users are important considerations referred to in Local Plan Core Strategy Policy CS19.

The Supplementary Planning Guidance Note 2 Residential Layout Guidelines also sets out requirements not to just protect future residents/occupants of new development but also those existing residents that might be affected by the development.

The National Planning Policy Framework (Paragraph 130) also assists and seeks to ensure developments will function well and add to the overall quality of the area and create attractive, welcoming and distinctive places to live, work and visit with a high standard of amenity for existing and future users.

It is noted that there are a number of neighbour concerns relating to loss of privacy through overlooking, overshadowing and the loss of sunlight and daylight.

The main impacts of the development are to the south (Pirrip Close) including the Brambles and to the west (Osney Way) and also on the Parish Hall. Other dwellings nearby are much less impacted on. The Brambles in Osney Way oddly has little fenestration directly affected by the development with non-habitable and obscured glazed windows looking eastwards towards the backs of the proposed houses.

In recognition of the likely impact of the development on neighbours due to the urban grain and the planning constraints of the site, the applicants have submitted a sunlight and daylight analysis (consultants - T16 Design Ltd) with the application that assesses the proposals in respect of daylight, sunlight and overshadowing matters, having regard to industry standard guidance, namely the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' and has been developed in conjunction with daylight and sunlight recommendations in BS 8206: Part 2: 'Lighting for Buildings - Code of Practice for Daylighting'.

The sunlight and daylight analysis looks at potential changes in daylight and sunlight to existing buildings on the residential neighbours to the south and west of the site (to show compliance with the Vertical Sky Component (VSC) for daylight impacts and Annual and Winter Probable Sunlight Hours for sunlight impacts) as well as sunlight impacts on neighbouring gardens.

The conclusions of that report are:

- *Using industry standard methodology, we have made numerical analyses to ascertain the effects of the proposal at Osney Way, Chalk and the levels of change in daylight and sunlight for the windows of the neighbouring properties.*
- *The main criteria used in this analysis to show compliance are the Vertical Sky Component (VSC) for daylight impacts and Annual and Winter Probable Sunlight Hours for sunlight impacts*
- *As has been shown, the effect on VSC is within the 80% guidance value in all cases.*
- *There will therefore be no adverse impact on neighbouring residents in terms of daylight.*
- *In terms of sunlight, all windows retain 25% of annual hours and also 5% of available winter hours, or, where this is not the case, 80% of existing hours both annually and over the winter months.*
- *The neighbouring garden to the west retains in excess of 80% of its area receiving 2 hours or more of direct sun on March 21st.*
- *The scheme is therefore compliant with BRE guidance in relation to sunlight impacts.*
- *From a planning perspective therefore, it is the conclusion of this report that the proposed development is entirely acceptable for planning, in daylight and sunlight terms*

It is noted that a neighbour had expressed concern about that errors in the in the sunlight/daylight assessment in terms of the numbering of houses and showing a downstairs bedroom window as being non-habitable.

An addendum provided by the applicant's consultants (T16 Design Limited) acknowledges an error in the numbering of the neighbouring houses and accepts that the original assessment did not identify the downstairs bedroom but states:

This minor inaccuracy does not affect the results of the analysis, which demonstrates that the impacts on daylight and sunlight are within the BRE recommendations.

The applicant's planning consultant's (Maddox Planning) response dated 09.02.22 to the neighbour representations also suggests:

The results are the same, which show that no unacceptable loss of daylight or sunlight will be experienced by Number 1 Osney Way, or any of the other neighbouring properties... due to its location this bedroom is not overlooked by the proposal. The proposal has been carefully designed to ensure that there is no unacceptable overlooking, and the privacy of neighbours is protected. The proposal complies with the SPG2 requirements which are explained on page 53 of the Design and Access Statement. There is no overlooking of the ground floor rooms of 1 Osney Way from the proposal.

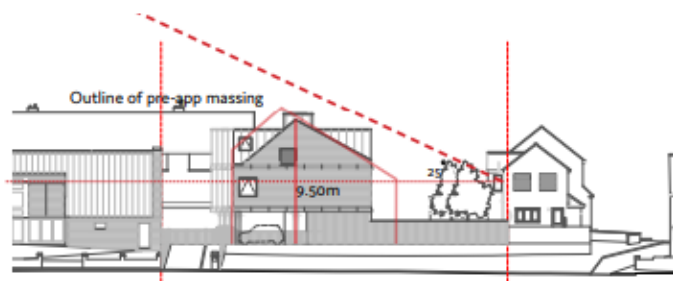
In respect of the neighbour claim that the proposal would severely affect the natural light into the gardens and properties in Pirrip Close (specifically No.'s 1, 3, 5 and 8), the addendum report says:

Our report analysed the impact on the windows of No. 7 Pirrip Close and shows that the impacts are minor, with all windows retaining a minimum of 89.78% of their existing daylight levels. As the windows on this dwelling all face within 90° of north, sunlight impacts do not need to be assessed.

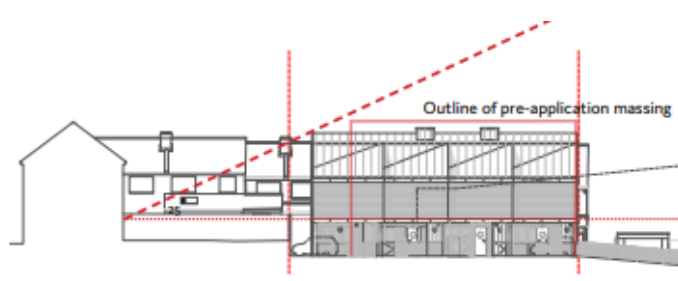
No. 7 Pirrip Close was selected for assessment, as it is the closest to the proposal. It is a reasonable conclusion that if the impacts on this dwelling are acceptable, then they will be so for dwellings farther away, provided they have a similar architecture, which is the case here.

As the dwellings in Pirrip Close lie to the south of the proposal, then the impacts on sunlight to their respective gardens does not need to be assessed. Sunlight comes primarily from the south and the proposal lies to the north of these gardens, so no shadows would cast over these spaces.

In addition to the more technical document, in more general terms the Design and Access Statement (DAS) also seeks to demonstrate compliance with what is termed the 25-degree rule in the Council's SPG2 (Figure 2) which aims to safeguard overshadowing impacts from high building within proximity of neighbours. This is shown in the extracts from the drawings below showing the 25-degree rule in relation to existing dwellings in Osney Way (North elevation) and existing dwellings in Pirrip Close (East Elevation).

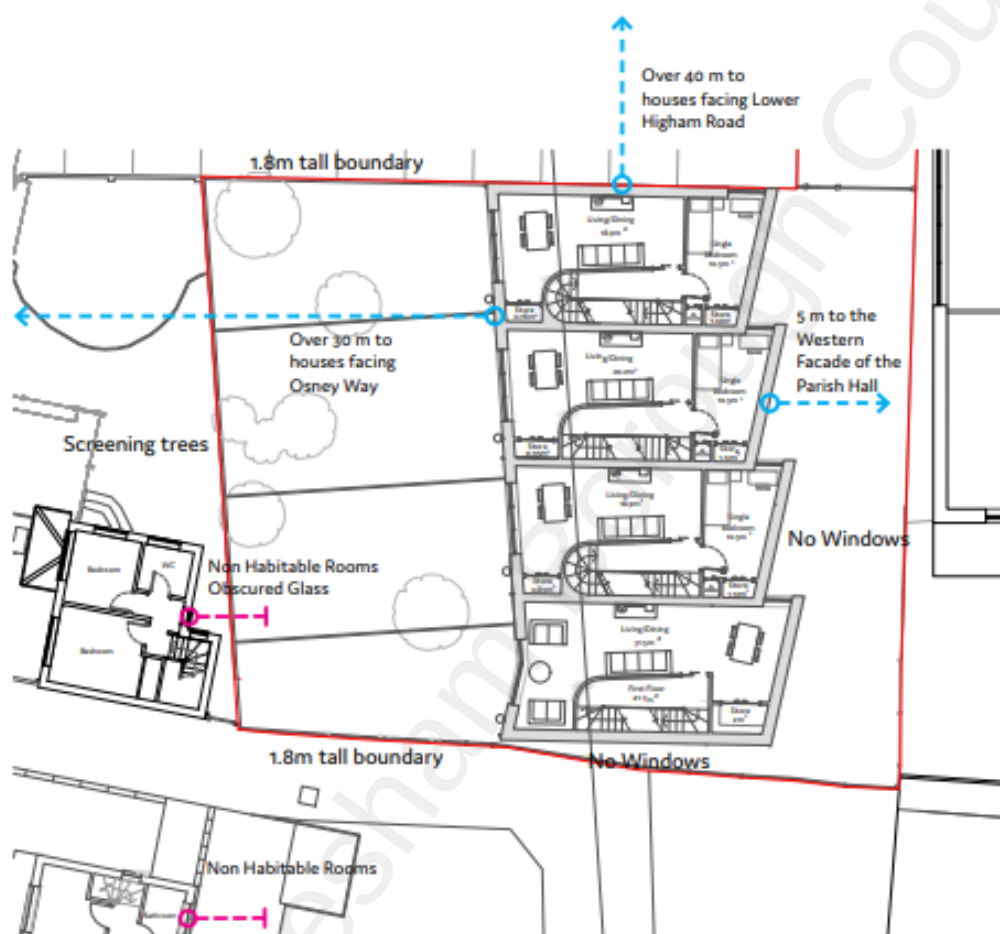


North Elevation with the Pre-Application Scheme outlined in red



East Elevation with the Pre-Application Scheme outlined in red

The Design and Access Statement (DAS) also sets out an analysis in relation to the SPG2, Privacy distances and overshadowing in showing compliance with the fields of view (Figure 1) and the requirement that where windows of habitable rooms face each other (whether across a road, pedestrian way or private garden) a window-to-window distance of at least 21 metres should be provided. The latter is shown below in relation to the first floor plan of the development (where the living room is located)



Having regard to the above applicants analysis submitted with the application and the design process to address potential impacts on nearby dwellings it is not considered that the development will result in unacceptable adverse or material impacts on neighbouring properties such that grounds of refusal could be supported and the scheme is not at variance with Core Strategy Policy CS19, SPG2 or the NPPF in that respect, although it is accepted that the nature, massing and form of development will inevitably have some perceptible impact on local amenity but this would be wholly difficult to avoid given the constraints of the site.

The applicant's planning consultant's (Maddox Planning) response dated 09.02.22 to all the various neighbour comments asserts:

The issues raised have been fully and carefully considered in the design of the proposals, and we are keen to engage with neighbours and address their concerns as set out in our Statement of Community Involvement included in the Design and Access Statement. The development will create some impact, but this impact will not be unacceptable based on adopted guidelines set out in planning policy and has been

carefully mitigated through design. There is also a significant need for housing in the area, including larger family units, whereby the presumption in favour of sustainable development must be applied in line with the NPPF.

Whilst the Applicant acknowledges the concerns raised by residents, the proposals will fundamentally help to meet housing requirements, with the principle of residential use having been established by way of the previous planning permission at the site. Meanwhile the proposal is in keeping with the local area in terms of the overall form of existing properties, with the proposed housing and associated facilities adhering to key planning policy requirements, ensuring optimum use of an underutilised brownfield site. The proposals will also significantly enhance the existing outlook of the site, which currently attracts anti-social behaviour, and has been carefully designed to adhere to design standards set out in the Council's Local Plan and supporting SPG guidance, to ultimately ensure that impacts on neighbouring amenity are sufficiently mitigated.

It concludes:

The development proposals ultimately provide much needed family housing, which is specifically identified as being required by way of the most recent SHMA and Housing Monitoring Report. The presumption in favour of sustainable development must also be applied, in acknowledging that the Council have undelivered on their housing targets for the past three years and are unable to demonstrate a five-year supply of housing. In line with the justification set out in this statement, there is no overriding reason as to why planning permission should not be granted – in line with the NPPF Paragraph 11(d) 124 tests. Other key benefits are summarised below, which should be afforded significant weight alongside the presumption in favour of sustainable development:

- Delivery of high-quality homes on an underutilised, brownfield site which will significantly enhance the existing outlook of the site to the benefit of the local area – in line with the priorities of the NPPF and Core Strategy policies.*
- Provision of housing which is in keeping with the form and urban character of the area, whilst creating a sense of identity and retaining Gravesham's historic legacy through the design detailing.*
- Making optimum use of previously developed land (which is not subject to any heritage or other technical sensitivities) in a Borough where suitable and available sites are scarce (as evidenced by the emerging Local Plan) – supporting the fundamental objective of the NPPF Paragraph 125 and recent Government incentives to increase the supply of homes at brownfield sites as a priority.*

Highways, Access and Parking

The proposed development needs to be considered against Gravesham Local Plan Core Strategy Policy CS11 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 stance is reflected in the NPPF (section 9) which indicates that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment and development should only be prevented or refused on transport grounds where there is an unacceptable impact on highway safety or the residual cumulative impact of development is severe (paragraph 111).

In this instance the nature and scale of the development does not require a full transport statement or transport assessment (indicative threshold of 100 dwellings in Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006) but the application is nevertheless accompanied by a fairly comprehensive transport note/statement that includes a travel plan statement.

The Council's approach to parking requirements is in accordance with the adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006) and endorsed as supplementary guidance by GBC on 6 July 2009. These are set out as maximum standards although it should be noted that the government abolished national maximum parking standards in 2011 and the ministerial statement in March 2015 indicated that the imposition of maximum parking standards leads to blocked and congested streets and pavement parking and arbitrarily restricting new off-street parking spaces does not reduce car use. The adopted standards therefore would normally seek to be met in full.

The current adopted standards require for Use Class C3 (residential) two and three bedroom dwellings each 2 no spaces per unit. Generally, the spaces should be 5m by 2.5m increasing to 2.7m where the spaces are at the end of an aisle or 2.9m next to walls etc. of buildings.

In terms of the vehicle access to the site, this is the same ramped access that currently serves the lock up garages and also was considered acceptable to serve the redevelopment of the site in the permission given for the 3 no x 3 bed units (20201379). The access road will be a shared surface with pedestrians taking priority when using the pedestrian pavement. However, both the vehicle access and pedestrian access will be at the same level but a white line or different colours of the access road will show the separation of the surfaces. The shared surface will just allow for two cars to pass along the access road if required (at 4.28m wide). This is considered acceptable to the highway authority, Kent County Council, and to the local Highways Development Management Officer. Neither have raised concerns relating to visibility at the junction of the vehicle access on to Lower Higham Road. There is a low wall on the left hand side enclosing the forecourt to the Parish Hall while there is no enclosure to the adjoining public car park. It is indicated that a sign will be erected at the start of the drive prohibiting all vehicles except residents.

It is not considered that the development would result in a significant increase in traffic generation to the site such that the impact would be severe on the local highway network. It is acknowledged that there would be a traffic increase above what might be expected from the low level of use of the former lock up garages and also there would be additional traffic generated by movements associated with the residential occupation such as visitors deliveries etc., and it is noted that such trip generation could not be accommodated within the site due to the constraints of the available parking area. However this level of traffic would not be such as to justify refusal. The adjoining Council car park might also offer opportunities for occasional visitors just no doubt as it does to visitors to other nearby dwellings in addition to the customers using the local shops and for Chalk parish hall visitors although that building does have some limited parking space at the front.

In terms of parking provision, only 5 parking spaces are available within the site for the future occupants of the 4 proposed dwellings thus below the maximum standard in SPG6 (up to 8 parking spaces) although this is the same provision that was available and approved for the earlier scheme for just 3 dwellings on the site.

The applicants transport consultants conducted baseline parking surveys within 200m of the site and parking beat surveys including daytime and overnight. The parking stress was 70% of the survey area overnight and 58% daytime. The applicants indicate that the unrestricted parking stress within the survey area is within the 90% threshold at 70% and therefore the baseline parking stress would not be considered to be high parking stress. The survey is useful but not a determining factor in the assessment of the appropriateness at the level of parking provision on the site.

The transport consultants also indicate that based on the car ownership projections of future residents (car ownership census data 2011) the proposed development will generate a demand for four cars.

Both Kent County Council as the highway authority and the GBC Highways Development Management Officer do not raise an overriding objection to the overall total parking provision on the site notwithstanding that it is below what might normally be expected but indicate that one of the spaces should remain unallocated.

The size, location and accessibility of the car parking spaces within the site has been reviewed and analysed in the transport statement by the applicants planning consultants using swept path analysis to demonstrate their feasibility of a typical family car entering and exiting the spaces.

The GBC Highways Development Management Officer had raised concerns at the size of the parking spaces within the site and the manoeuvrability within the site having regard to the site limitations, the overhang of the building requiring the positioning of supporting columns the location of the bin stores and front gardens, the need to provide an electric vehicle charging point and the location of the parking spaces next to the dwellings or the boundaries of the site. It is without doubt very constrained and a little tight for manoeuvring leading to the questioning of the practicalities of the parking spaces.

Following discussion with the applicant's agent a revised ground floor layout plan has been provided to show marginally increased size of parking spaces more in line with the SPG6 standards especially next to buildings and boundaries and also revised tracking drawings have been provided to demonstrate that the spaces can be safely entered and exited with simple three point turns. The electric vehicle charging point

has been repositioned on the site.

The applicant's agent has advised:

The (supporting) columns will be circular section steels, and the engineer will make sure that the steel is the correct thickness in order to comply with regulations around impact, rather than increasing their diameter. This is covered under Part A of the Building Regulations. As with the original design, the columns do not impact significantly on the tracking and cars can still enter and exit the spaces safely as shown in the attached tracking diagrams...

...The issue of sight lines from the homes was not raised before, but the homes all have good visibility from their front doors, as per recommendations by the SBD officer. The doors have windows in them as shown in the proposed elevations, and the railings in front of the doors are 1100mm tall so as to allow a view over the top, highlighted in the boundary drawing and proposed elevations.

Whilst the parking spaces are now marginally improved and the tracking diagrams are acknowledged it is still considered that the parking spaces and the various constraints due to the layout of the site are such that it is very tight albeit that the forecourt is perhaps more spacious than in consented scheme for 3 dwellings because of the larger site area. Notwithstanding these reservations on balance these are not sufficient reasons to reject the scheme outright.

The GBC Highways Development Management Officer comments:

All this proves is on some manoeuvres you have to be millimetre perfect, there is not much room for error. Whilst on CAD you can practice many times before you get it right and submit. But much like a circus, you have to get it right every time you do it. However, I doubt I can defend an appeal on that so will accept the layout works. However more worrying they still haven't demonstrated the space for the supporting columns is adequate. Any increase in size of a column will encroach on the turning space and may prevent access/egress as demonstrated.

On the latter point the applicant's agent advises that

The dimensions of the columns will be secured by the drawings attached to the planning permission - notably the proposed ground floor. Nevertheless, the structural engineer has currently specified 273mm diameter columns which are actually slightly smaller than those shown for planning purposes.

In terms of sustainable transport measures one parking space will be provided with electric vehicle charging facilities and there will be 3 cycle parking spaces per each 3 bed dwelling and 2 for the two bed dwelling located within a shed within each garden which complies with the requirements of Kent Parking Standards (SPG4) although ideally these ought to have been provided without having to access through the existing kitchen/dining rooms of the units. This was also raised as an issue by the GBC Highways Development Management Officer.

The applicant's agent has commented:

With regards to accessing bike storage, the two bed unit to the south of the proposal can access their rear garden and bike storage directly from the public right of way along The Brambles. So while this unit has the most lengthy route from the front door (all of the other units have a straight line from front door to kitchen) it is because they can access the storage more directly via another route. The Highways Officer also notes that one unit has a straight run from front to back, and with the other two units, we are not aware of planning policy that places requirements around movement of bicycles through the home, though the units will comply with Part M of the Building Regulations to ensure the spaces are accessible.

With regards to relocating the bike storage outside of the rear gardens, we note that this would not comply with GBC policy SPG4 and other officers' suggestions (notably the SBD officer) that the bike storage is best placed in the private gardens. However, if you would like us to go against this policy, we can locate the bike stores in the communal space at the front of the development and provide a revised drawing showing this.

It is noted that there are some neighbour concerns relating to the impact of the development in highway and parking terms commenting that parking for the 15+ extra residents will be chaos in such a busy area, that the loss of parking will affect existing residents and local businesses, that insufficient parking will result in on street parking in Osney Way, and the development is likely to result obstruction during construction to

access to the Parish Hall and its parking, potentially resulting in dangerous parking.

The applicant's planning consultant's (Maddox Planning) response dated 09.02.22 to the neighbour representations comments on these matters:

Parking will not be taken from existing residents or businesses. A parking stress survey and transport strategy have also been submitted as part of the application, supporting this.

The proposal will not block parking on Osney Way during construction. As set out in the Construction Traffic Management Plan supplied with the application, these vehicle movements will be minimised and carefully controlled. Access to the parish hall and the public parking will be maintained throughout construction. The Applicant is also happy for this to be controlled by way of planning condition.

Other Material Planning Considerations

Ecology, Biodiversity and Landscaping

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) 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 £253.83 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats), which does not require any other contributions to be secured through a Section 106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

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 not considered to be valid, as the CJEU ruling 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. The CJEU sees 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 AA and that mitigation measures cannot be taken into account at the screening stage.

In this case a SAMMS agreement has been completed and the required contribution has been provided by the applicants to mitigate the impacts of the development and a screening for Appropriate Assessment (AA) has been undertaken.

The Local Planning Authority is satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore, the proposal complies with Paragraphs 180 and 181 of the NPPF and Policy CS12 (LPCS).

Paragraph 174 of the National Planning Policy Framework requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity.

There are no existing trees on the site and only limited vegetation along the access road. The proposal

includes landscaping strategy and it is considered that there would be a net gain in biodiversity.

Biodiversity gains include the soft landscaping proposals and bird boxes and insect hotels

The landscape strategy includes the provision of rear gardens for each dwelling as well as soft and hard landscaping to the frontage of the site.

The soft landscaping in the landscape strategy includes tree planting in 3 of the rear gardens, permeable gravel cells, sedum roof to the bike sheds in the rear gardens, planted and grassed rear gardens and climbing plants along the fence adjoining the Parish Hall.

The hard landscaping includes permeable resin bound surface to the access drive, and permeable reinforced grass and wildflower. The surfacing treatment will need to ensure that there is no loose material within the site or along the access road/ramp that might spill out on to the adjoining highway and this will need to be reserved by a planning condition.

The site layout plan from the Landscape Strategy is shown below



Archaeology

The applicants submitted archaeological DBA indicates a low potential for archaeological remains to exist in the site. It is indicated that any adverse impact to buried archaeological features as a result of the implementation of the development proposals would be permanent and irreversible in nature. This potential adverse effect could be reduced through the implementation of an appropriate scheme of archaeological mitigation.

In response to the planning consultation, there is a KCC Heritage and Conservation recommendation for archaeological investigation as a pre-commencement planning condition.

The site was part of the civil parish of Chalk and the village has a long and eventful history, including

associations with Charles Dickens and was part of the site of the Lord Nelson PH, 1800-1950s.

Construction and Contamination

In terms of construction there is a submitted Construction Traffic Management Plan (CTMP), November 2021. Whilst it is noted that KCC Highways have suggested that a condition should be imposed requiring submission of a Construction Management Plan before the commencement of any development on site to include matters such as routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, and temporary traffic management / signage, it is considered that the submitted document (CTMP) contains all the necessary detail to understand how the dwellings would be constructed and the measures taken to mitigate the construction activities.

Subject to a planning condition relating to adherence to the CTMP there is no objection to the details relating to the building of the dwellings on this site.

It was noted at a site inspection in connection with the previous application that there is a large void underneath the garages coming out on to the car public park to the north of the site. The developers are aware of this and commented that:

As part of the ground works this would be excavated, and as part of the foundation and boundary works it would be filled.

One of the neighbour representations that has been received claims that the proposed builders/developers have established a pattern of anti-social building hours and that many of their buildings have been done to a dangerous and unsafe standard.

The applicant's planning consultant's (Maddox Planning) response dated 09.02.22 to those neighbour representations comments:

Working hours will be secured by condition and adhered to as part of the development, while the construction will comply with CDM health and safety laws and Building Control standards. The proposal is for a high-quality development, and the design team and applicant have met local residents to hear concerns and alter the proposals as set out in the Statement of Community Involvement in the Design and Access Statement.

In terms of potential contamination on the site this is likely given the past uses of the site for vehicle parking and commercial storage. The application is accompanied by a Ground Investigation Report from soiltechnics, ref STT5362-G01 dated June 2021 and this points to the site comprising made ground with potential infill material such that further investigation is recommended.

In respect of the previous application there was a planning condition requiring a watching brief to be undertaken by the applicants during construction in case any contamination issue is encountered.

In the current application in addition to this GBC Regulatory Services (Environmental Protection) have also recommended that, having regard to the findings of the report, further investigation should be undertaken and a remediation strategy submitted for approval. This is accepted by the applicants.

Drainage and Flood Risk

The site is within Flood Zone 1 and smaller than 1 hectare in size so that a Flood Risk Assessment (FRA) would not necessarily be required but in this case there is a Flood Risk and Drainage Strategy 2914 - FRA March 2021 by Herrington Consulting Limited that accompanies the application.

The Strategy indicates that the risk of flooding to the site from all sources is low and safe access is available at all times.

Surface water runoff will also be managed by an infiltration system using the permeable surfacing, water butts and a geo-cellular storage crate soakaway systems. For any surface water drainage system to

operate as originally designed it is necessary to ensure that it is maintained through its lifetime.

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

They also set out advice on the need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities indicating that where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

It is considered that, as in the previous consented scheme, appropriate planning conditions can be imposed to address the issue of drainage and flood risk.

Fire Access

In response to the original planning consultation Kent Fire and Rescue Service indicated that the access gate to the properties (2.6m in width) presents a pinch point for the pump appliance as it requires a minimum access with of 3.1m, and that the single direction of travel to the premises appears to be in excess of 20m, a turning circle with a minimum radius of 16.8m should be provided.

Following additional detail submitted by the applicant's agents including a fire access plan (see below) Kent Fire and Rescue Service have confirmed that the means of access would be considered satisfactory.



The applicants advised:

1. Appliances are not required to pass through the gate, since they can tackle fires from outside of it, and the gate cannot be made wider without impacting on pedestrian access.
2. Appliances are not required to drive more than 20m up the access road, since they can tackle fires from this distance (as shown on the attached diagram), and so a turning head is not required. In addition, appliances can access the public right of way along The Brambles which is 3.1m wide to the South of the

site if they deem this necessary.

3. The furthest point of each dwelling is within 45m of the appliance in this location, and as such the scheme complies with Kent Fire requirements.

Kent Fire and Rescue Service confirm:

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, to be established.

Fire Service access and facility provisions are a requirement under B5 of 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.

Security - Secured by Design

It is noted that the scheme incorporates a gated system for both vehicles and pedestrians at the top of the ramped access to the site.

There are extensive comments in relation to the design and layout from Kent Police in response to the planning consultation.

The main issues in the Kent Police response are:

- Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways must have secure side gates;
- Undercroft parking is not encouraged but if unavoidable it should be covered by sufficient lighting. The proposed pedestrian and vehicle access gates are supported;
- Bollard lighting should be avoided;
- Windows and doorsets to meet PAS24: 2016;
- Cycle security to use of ground/ wall SBD;
- Site security is required for the construction phase, if approved;

Some of the matters will still be the subject of necessary planning conditions and an informative is recommended to ensure the use of Secured by Design (SBD) Homes 2019. The planning condition is agreeable to the applicants.

Waste and Refuse

GBC Assistant Director of Environment & Operations has indicated that the number of refuse/recycling bins provided and their storage location is satisfactory but that the collection crews will not be able to collect from outside the properties and that due to keeping the Council's refuse and recycling service efficient, the residents will need to place their bins at the bottom of the driveway at the junction with Chalk Road to allow collection.

The applicants advise that a refuse collection point on the back of pavement at Lower Higham Road has been provided as shown in the submitted plans. However, in view of its prominence, location and likely size details should be provided pursuant to a planning condition.

In response to the neighbour comment that refuse and bike storage will be separate to the actual houses, which is both outside of the characteristics of the existing housing in Osney Way and Pirrip Close, and could create a hazard of excess refuse storage in the street, rodent infestation, and unwanted tipping, the applicant's planning consultant's (Maddox Planning) response dated 09.02.22 to the neighbour representations comments:

The houses have integrated, enclosed bin stores at the front of each property, while secure lockable bike stores, recommended by the Secured by Design Officer, are provided in each garden meeting policy

requirements. Management for the regular collection of waste is included within the submitted Transport Statement, with the bin stores being enclosed to negate any unwanted tipping. This proposed approach is common to many other contemporary proposals and is the same as what was consented for the previous scheme on the site. GBC environmental health officers have also stated they were satisfied with the proposals in their consultation reply on the 16/12/21.

Financial Considerations

In terms of other financial benefits, it is noted that these will accrue to the area as and when permissions are granted. The Government wishes to ensure that the decision making process for planning applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this instance the proposed new residential units would generate the New Homes Bonus and Council Tax receipts.

Human Rights

The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

Conclusions and Balancing Exercise

The previous planning application that was granted permission in March 2021 (ref 20201379) for the provision of a very similar scheme in design and layout terms for 3 units on this derelict garage site within the urban area effectively established that the principle of the redevelopment of this site, to a relatively high density and with a built form of three storeys and served by 5 car parking spaces, was acceptable in planning and highway terms.

That planning application had been the subject of very careful assessment and scrutiny but after balancing all the issues and taking into account neighbour representations and the various consultation responses planning permission was granted subject to planning conditions.

The additional unit in this further planning application to make a total of 4 dwellings on the site, and which had been discounted in an earlier pre-application enquiry in 2020 as being potential over development and too high a density, has now been made possible only by the addition of an area of land adjoining to the south increasing the overall site area from 538m² to 615m².

Although the density in this further application is still well above the Gravesham Local Plan Core Strategy target density (of 40 dwellings per hectare) this 4 unit scheme represents an economic use of this brownfield site and is a sustainable development and will remove an existing use which has resulted in neglect and anti-social behaviour for a number of years and which will be an appropriate use on this site.

The residential development of the site also supports the Governments greater emphasis on delivering and prioritising housing land as set out in the current version of the NPPF (section 5 - delivering a sufficient supply of homes) and the development of the site for 4 units would offer a modest contribution towards meeting this local need and, accordingly, weighs in support of this development.

The current proposals have been carefully assessed and evaluated in terms of impacts on local privacy and amenity. There are understandably some neighbour objections and representations arising from the publicity given to the proposals relating to a number of concerns about the scheme including its height, the development potentially overlooking neighbouring dwellings and resulting in the loss of daylight/sunlight, the appropriateness of the design, parking provision etc.

These issues are fully considered and addressed in this officer report with analysis provided by the applicants and the planning case officer.

The applicants have fully explored neighbour impacts against the various Council policies and guidelines and to the extent of commissioning a detailed sunlight and daylight analysis. An addendum has been provided to this report to address some minor inaccuracies and to respond to the neighbour concerns

relating to overlooking, overshadowing, loss of sunlight and daylight etc.

The likely or perceived impacts have been mitigated through the original design and layout of the development including careful positioning of potentially overlooking windows, the careful siting and orientation of this mews style building and attention paid to the overall height of the development.

The applicants Design and Access Statement includes a statement of community involvement indicating that not only had they gone through the pre-application process in 2020 but also had undertaken pre-submission neighbour consultation and also talked to the Parish Hall owners and Church and managers of the Chalk Village Pre-School group.

However, given the wide Council publicity undertaken to this planning application it is considered that there is only a very limited level of neighbour objections.

A number of other planning matters or other concerns that have been referred to in the neighbour objections received including design issues, and parking issues have also been evaluated and are not grounds to refuse the development as proposed. The design is a little quirky and very contemporary in style and perhaps not necessarily harmonious with the prevalent 1960's style of development locally but it does respond to the difficulties of the site and would sit aside the more modern and bulkier form of the Parish Hall to the east although it is considered that there needs to be more careful consideration of the final exterior materials, colours and finishes and which should perhaps be toned down from the visuals that support the current application.

The overall design and level of accommodation nevertheless provides an acceptable living environment for the future occupants of the dwellings and the internal space does just meet adopted national and local standards.

There are no highway objections to the development from either Kent County Council as the highway authority and the GBC Highways Development Management Officer to the quantum of parking, the impact on the highway network or the actual access and parking layout. There have been some revisions to address concerns relating to the size/standard of the parking spaces and notwithstanding these amendments and the technical tracking details to demonstrate usability there are still some reservations relating to the ease of access within the site, which with the constraints of the site including the front gardens, bin stores, supporting columns for the building overhang and electric vehicle charging facilities, mean that the layout and manoeuvrability might be a little challenging. However it is not considered that the application could be rejected for this reason alone.

It is considered that appropriate limitations through planning conditions can be placed on the development as proposed to address other issues that have been identified by the various consultees such that the development can be supported. All planning conditions have been agreed by the applicants.

The balance in this case therefore lies in favour of the development. Overall there are insufficient grounds to refuse the application and it is considered that the development is not at variance with adopted local and national planning policy as set out in this report and therefore permission is recommended.

Recommendation:

PERMISSION subject to conditions, reasons and informatives

CONDITIONS AND REASONS

Time Limit Condition

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

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

Approved Plans and Particulars

2. The development hereby permitted shall be carried out only in precise accordance with the following approved details, plans and specifications:

Application Form and Certificates;

Drawing No 21366 001: Site Location Plan;

Design and Access Statement Part 1 by Office S&M Architects;

Design and Access Statement Part 2 by Office S&M Architects;

Proposed Plans

Drawing No 21366 002: Proposed Block Plan;

Drawing No 21366 100 Rev A: Proposed Ground Floor Plan;

Drawing No 21366 101: Proposed First Floor Plan;

Drawing No 21366 102: Proposed Second Floor Plan;

Drawing No 21366 103: Proposed Roof Plan;

Drawing No 21366 104: Proposed House 1 Floor Plans;

Drawing No 21366 200: Proposed North and South Elevations;

Drawing No 21366 201: Proposed East and West Elevations;

Drawing No 21366 202: Proposed North Elevation;

Drawing No 21366 203: Proposed East Elevation;

Drawing No 21366 204: Proposed South Elevation;

Drawing No 21366 205: Proposed West Elevation;

Drawing No 21366 206: Proposed Elevations;

Drawing No 21366 300: Proposed Section A-A;

Drawing No 21366 301: Proposed Section B-B;

Drawing No 21366 400: Proposed Boundary Treatments;

Landscape Strategy (Revision 01) by Maude Pinet;

Drawing No LUAR2107-100 Rev 01: Site Plan - Illustrative (Hard and Soft Landscaping) by Maude Pinet (Luar Landscape) 12 November 2021;

and those approved pursuant to any conditions contained herein after and there shall be no deviation therefrom.

For the avoidance of doubt the revised plans will take precedence over any original plans that have not been revised or superseded in any of the supporting documents.

Reason: In order to ensure the development is implemented on the basis of the scheme as submitted and assessed in the interests of proper planning and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Construction and Contamination

Code of Construction Practice (CoCP)

3. The construction of the development hereby permitted shall adhere at all times and be carried out in full accordance with the Construction Traffic Management Plan November 2021 ref P2390 by Paul Mew Associates or any subsequent variations that may be approved in writing by the Local Planning Authority for the full duration of the construction period.

Reason: To ensure the free flow of traffic on the highway, to protect the amenity of local residents and businesses and protected species and to mitigate the risks to groundwater, in accordance with adopted Gravesham Local Plan Core Strategy Policies CS11 (Transport), CS12 (Green Infrastructure) and CS19 (Development and Design Principles).

Times of Construction

4. No construction activities in connection with the development of the site including any preparatory earthworks shall take place on site except between the following times:

07.30 a.m. and 6.00 p.m. on Weekdays
08.00 a.m. and 1.00 p.m. on Saturdays

No construction activities shall take place at any other time including Sundays, Bank or Public Holidays, without the prior approval of the Local Planning Authority having first been obtained.

Reason: In the interests of residential amenity and pursuant to Gravesham Local Plan Core Strategy Policy CS19 (Development and Design Principles).

Contaminated Land

5. The above ground works of the development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

1) A site investigation, based on the findings of the submitted Ground Investigation Report from soiltechnics, ref STT5362-G01 dated June 2021, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This is to include a detailed UXO assessment.

2) A Remediation Method Statement (RMS) based on the site investigation results and the detailed risk assessment at (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) Prior to occupation, a Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (2). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto, or taken from, the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

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

Watching Brief

6. If during construction/demolition works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to, and approved in writing by, Local Planning Authority. The closure report shall include:

A) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

B) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination

sources at the development site in line with paragraph 174 of the National Planning Policy Framework (NPPF) and to ensure suitable material is imported to site and appropriate measures for disposal of site waste are employed and pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

Archaeology

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- i. Archaeological field evaluation works in accordance with a Written Scheme of Investigation (WSI) and timetable, which has been submitted to and approved in writing by the Local Planning Authority; and
- ii. Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate evaluation of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with adopted Gravesham Local Plan Core Strategy Policies CS19 and Policy CS20 and saved Gravesham Local Plan First Review Policy TC7 and the National Planning Policy Framework (NPPF).

Drainage and Flood Risk

Foul Drainage

8. The dwellings hereby permitted must be connected to suitable mains drainage and a copy of the permission from Southern Water to connect to the mains is provided to the Local Planning Authority.

Reason: To ensure that an acceptable means of foul disposal for the development is agreed with the sewerage undertaker and in accordance with Policy CS18 of Gravesham Core Strategy Gravesham Local Plan Core Strategy (September 2014) and Section 94 of the Water Industries Act 1991.

Sustainable Surface Water Drainage - Management and Maintenance

9. Notwithstanding the details set out in the Flood Risk and Drainage Strategy (ref 2914, Issue 5, Revision 4) dated November 2021 by Herrington Consulting Limited, a Sustainable Surface Water Drainage management and maintenance plan shall be submitted for the written approval of the Local Planning Authority before the commencement of any above ground works on the site. The surface water drainage scheme shall thereafter be implemented in full prior to first residential occupation of the development and thereafter maintained and managed in accordance with the approved scheme.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 167 of the NPPF and its associated Non-Statutory Technical Standards.

Design and Detailed External Appearance

Submission of Details of Ground Levels and Floor Levels

10. Notwithstanding the details shown in the approved drawings or other supporting documents no works in connection with the development shall commence until full details of any proposed earthworks or changes to ground levels on the site including details of any earth retention measures have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details before the first occupation of the development. For the avoidance of doubt the development shall not include the raising of any ground levels from the existing surface level of the existing garages and garage forecourt.

Reason: No such details have been submitted and to ensure the development contributes to local character and local visual amenity and protects the privacy and amenity of adjoining premises and pursuant to Policy CS19: Development and Design Principles of the Gravesham Local Core Strategy and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF).

Materials

11. Notwithstanding the details relating to the materials and finishes as set in the application form, Design and Access Statement and approved drawings, before any above ground works commence, additional details (and samples where requested by the Local Planning Authority) of all the external facing materials, colours and finishes to be used in the construction of the development hereby permitted, and including all surface treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the dwellings hereby permitted are first occupied.

Reason: To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

Lighting

12. Prior to the first occupation of the development hereby approved, details of all proposed external lighting of the site and dwellings shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details before the dwellings are first occupied. No additional lighting shall thereafter be installed on the site of dwellings without the grant of further specific planning permission from the Local Planning Authority.

Reason: In order to ensure the development does not cause harm to residential amenity by reason of the installation of intrusive lighting and in accordance Policy CS19 Gravesham Local Plan Core Strategy (September 2014) and paragraph 185 of the National Planning Policy Framework (NPPF), 2021.

Boundary Treatments

13. Notwithstanding the details relating to the boundary treatments as set in the application form, Design and Access Statement and approved drawings, before any above ground works commence, full details of all boundary treatments, including their design, height and materials, to the dwellings hereby permitted and the access thereto including similar details of any vehicular or pedestrian gates to the access and communal areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the dwellings hereby permitted are first occupied. Thereafter, and notwithstanding the provisions of Article 3 of and Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any provision equivalent to that Class in any statutory instrument replacing, revoking or re-enacting that Order, with or without modification, no additional gates, fences, walls or other means of enclosure shall be erected on the site without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF), 2021.

Detailed Energy and Sustainability Statement

14. Notwithstanding the details shown in the approved drawings or other supporting documents, full details of the sustainability measures to be incorporated in the development hereby permitted (including in terms of renewable and low carbon energy and water supply and efficiency) shall be submitted for the approval of the Local Planning Authority before the commencement of any above ground works; the development shall

be carried out in accordance with the approved details before the first occupation of any part of the development.

Reason: To ensure that the development of the site promotes sustainability measures, in accordance with adopted Gravesham Local Plan Core Strategy Policy CS18 (Climate Change).

Noise Control

15. Prior to any above ground works, a suitable noise impact assessment demonstrating compliance with the following requirements, including details of the glazing and ventilation strategy and their respective noise reduction values, shall be submitted to and approved by the Local Planning Authority:

- a) The internal ambient noise levels in all habitable rooms of the residential dwellings shall not exceed the guideline LAeq values in Table 4 of BS 8233:2014
- b) The maximum internal noise levels in all habitable rooms should not normally exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- c) Where relevant, the rating noise from fixed building services/mechanical plant/equipment associated with/in the vicinity of the development (e.g. the air conditioning unit or similar on the flank wall of the Parish Hall adjacent to the proposed development) shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

Any mitigation measures recommended in the noise impact assessment in order to meet the above criteria as agreed by the Local Planning Authority shall be implemented prior to first occupation of the development.

Where compliance with the above criteria will rely on closed windows, the development must include sufficient and suitable ventilation to affected residential dwellings by means other than opening windows to ensure that the internal noise levels required by the above conditions can be retained all year round.

Reason: In order to safeguard the living conditions of the future occupants of the residential units and pursuant to Policy CS19: Development and Design Principles of the Gravesham Local Plan Core Strategy (September 2014) and paragraph 185 of the National Planning Policy Framework (NPPF), 2021.

Permitted Development Rights - Windows and Obscure Glazing

16. Notwithstanding the provisions of Article 3, and Part 1 Classes A and G of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any provision equivalent to those Classes in any statutory instrument replacing, revoking or re-enacting that Order, with or without modification, no window, door or other form of opening other than those shown on the approved drawings shall be formed in either flank elevations of the dwellings hereby permitted. For the avoidance of doubt the second floor bathroom window in the north elevation of the development shall be obscure glazed only at all times.

Reason: In the interest of local residential amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and in order to ensure that any alterations to the permitted scheme may be the subject of a planning application that the Local Planning Authority would wish to determine on its merits.

Permitted Development Rights - Extensions and Alterations

17. Notwithstanding the provisions of Article 3 of, and Part 1 Classes A, A-A, B, C and D of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to those Classes in any Order replacing, revoking or re-enacting that Order with or without modification), no enlargement improvement or other alteration of the dwellings hereby permitted, including the construction of an additional storey, an addition or other alteration to the roof of the dwellings

or the erection or construction of a porch outside any external door, shall be constructed without the grant of a further specific planning permission from the Local Planning Authority having first been obtained.

Reason: In the interest of residential amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and in order to ensure that any alterations to the permitted scheme may be the subject of a planning application that the Local Planning Authority would wish to determine on its merits having regard to the limitations of the site.

Vehicle Parking and Vehicle Access

Parking Provision

18. Prior to the first occupation of the development hereby permitted the vehicle parking areas shall be formed, surfaced, drained and marked out in accordance with the details shown on the approved ground floor layout plan; thereafter, and notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to it in any statutory instrument revoking and re-enacting that Order, with or without modification, no development shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking and turning areas. For the avoidance of doubt only one vehicle parking space shall be allocated to each dwelling with the remaining parking space unallocated, to provide flexibility in their usage.

Reason: To ensure sufficient off street car parking provision is available to serve the development, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and saved Policy P3 of Gravesham Local Plan First Review (1994) and the adopted vehicle parking standards (SPG 4).

Cycle Parking Provision and Retention

19. The cycle parking facilities to serve all of the residential units, as shown on the submitted drawings and other accompanying documents, and which shall be both secure and weatherproof, shall be implemented and made available for such use before the first occupation of the development; thereafter the cycle parking facilities shall be permanently retained.

Reason: To encourage the use of a sustainable and environmentally acceptable mode of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, Policy CS19: Development and Design Principles and the adopted vehicle parking standards (SPG 4).

Electric Vehicle (EV) Charging Points

20. The development hereby permitted shall include the provision of at least one active electric vehicle charging point plus cabling for at least two of the remaining car parking spaces. Each charging point should be able to accommodate a useable supply of 7kW, more under surge conditions; such provision shall be implemented prior to the first occupation of any part of the development hereby permitted and therefore permanently retained and maintained.

Reason: To encourage the use of sustainable and more environmentally acceptable modes of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, Policy CS18: Climate Change and Policy CS19: Development and Design Principles.

Travel Plan

21. The Travel Plan Statement as set out in Appendix B to the approved Transport Statement, November 2021 by Paul Mew Associates (ref P2577) that details the measures designed to help and thereafter maintain a modal shift in favour of reduced reliance on private car usage for travel to and from the development, including the appointment of a Travel Plan Co-ordinator, shall be brought into use before the first occupation of the development. All elements of the Travel Plan shall continue to be implemented at all times following its approval for as long as any part of the development is occupied or used.

Reason: To encourage the use of sustainable and more environmentally acceptable modes of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport and Section 9: Promoting Sustainable Transport of the National Planning Policy Framework (NPPF).

Waste Collection Point Design

22. Notwithstanding the details shown in the approved drawings and other supporting documents and before any above ground works commence, additional design details of the proposed waste collection point and delivery point at the point of access to the site shall be submitted for the approval of the Local Planning Authority; the details shall include a sign to be erected at the start of the drive prohibiting all vehicles except residents; the approved details shall be implemented before the first occupation of any part of the development and thereafter permanently retained.

Reason: In the interests of visual amenity and to ensure a high quality of design pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles and section 12 (Achieving well-designed places) of the NPPF.

Hard and Soft Landscaping

Soft Landscaping

23. Notwithstanding the details as shown in the Landscape Strategy (Revision 01) by Maude Pinet and prior to the first occupation of the development hereby permitted and unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscaping for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following the first occupation of the development. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and type during the next available planting season.

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

Hard Landscaping

24. Notwithstanding the details as shown in the Landscape Strategy (Revision 01) by Maude Pinet and prior to the first occupation of the development hereby permitted and unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscaping for the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the suitability of the surface treatments for the vehicle parking and turning areas within the site and the ramped access and its junction with Lower Higham Road ensuring that there is a bound surface that avoids the potential of loose material from spilling on to the highway.

Reason: To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity and highway safety in accordance with Policy CS11 (Transport) and Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5: Access to the Identified Highway Network, of the Gravesham Local Plan First Review (November 1994).

Ecology/Biodiversity Provision

25. The biodiversity gains as proposed including the bird boxes and insect 'hotels' as shown in the submitted Landscape Strategy (Revision 01) by Maude Pinet shall be fully implemented prior to the first occupation of the development hereby permitted, and shall thereafter be retained and maintained in

perpetuity.

Reason: In the interests of protecting wildlife and encouraging biodiversity and pursuant to the requirements of Gravesham Local Plan Core Strategy Policy CS12 (Green Infrastructure).

INFORMATIVES: -

1 STATUS OF SUBMITTED PLANS AND DOCUMENTS

Plans and Documents submitted for Approval

For the avoidance of doubt the following plans and documents were submitted in support of the application for approval and were taken into account in making the decision:

Application Form and Certificates;

Drawing No 21366 001: Site Location Plan;

Design and Access Statement Part 1 by Office S&M Architects;

Design and Access Statement Part 2 by Office S&M Architects;

Existing Plans

Drawing No 21366 001: Existing Block Plan;

Drawing No 21366 010: Existing Ground Floor Plan;

Drawing No 21366 020: Existing North and South Elevations;

Drawing No 21366 021: Existing East and West Elevations;

Proposed Plans

Drawing No 21366 002: Proposed Block Plan;

Drawing No 21366 100 Rev A: Proposed Ground Floor Plan;

Drawing No 21366 101: Proposed First Floor Plan;

Drawing No 21366 102: Proposed Second Floor Plan;

Drawing No 21366 103: Proposed Roof Plan;

Drawing No 21366 104: Proposed House 1 Floor Plans;

Drawing No 21366 200: Proposed North and South Elevations;

Drawing No 21366 201: Proposed East and West Elevations;

Drawing No 21366 202: Proposed North Elevation;

Drawing No 21366 203: Proposed East Elevation;

Drawing No 21366 204: Proposed South Elevation;

Drawing No 21366 205: Proposed West Elevation;

Drawing No 21366 206: Proposed Elevations;

Drawing No 21366 300: Proposed Section A-A;

Drawing No 21366 301: Proposed Section B-B;

Drawing No 21366 400: Proposed Boundary Treatments;

Drawing No LUAR2107-100 Rev 01: Site Plan - Illustrative (Hard and Soft Landscaping) by Maude Pinet (Luar Landscape) 12 November 2021;

Other Plans and Documents submitted for Approval

- Planning Statement by Maddox Planning November 2021;
- Daylight and Sunlight Assessment for Planning (Ref No: 3146 Issue 1) November 2021 by T16 Design;
- Transport Statement and Travel Plan Statement (Ref P2577) November 2021 by Paul Mew Associates;
- Construction Traffic Management Plan (Ref P2577) November 2021 by Paul Mew Associates;
- Archaeological Desk-Based Assessment (Document Ref. 240420.01) December 2020, Updated November 2021 240421 by Wessex Archaeology;

- Flood Risk and Drainage Strategy (ref 2914) Issue 5 Revision 4 November 2021 by Herrington Consulting Limited;
- Appendix A.8 Ground Investigation Report by Soil Technics Report No STT5362-G01 Rev 0 June 2021;
- Landscape Strategy (Revision 01) by Maude Pinet;
- Transport Statement Addendum Figures 6 a-f - Revised Parking Spaces Tracking;

Plans and Documents submitted for Information

For the avoidance of doubt the following plans and documents were submitted in support of the application for information and were taken into account in the determination of the application:

- Response to neighbour comments by Maddox Planning dated 09.02.22;
- Daylight and Sunlight Assessment Addendum - Response of consultants to neighbour objections re sunlight/daylight impacts (Reference: 4146/OW/ow) dated 26.01.2022;
- Unnumbered Fire Access Drawing (received 07.01.2022);

2 DEVIATION FROM THE APPROVED PLANS

Deviation from or amendment to the approved plans could require a further application and permission/consent. In the event that any change is proposed, applicants and builders are advised to seek advice from the Local Planning Authority. Proceeding without the necessary permissions or consents could result in enforcement action.

3 BUILDING REGULATIONS AND PARTY WALL ACT 1996

This decision **DOES NOT** imply any consent which may be required under the Building Regulations or under any enactment or provision other than Section 57 of the Town and Country Planning Act 1990. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996. This legislation is not taken into account when determining a planning application and independent advice should be taken in this regard.

4 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

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

This has involved extensive discussions and negotiations during the processing of the planning application in a collaborative manner in order to address the various consultation responses and neighbour concerns.

The original proposals were also the subject of a pre-application enquiry that enabled issues and concerns to be identified at an early stage prior to the submission of a planning application.

5 ENVIRONMENTAL REQUIREMENTS - REFUSE ARRANGEMENTS

The refuse and recycling storage requirements for the development for each property are as follows:

- Refuse - 1 x 180ltr bin (grey body/grey lid)
- Recycling - 1 x 240ltr bin (grey body/green lid)
- Food waste - 1 x 23ltr caddy per property for (Black body / orange lid) with an individual 1 x 5ltr kitchen caddy (Silver body and lid)

Please note that collection for refuse and recycling are now once every two weeks with food waste collected weekly. Collection is from the front entrance to the property adjacent to the road or footpath.

The Council offers an 'opt-in' garden waste service collected via a 240ltr or 140ltr bin. The take up of the service is extremely high therefore space should also be allocated to accommodate an additional bin.

It is the developer's responsibility to provide the bins although the Gravesham Borough Council waste management team will happily assist the developer if required.

6 LIGHTING ADVICE

The applicants are advised of the following advice from Gravesham Borough Council Environmental Protection:

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).

7 KENT COUNTY COUNCIL (KCC) HIGHWAYS AND TRANSPORTATION

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

8 KENT POLICE CRIME PREVENTION DESIGN ADVICE

The applicants are encouraged to incorporate or address all the matters raised in the design advice from Kent Police (ref G-227/20211415/EH3 dated 30 December 2021) with regard to Crime Prevention Through Environmental Design (CPTED) and are recommended to ensure the use of Secured by Design (SBD) Homes 2019.

9 SOUTHERN WATER ADVICE

Southern Water advise:

- The public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

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

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

To make an application visit Southern Water's Get Connected service:

<https://developerservices.southernwater.co.uk/> and please read our New Connections Charging Arrangements documents which are available on our website via the following link:
<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

<https://www.water.org.uk/sewerage-sector-guidance-approved-documents/>

[https://www.ciria.org/Memberships/The SuDS Manual C753 Chapters.aspx](https://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.

- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: <https://www.southernwater.co.uk/> by email at: SouthernWaterPlanning@southernwater.co.uk

10 SUPERFAST FIBRE OPTIC BROADBAND

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

11 SMOKE CONTROL AREA

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 by emailing: air.quality@gravesham.gov.uk

12 KENT FIRE AND RESCUE SERVICE

Kent Fire & Rescue Service advise that on-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

13 PRE-COMMENCEMENT CONDITIONS

Pursuant to the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 introduced on 1 October 2018 the following planning conditions (conditions 7 and 10) attached to this permission are pre-commencement conditions and have been agreed as such by the applicants.

It is agreed that the requirements of those planning conditions (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site.

As a result of the changes to this land/property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council, and the schedule of charges is enclosed, which should be used for your application. Please submit the application and the requisite fee in accordance with the guidance on the form. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.local.gravesham.gov.uk/>

Case Officer:	Mr Peter Price	Team Leader:	Richard Hart
Signed:		Signed:	R Hart
Dated:	11 February 2022	Dated:	14 February 2022

File Location: H: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20211415 - Delegated Report - Garages Rear of Osney Way Car Park Lower Higham Road Gravesend - residential development for 4 units