

Delegated Report

Full Planning Application

Planning Application No: 20240297

Location: Mid Kent Golf Club Singlewell Road Gravesend Kent

Description: Erection of a row of terrace 4x two storey dwellings with converted roof space and dormers to front and rear roof slopes; amenity space with cycle and waste storage; and separate parking area for 11 cars.

Applicant: Mr John Rice, Mid Kent Golf Club

Site Visit Date: 23rd July 2024

Submitted Documents/Plans

Planning Application Form;
Drawing No. 01A – Location Plan;
Drawing No. 02A – Site Plan As Existing;
Drawing No. 03A – Site Plan As Proposed;
Drawing No. 04 – Plans And Elevations As Proposed;
Drawing No. 05 – Section Through Site As Existing & As Proposed;
Drawing No. 06 – Block As Existing;
Drawing No. 07 – Block Plan As Proposed;
Tree Schedule;
Tree Constraints Plan;
Tree Impact Assessment Plan;
Bat Survey – KB Ecology;
Preliminary Ecological Appraisal – KB Ecology;
Planning, Design & Access Statement;
BS 5837 Arboricultural Report and Impact Assessment – Crown Tree Consultancy;
Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment; and
Geo Environmental Appendix B.

Relevant Planning History

The golf club itself has an extensive planning history, however in relation to this current proposal on this part of the site, there is no relevant planning history.

Development Plan

Gravesham Local Plan Core Strategy (September 2014)

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density

- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T1 – Impact on Highway Network
- T5 – Access to Identified Highway Network

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

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

National Planning Policy Framework (2023)

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a Sufficient Supply of Homes
- Section 9 - Promoting Sustainable Transport
- Section 12 - Achieving Well-designed and Beautiful Places
- Section 15 - Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham Design Code (May 2024)

Consultations, Publicity and Representations

Consultees

External

KCC Highways and Transportation

The application proposes the erection of 4 x 3 bedroom dwellings, which will utilise the existing access from Singlewell Road. I am satisfied that the additional traffic generation from four dwellings would not be significant and is therefore acceptable.

The submitted plans demonstrate that 11 parking space will be provided, which meets the requirements of Kent Residential Parking Standards and includes visitor parking, which is therefore acceptable.

I am pleased to note that electric vehicle charging points have been shown on the submitted plans and that cycle storage will be provided for each dwelling.

Whilst the site is currently used for parking for directors and staff, I note from the planning statement that there is adequate room to accommodate this within the main large car park, to the west of the clubhouse. The applicant should note that should planning permission be granted, the parking spaces, as shown on the submitted plans, should be purely for the residents and visitors associated with the dwellings.

Consequently, I refer to the above planning application and 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 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
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the electric vehicle charging facilities shown on the submitted plans prior to the use of the site commencing.

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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.

Internal Consultees

GBC Waste Services

I have reviewed this planning application and I am happy with the type and location of bin storage for this development.

Neighbouring properties

Consultation was by way of the displaying of a site notice, together with individual letters sent to 46 surrounding properties, with an overall expiry date of 10th May 2024. 9 letters objection were received making the following summarised comments:

- Detrimental visual impact on the existing terrace
- Loss of privacy in gardens
- Parking
- Highway Safety
- Visual impact on surrounding properties
- Loss of greenspace
- Impact on wildlife
- Impact on character of the area
- Too closed in
- Loss of open space
- Lack of environmental impact assessment
- Additional traffic
- Loss of community amenity
- Not in accordance with local plan
- Lack of infrastructure
- Reduction of sunshine and daylight
- Pollution
- Noise and disruption
- Impact on local services

Other non-material planning comments were also raised such as impact on house prices, Lack of public engagement and loss of view.

Officer's Analysis

Site Description

The application site is the far north east corner of the Mid Kent Golf Club. The area is currently soft landscaped with a small car park for senior club members. Mid Kent Golf Club is located on the east side of Singlewells Road in the urban area of Gravesend. With the exception of the golf club, the area is residential in character with a mixture in property size and design. Directly to the north of the site is a row of five terrace character properties with bay windows and porch features with on street parking only.

Proposed Development

The application proposes the erection of a row of terrace 4x two storey three bedroom dwellings with dormers to the front and rear to provide habitable space over three floors, together with associated amenity space with cycle and waste storage, and separate parking area to the rear for 11 cars.

The dimensions of the proposed dwellings are:

Depth – 10.62m
Width – End Terraces: 5.7m – Mid Terraces: 5.5m
Max Height – 9.09m
Eaves Height – 5.02m
Footprint – End Terraces: 62m² – Mid Terraces: 60m²

Each dwelling would provide a separate entrance hall with storage cupboard and stairs to the upper floors, kitchen/diner, wc and living room on the ground floor, two bedrooms, a study, storage cupboard and family bathroom on the first floor and master bedroom, en-suite and dress room within the roofspace.

To the rear, each property would have a private garden with secure cycle store and refuse area. A private car park for the residents will be located to the rear for 11 spaces and will be accessed from the existing golf club entrance.

Principle of Development

The principle issues for consideration with this application are as follows:

- Housing Need
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

“It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than “guidance” and as such a “material consideration” for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme.”

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

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

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

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

- Habitats sites (and those sites listed in NPPF paragraph 182)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
- Areas at risk of flooding or coastal change.

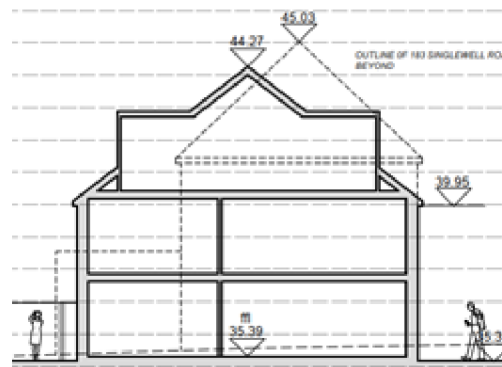
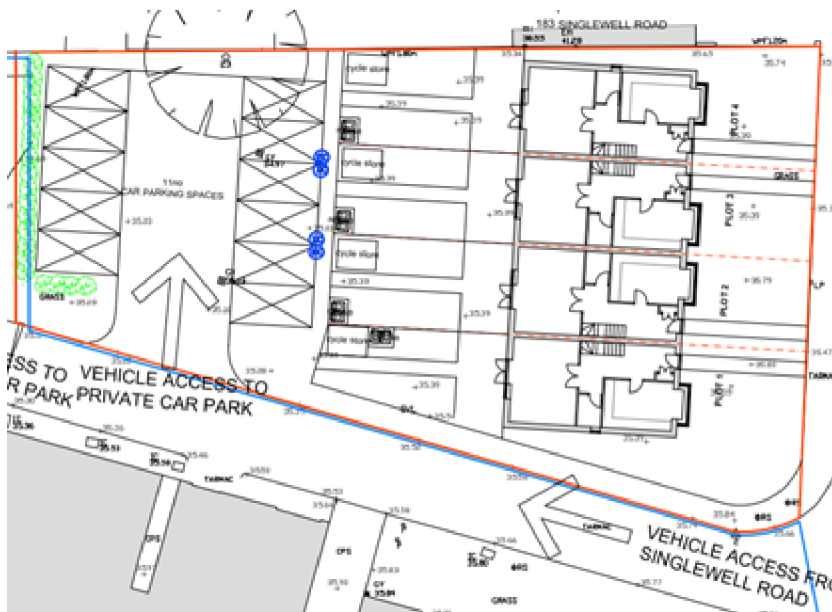
In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '4' residential units would offer a modest contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. This is also supported by the Design for Gravesham Design Code that support quality new homes and spaces that respond to community, climate and character. Moreover, Section 12 (Achieving well-designed and beautiful places) of the NPPF (2023) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

The row of 4no. terrace properties would be located to the south of an existing row of 5no. two storey terrace dwellings. With regard to footprint and building line, this has largely been incorporated, with the principle elevation of the proposed dwellings not being set further forward than the adjacent dwellings and not projecting further to the rear the rear projection of No. 183 Singlewell Road. The properties are angled slightly away as they follow the line of Singlewell Road, and they have a lower ridge and eaves to give secondary/subservient appearance to the existing terrace. This can be shown in the following excerpts of the proposed block and section plans:



The properties have been designed to reflect design features of the adjacent terraces, with covered porches, bay windows with gable features and pitch roofs. The window design and placement have also been incorporated to reflect the adjacent dwellings also. The front single dormers are modest and respectful to the front windows design and the rear dormers do not dominate the rear roofslopes. Materials would be facing brick work with roof tiles on the pitched roof and single ply membrane to the flat roof of the rear dormers. The white UPVC windows would also match. It is considered that the proposed dwellings have been designed to integrate to their surroundings, providing dual aspect properties that respect the existing building line, as supported by the Design for Gravesham Design Code. The front single dormers are modest and are not out of keeping with the existing streetscene where examples of similar design dormers are present. This is reflected in the plans and photographs below:

Front Elevations



Rear Elevations





The proposed new dwellings are considered to be well-designed with features that match the existing terrace row and would have no detrimental impact on the character of the existing dwellings or wider streetscene. Therefore, the proposed is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023) in terms of design.

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The Nationally Described Space Standards (2015) sets out minimum gross floor areas for a two storey, three-bedroom dwelling. These figures vary depending on the number of persons occupying the dwelling. In this case the plans demonstrate that all bedrooms would be double and therefore would have a maximum capacity of 6 persons. All of the proposed dwellings have the same internal measurements:

Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
3 (6 person)	102m ²	139.6m ²

Table 1 - Floor Area Breakdown

The table above demonstrates that the proposed dwelling would comply with the minimum floor space in accordance with the National Space Standards (2015). Notwithstanding this, Gravesham's RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the dwellings.

	RLG (minimum floor area)	Proposed Room Size
Lounge	13.2m ²	20.67m ²
Kitchen/Diner	12m ²	13.45m ²
Bathroom	3.6m ²	5.67m ²
Double Bedroom	11.5m ²	16.67m ²
		14.35m ²
		15.49m ²
Ensuite Bathroom	3.6m ²	4.2m ²

Table 2 - Room Size Breakdown

Table 2 demonstrates that all rooms within the dwelling meet the guidance within the RLG, and therefore the development would provide a good quality living environment for future occupiers. In terms of amenity space, plots 2-4 would have garden areas in excess of 60m² and an overall depth of 10.93m, which is in accordance with the requirement set out in Gravesham's RLG. Plot 1 falls short of the minimum by 2.4m²,

however the depth exceeds 11m and the property has more amenity area to the side and front than the other plots. Therefore, overall, the occupiers of the new dwellings would have adequate private amenity space and a condition relating to hard and soft landscaping would be attached to the decision notice.

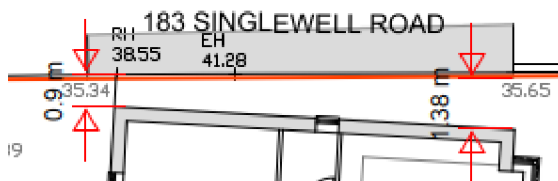
The proposal will provide acceptable living conditions for future occupiers, sufficient private amenity space as well as good levels of natural lighting and ventilation. As such, the development is considered to safeguard the amenity of future occupiers and is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 135(f) of the NPPF (2023) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The area is mainly residential in character and the proposed family dwellings would not introduce a tenure that would be out of character. The proposed dwellings would be sited next to an existing terrace block and would not project further forward or to the rear than the external footprint of the nearest property, being 183 Singlewell Road, and this property would be the most affected by the proposal.

The proposed terrace block would be set 1.38mm from the flank wall of No. 183 Singlewell Road at the front, narrowing to 900mm at the rear.



It is noted that this property has a window in the flank wall, however looking at the height and position of the window, this would serve the stairwell/landing and as such is not a habitable room window that would require safeguarding. This stance has been confirmed in paragraph 5.61 of the supporting Planning, Design & Access Statement. The position and location of the proposed dwellings would be such that this window would be affected in terms of natural light. Whilst there may be a right to light, this would be a civil issue.



The proposed dwellings would project at 3.1m beyond the first floor rear elevation of No. 183, however in terms of impact, the nearest window serves a bathroom and due to the distances and projection, no loss of outlook would be afforded from the bedroom window. Furthermore, due to the modest projection of the proposed dwellings and the single storey rear extension of No. 183 and the rise and fall of the sun, no detrimental level of overshadowing or loss of light would occur.

To the north west of the site and positioned to the north boundary of the golf club is Dennis Road which is

made of up of two storey terrace houses. The properties nearest the site all have large outbuildings and generous rear gardens. The rear elevations of the propose properties would be located more than 31.5m from the rear elevations.



Therefore due to the distances from the proposed dwellings and the surrounding properties in Dennis Road and the built form, there would not be any detrimental impact in terms of loss of privacy.

Opposite the site on Singlewell Road are residential dwellings of varying size and designs. Singlewell Road is a wide road with properties on either side being set back from the pathways. The proposed dwellings would be set away from the nearest properties by more than 28m. As such, it is considered that there would not be no unacceptable window to window relations, loss of privacy, outlook or overshadowing.



Whilst it is acknowledged that the first and second floor windows would afford views over neighbouring gardens, the area is predominately two storey dwellings in a built up residential area, where mutual overlooking already takes place. It is therefore considered that the upper windows of the proposals would not result in a detrimental level of overlooking or a loss of privacy to the surrounding properties.

In relation to the proposed parking area, this is located between the existing front and rear golf course car parks which would be accessed from the existing road. The front golf course car park would be removed to make way for the development which provides 10no. parking spaces. As such, the resident car park would only have more space and as such it is considered that vehicles movements and use would not be significantly more that the existing car park, and therefore the impact on local residents would be minimal.

Within the objection received by a neighbouring residents, the following material planning considerations were raised:

- Detrimental visual impact on the existing terrace
- Loss of privacy in gardens
- Parking
- Highway Safety

- Visual impact on surrounding properties
- Loss of greenspace
- Impact on wildlife
- Impact on character of the area
- Too closed in
- Loss of open space
- Lack of environmental impact assessment
- Additional traffic
- Loss of community amenity
- Not in accordance with local plan
- Lack of infrastructure
- Reduction of sunshine and daylight
- Pollution
- Noise and disruption
- Impact on local services

The principle, layout, design, scale and visual impact have been considered in earlier sections of this report. The privacy, overlooking, loss of light and overshadowing concerns have been assessed in this section of the report. The other concerns, relating to highways and biodiversity will be considered later in this report. Comment has been made relating to loss of community area. The site is not a community open space and forms part of the golf course and is therefore not for public use.

Overall, the proposal is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Parking and Highways

There are no parking or highway issues related to this proposal. The existing access to the golf club will be used which benefits from good vision splays and open views of Singlewell Road to the north and south. The proposed rear parking area provides 11 parking spaces, which results in 2.75 spaces per dwelling, which exceeds the minimum of 2 spaces and as such would accord with Gravesham's adopted parking standards (SPG4) (2006).

The proposed dwellings are not expected to increase vehicular movements within the area significantly. As the access to the golf club is in constant use and therefore, the impact on the highways network and traffic generation are low. As covered in the amenity section above, the parking area replaces the existing parking area at the front of the golf club and only differs in number of space by one. It is not considered the vehicle movement, noise and lighting would be different to the existing.

In relation to the intensification of the existing access. KCC Highways and Transportation made no objection to this and consider that the additional traffic generation from four dwellings would not be significant and is therefore acceptable.

The proposal would result in the loss of the front car park for senior club members, however the main car park to the rear is sufficient to cater for the additional vehicles. As such, the proposal is in accordance with Policy CS11 (Transport) (LPCS) and Policies T1 (Impact on Highway) and T5 (Access to Identified Highway Network) (LPFR).

Any Other Material Planning Considerations

Waste Management and Refuse

Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.

The proposed bin store type and location are appropriate and therefore there are no objections and future occupiers can move the bins to the edge of the highway on collection days.

Ecology and Biodiversity (Bird Mitigation)

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

In this instance, the proposed development would result in the creation of four additional residential properties and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £328.27.

The applicant has paid the SAMMS Mitigation Contribution Agreement and therefore meets the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 185 and 187) of the NPPF (2023) and Policy CS12 (LPCS) (2014).

Trees

The proposal would result in the removal of xx trees and some shrubbery. The supporting arboricultural report concluded that the trees that are to be removed are of low quality. None of the trees are protected and it is proposed to replace two trees for every one lost, as stated in paragraph 5.77 of the supporting Planning, Design & Access Statement.

Biodiversity

The NPPF (Section 15) seeks to ensure that any development result in a biodiversity net gain. This application proposes the erection of four new dwellings on a section of lawn to the side of the golf club entrance and on a tarmacked parking area, which offers little biodiversity opportunity. The plans show that a number of trees will be removed, however as stated above in the previous section, any tree lost would be replaced with two. Therefore, a condition will be attached to the decision notice to ensure that suitable hard and soft landscaping schedules are submitted to, and approved in, writing by the Local Planning Authority, which will ensure that suitable landscaping and biodiversity opportunities are provided.

Net Gain

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The supporting application form states the proposal is exempt from biodiversity net gain due to the site being small. It is considered that due to the development consisting of no more than 9 dwellings, on a site that has an area below 0.5 hectares, it would meet the definition of self-build housebuilding in section 1(A1) of the Self-build and Custom Housebuilding Act 2015, is an exemption to the BNG requirement. The application was also submitted prior to the exemption expiring.

The application seeks to construct 4 no. dwellings on a site of 0.112 hectares, and the construction of the dwellings are considered to meet the definition of self-build. Therefore, no additional information is required under Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for BNG.

EQUALITIES CONSIDERATIONS

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

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

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

HUMAN RIGHTS IMPLICATIONS

In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations. S106 Contributions

The development is for 4 new dwellings and is therefore under the 10 dwelling threshold for S106 Contributions and will therefore not be required.

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

Overall, the proposal would provide much needed family housing in a sustainable location on an underused parcel of land. The dwellings have been designed to a high standard, reflecting the bulk, scale, massing and design features of the existing row of 5no. terrace houses to the north.

The dwellings meet the minimum space standards in all regards with a good level of private amenity space and parking provision.

Impact on neighbouring amenity would be minimal due to the existing built form and proposed scope of the new dwellings.

It is acceptable in highway terms and will mitigate against the impact on the RAMSAR site.

Therefore, it is recommended that planning permission is granted, subject to conditions.

Recommendation

Permission

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

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	25 th July 2024	Dated:	26 th July 2024