

Delegated Report

Planning Application

Planning Application No: 20240308

Location: Land Adjacent To 28 Coutts Avenue, Shorne, Gravesend DA12 3HJ

Description: Erection of 4 two bedroom bungalows with associated parking and turning space.

Applicant: Mr C King

Site Visit Date: Various

Submitted Documents/Plans

Application form
Planning, Design and Access Statement
Affordable Housing and CIL Viability Testing Report
Drawing no. 010 (existing block plan)
Drawing no. 008 (proposed roof plan)
Drawing no. 007 (site location plan)
Drawing no. 001 (proposed floor plans)
Drawing no. 002 (proposed elevations)
Drawing no. 003 (proposed block plan)
Drawing no. 004 (proposed landscaping plan)
Drawing no. 006 (comparative elevations)
Drawing no. 005 (bicycle and bin store details)

Relevant Planning History

20231219	Erection of 2 single-storey three bedroom detached bungalows.	Permitted	24.01.2024
20220956	Reserved Matters Application for the approval of details of appearance, landscaping, scale, full particulars of all fences, walls or other means of enclosure to the plot boundaries of the residential units and of cycle storage and refuse bin storage facilities pursuant to outline planning permission reference number 20190870 for the outline application with some matters reserved for the demolition of existing garage, and erection of 2no. three bedroom houses each vehicular access.	Permitted	30.11.2022

20220642	Demolition of the existing garage and erection of 3no. four-bedroom houses and creation of new vehicular access and associated works.	Refused, appeal dismissed	29.09.2022
20211382	Demolition of garage and sun lounge and erection of a two storey front extension incorporating new integrated garage, alterations and raising of the roof, erection of rear dormer windows to create habitable rooms on first floor, erection of a single storey rear extension, creation of new vehicular access and laying of hardstanding.	Permitted	10.01.2022
20190870	Outline Application with Some Matters Reserved for the demolition of existing garage, and erection of 2no. three bedroom houses each vehicular access.	Permitted	16.10.2019

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

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

Paragraph 33 of the NPPF (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 4 – Decision-making

- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed 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); and
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Shorne Parish Council

The Parish Council has to **OBJECT STRONGLY** to this proposal.

This site undergoing redevelopment has been the subject of eight planning applications and one Appeal (dismissed) since 2019.

The Parish Council was opposed to there being two properties at the rear so was very disappointed that this was permitted by GBC. It was considered that having backland properties at all, and the small size of the two proposed rear properties, was out of character in the area and had an adverse effect on the amenity of other residents.

The applicant is now trying to make further changes doubling the number of rear properties to four very small semi-detached bungalows, which we consider to be a step too far for the same reasons:

- The increase in the number of dwellings would create an over-dense layout which amounts to overdevelopment of the site.
- The designs proposed provide only very cramped and sub-standard accommodation and two of the properties have very small rear amenity space.
- The increased number of dwellings will further exacerbate the traffic and parking problems on the very narrow Coutts Avenue - although there are supposed to be four spare “visitor” parking spaces, it is likely that these will actually be occupied by residents.
- Bin stores are shown however bins will need to be taken to Coutts Avenue for emptying and it is unclear where they will be located while awaiting collection.
- The driveway does not have any passing places and 4 dwellings increase the likelihood of conflicts between users.
- The site is not a “sustainable” location as the area has no shops or other facilities and residents generally have to travel by car to access these or use equally unsustainable home deliveries.
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The application relies on the premise that the homes will be “affordable” but it is unclear how this will be ensured, and especially in perpetuity.

Should GBC be minded to permit this application then we request that, as before, conditions should be attached preventing the properties being extended or undergoing loft conversion with dormers, so as to protect the amenity of neighbouring properties, and likewise also withdrawing permitted development rights so as to prevent further proliferation of built forms on the overall site.

Dickens' Country Protection Society

Thank you for your letter of 9th April 2024 concerning the above. The Society considers that what is being proposed on the site of the former bungalow at 28 Coutts Avenue constitutes over-development, is out of character with and to the detriment of the amenity of the area.

Regarding the current proposal, this represents a further intensification of the backland development on the site. In incremental terms this is not a major change, in that the footprints are not significantly different to that which has already been permitted. The main change is, however, that with more dwellings, the amenity land allocated to each dwelling is less and there is a potential increase in the need for parking as a result of the increase in the number of households.

KCC Fire and Rescue

Thank you for your documentation dated 9 April 2024, your reference 20240308, regarding means of access for the Fire and Rescue Service.

I can confirm that on this occasion it is my opinion that the emergency access requirements for the Fire and Rescue Service under the above Act have been met.

Fire Service access and facility provisions are also 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.

If you require any further advice, please contact this office using the details above. Please be aware that the Building Safety office hours are 09:00-17:00 Monday to Friday.

KCC Archaeology

The site lies within an area of multi-period background archaeological potential. However, based on existing Historic Environment Record data for the area and the past development of the site, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

GBC Environmental Protection Officer

The comments made for the previous application (20231219) are re-iterated.

No objection to this application. The following conditions and informatives are recommended.

Contaminated Land Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out

Code of Practice on Construction and Demolition

Please apply as appropriate to minimise the disturbance to nearby houses during the demolition and construction.

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.

Neighbouring properties

The application has been advertised by site notice and individual letters to nine neighbouring properties.

Five letters of objection have been received. Main concerns:

- Out of character
- Over development
- Pressure on/insufficient parking
- Parking for delivery vehicles
- The road leading to the development is too narrow
- Extra traffic
- Commercial lorries have to reverse down the road
- Developers have broken up the pavement
- the cross roads is dangerous
- this is profit driven
- increase in pollution
- overshadowing
- loss of privacy
- no one in the community is in support of the last application to build two houses
- the proposed development is causing stress and anxiety
- reduction in green environment
- development goes against regeneration
- will set a precedent
- will increase crime and anti-social behaviour
- what are the management arrangements?
- Permitted development rights should be removed
- There should be covenants (*not a material planning consideration*)
- Refuse will look a mess
- No space for maintenance vehicles or ambulances
- Loss of wildlife

Ward Councillor

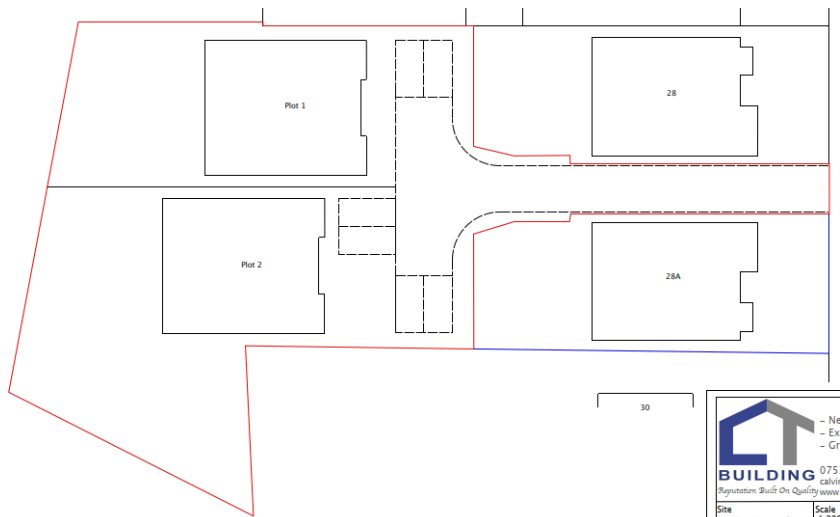
Object in terms of over-development, out of character, impact on neighbours amenity and extra vehicular movements.

Officer's Analysis

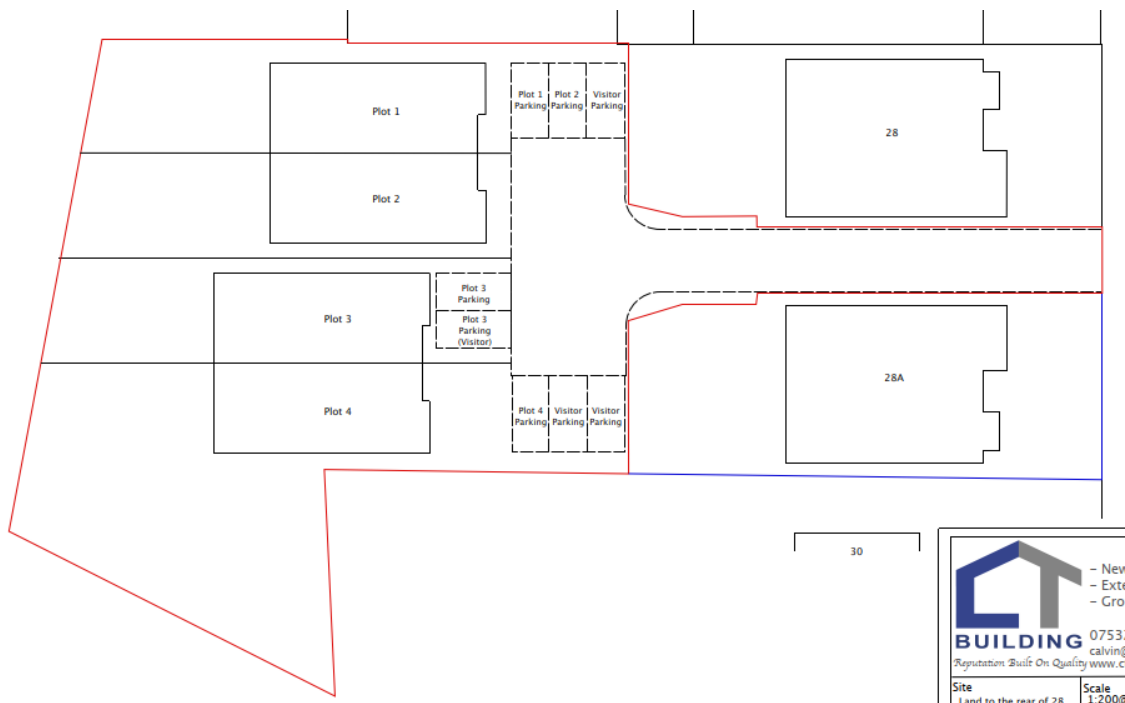
Proposal

This application seeks planning permission for the erection of four 2-bedroom bungalows with associated parking and turning space.

Permission was granted for two 3-bed dwellings under reference 20231219 and the layout is shown below:



This application shows the two permitted dwellings to become semi-detached dwellings as shown below:



The footprint of the buildings are the same as those approved under reference 20231219 however the internal layout now shows two bedrooms, an en-suite, a bathroom and a lounge/kitchen/diner for each dwelling. Two more parking spaces are shown. The previously approved plans showed three bedrooms, an en-suite, bathroom, utility, separate lounge and a kitchen/diner.

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 paragraph 187) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72);
- and areas at risk of flooding or coastal change.

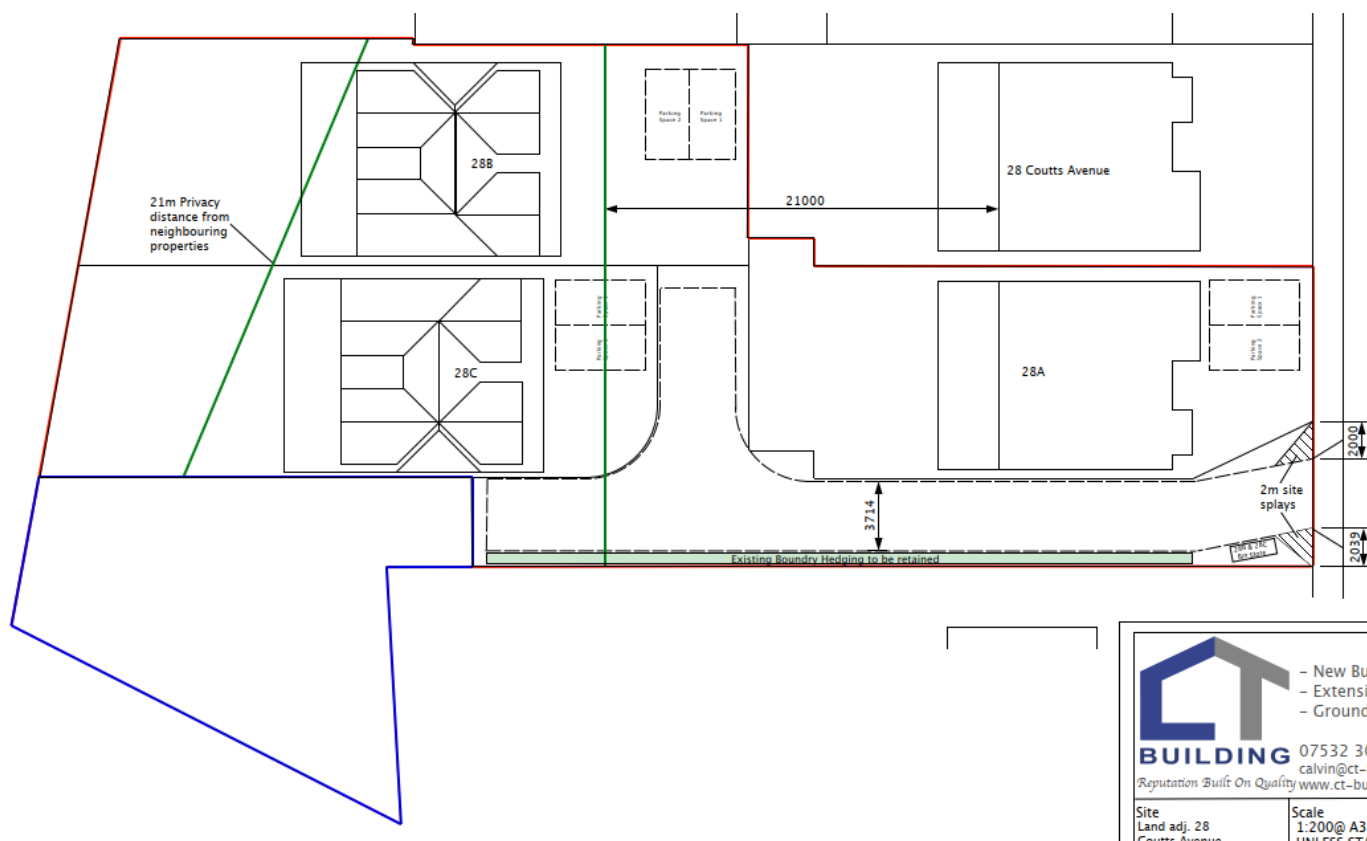
In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 128(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 minimum 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 be high quality, beautiful and create acceptable living conditions 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.

Background

20220642 sought permission for three dwellings on the site (one at the front and two at the rear):



This was refused for the following reasons:

1. The proposed development will result in a prominent and cramped over-development of the site that would be incongruous with the character and appearance of the layout of the residential properties in the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014), and paragraphs 119, 124, 126, and 130 of the National Planning Policy Framework 2021.
2. The proposal would result in a detrimental impact on the amenity of the occupiers of the residents of the adjacent property of 26 Coutts Avenue, in terms of the development being dominant and overbearing. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 130f of the National Planning Policy Framework 2021.
3. The proposed development fails to make any provision for affordable housing. As such the proposal is contrary to Policy CS16 of the Gravesham Local Plan Core Strategy (2014).

The Inspector raised concerns about two 2-storey dwellings to the rear being completely contrary to the prevailing linear character of Coutts Avenue. The then extant permission of one dwelling to the rear was shown to be single storey. It was not the density that raised concerns but the proposed non-linear layout, exacerbated by the prominent two-storey scale of the proposed dwellings to the rear and the impact on the character and appearance of the area.

Concerns were also raised to the impact on no. 26 Coutts Avenue; it was recognised the development would not be easily visible from any other property.

As mentioned in the proposals section 20231219 sought permission for two dwellings to the rear of no. 28 Coutts Avenue as shown below:



These were shown to be two single storey dwellings which was important in terms of character and also overlooking of neighbouring dwellings. **They were approved and a condition was imposed to ensure any development of the roof space would require planning permission.**

Design, Character and Appearance

The application site was a detached chalet bungalow which has mostly now been demolished in order to implement planning permission 20211382. The property had a large single storey side extension. The rear garden was large and laid to lawn with many trees and shrubs. The site is located within the village envelope and within the Higham Arable Farmlands Landscape Character Area.

Density

Policy CS15 of the Gravesham Core Strategy 2014 recognises that sites will be developed at a variety of densities depending on their location and accessibility to public transport. 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. This policy expects new residential development to achieve a minimum density of 30 dwellings per hectare (dph) in the rural area.

The density of development to the south of Coutts Avenue is approx. 15 dph. The proposed density of the application site is approx. 33 dwellings per hectare. Whilst policy CS15 of the Gravesham Core Strategy 2014 allows a density of over 30dph in the rural area this should not be to the detriment of the character of an area. The Planning Inspector was not concerned when a density of 21dph as he stated this was more in keeping with the prevailing character of the area (it is not clear how this was measured) however a density of 33dph is significantly higher than the surrounding area.

Para. 123 of the National Planning Policy Framework 2023 states 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. The proposed dwellings will occupy the same footprint as the previously approved detached bungalows, however, dividing these into four dwellings will introduce more hardstanding, parking, boundary treatment, residential paraphernalia

and activity to the area. This will result in a cramped form of development out of character with the surrounding area. This view is supported by para. 128 (d) of the NPPF which states that planning decisions should support development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting.

The proposal will result in a cramped form of development and is therefore contrary to policies CS15 and CS19 of the Gravesham Core Strategy 2014 and Section 11 of the National Planning Policy Framework 2023.

Design

Policy CS19 of the Gravesham Core Strategy 2014 states that new development will be visually attractive, fit for purpose and locally distinctive. It will 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 properties in Coutts Avenue differ in design and type. The proposed two bungalows allowed under 20231219 were considered in keeping with the surrounding dwellings. Their overall height had been reduced considerably since the 20220642 application and the height was approx. 0.6m lower than the extant permission for one rear bungalow. The design of the roofs were altered so they were no longer shown as barn hips. This reduced the overall bulk of the roofs and the dominant appearance of the properties that was raised as a concern by the Planning Inspector. The division of these bungalows to provide for two pairs of semi-detached dwellings will result in change to their appearance. As discussed above the separation of the plots by boundary treatment, residential paraphernalia, increased hardstanding etc. alters the appearance and results in a cramped form of development out of character with the surrounding area.

In terms of design the proposed development conflicts with the objectives of policy CS19 of the Gravesham Core Strategy 2014 and para. 135 of the National Planning Policy Framework 2023.

Landscape Character

With regard to the impact on the landscape, Policy CS12 of the Core Strategy 2014 is also relevant to this application. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) 2009 will be taken into account in determining applications. The site is located within the Higham Arable Farmlands Landscape Character Area. One of the key characteristics of the area is the open, gently undulating farmland, which provides high visibility across the area. The overall condition of the landscape is poor and has moderate sensitivity. It is recommended that key landscape elements should be restored and created. Proposals that introduce extensive or obtrusive elements within visually sensitive areas of the open landscape should be resisted. As this site is within the rural settlement of Shorne and comprises an existing residential site, the development would have no adverse impact on the wider landscape character of the area.

In terms of landscaping, the proposal is to lay the gardens to lawn with hedging to the rear (south) and eastern boundary. The remainder of the site will be bounded by 1.8m high close boarded fencing. Concrete block paving is shown to the access road and rear patio areas with some planting to the edges. No specific details of the planting or the type of paving have been submitted and therefore if the application were to be allowed at appeal a condition would be recommended to ensure this is submitted.

The position of the bin stores and cycle sheds is not shown on the plans however, they were shown on the 2023 plans and could be accommodated within the site. If the application were to be allowed at appeal a condition could be imposed to ensure sufficient bin and cycle storage is provided.

In summary, due to the resultant cramped form of development, the submitted plans are considered to conflict with the requirements of Policies CS15 and CS19 of the Core Strategy 2014, and paragraphs 135 and Section 11 of the NPPF 2023.

Affordable Housing

Policy CS16 of Gravesham Core Strategy states that the provision of affordable housing will be required on all new housing developments of 15 dwellings or more or on sites of 0.5 hectares or more in the urban area; and 3 units or more or on sites of 0.1 hectares or more in the rural area. As this site is within a designated rural areas (refers to areas designated under section 157 (1) of the Housing Act 1985. These areas are National Parks, AONB's and any other area designated by order of the Secretary of State as a rural area. Shorne Parish was designated as a rural area (appendix 3) under Statutory Instrument 1999 No. 1307: The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas) Order 1999. (See: <http://www.opsi.gov.uk/si/si1999/19991307.htm>) the requirement for affordable housing on this site would be 35% which equates to 1 of the 3 dwellings.

The Local Planning Authority recognises that the Written Ministerial Statement of the 28 November 2014 as an "other statements of government policy" that can be a relevant material consideration when deciding applications. The intention of the Written Ministerial Statement is to ensure that financial contributions do not become a disproportionate burden for small scale developers and thus frustrate housing supply.

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

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

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

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

A recent appeal decision (APP/K2230/W/20/3255704) (appendix 1) stated that;

Affordable housing

22. The appeal development is for 3 open market self-build dwellings. The glossary to Framework confirms that self-build housing could be either market or affordable housing. In this instance the Council seeks a 35% contribution towards affordable housing.
23. The planning practice guidance³ sets out that planning obligations for affordable housing should only be sought for residential developments that are major developments (10 homes or more, or the site has an area of 0.5 hectares or more). Designated rural areas may choose to set a lower threshold, providing that the designation fits the description under section 157(1) of the Housing Act 1985, which refers to National Parks, Areas of Outstanding Natural Beauty or areas the Secretary of State has ordered be designated a rural area.
24. Policy CS16 of the Core Strategy states that affordable housing will be required on sites of 3 units or more, or on sites of 0.1 hectares or more, in the rural area. The proposed development would not provide any affordable housing units nor any commuted sum of equivalent value, thus rendering the proposal non-compliant with the Development Plan.
25. However, no evidence has been put to me to demonstrate that the appeal site fits the description of a designated rural area² (other than the site is not in an

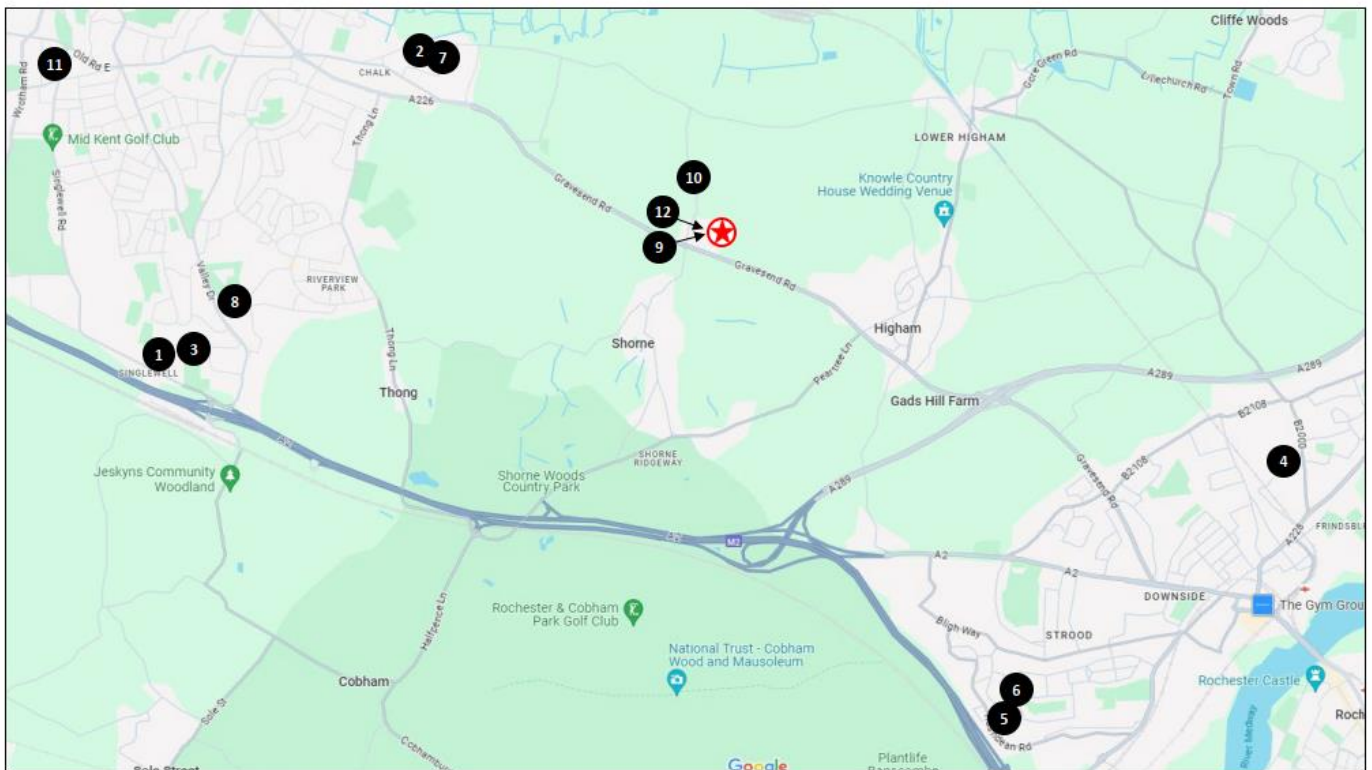
urban area). The Green Belt is not listed as a designated rural area and therefore there is no national or statutory support for seeking a lower threshold for affordable housing contributions in this case. For this reason, policy CS16 is considered to be inconsistent with the national guidance and the weight of conflict with the policy is reduced.

26. A viability assessment has been submitted with the appeal, that appears to set out a reasoned case for waiving the need for affordable housing contributions from the proposals. The Council has not commented on whether the assessment is robust but has equally not indicated that the reason for refusal on this ground can be withdrawn. In the circumstances, I have had regard to section 38(6) of the Planning and Compulsory Purchase Act, which affirms that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
27. In the absence of affordable housing contributions, I therefore conclude that the proposal would be in conflict, albeit limited, with policy CS16 of the Core Strategy, which seeks the provision of affordable housing.

Whilst the above appeal decision is noted for the avoidance and attached as appendix 2, the entire Parish of Shorne (which the application site is located within) is a Designated Rural Area.

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

The applicant has submitted a financial viability assessment with the application. This has not been assessed independently as the application is deemed unacceptable on other grounds and it would be unreasonable to impart further financial burden on the applicants to have this document reviewed independently. However, it is noted that within viability report Appendix 6 the Proposed Sales Comparables use different catchment areas, eg Strood, Chalk, Valley Drive and Singlewell Area which is not a true reflection of the immediate rural area. See below.



Amenity

Future Occupiers

The primary bedrooms all measure above 11.5sqm and therefore meet the national standards in terms of floor area. The second bedrooms fall short and would therefore be classed as singles. The properties would therefore be two bedroom, three person dwellings which command an internal floor area of 61sqm. All four properties exceed this and therefore meet the national space standards.

All habitable rooms contain windows that will offer sufficient outlook, daylight and privacy.

All four dwellings exceed the garden area and length for a two bedroom dwelling.

Neighbouring Amenity

No. 26 Coutts Avenue is located to the west of the application site. Concerns were raised previously by the Council and the Planning Inspector about the two storey dwellings and the impact these would have on this neighbour in terms of being overbearing. These plans now show true bungalows with lower ridge heights and a hipped roof design as opposed to a barn hip. This roof height and design will have a significantly less impact on this neighbour than the dwelling that could be built under the extant permission and therefore will not be overbearing on this neighbour. The division of the properties to create four will not change the height or the footprint and therefore will not have any greater impact on this neighbour in terms of loss of outlook, privacy, sunlight or daylight. If the application were to be allowed at appeal a condition would be recommended to ensure no windows are added to the roof slopes without first obtaining planning permission.

The distance between no. 28 and Plots 1 and 2 is approx. 20m. This falls short of the recommended distance between habitable room windows of 21m. Whilst this is not ideal, it is noted that the new dwelling is single storey and there will be intervening land between the dwellings in terms of parking area

and boundary fencing. On balance the distances between the dwellings is acceptable and no concerns are raised with regards to overlooking. The distances between Plots 3 and 4 and 28A exceed 21m.

No. 30 is located to the east of the application site. The proposed bungalows are reduced in scale from the previously refused application and therefore any impact will be less than the previous application which was deemed acceptable in amenity terms by the Planning Inspector.

The proposed semi-detached bungalows will have no significant impact on amenity and therefore accord with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023.

Ecology and Biodiversity

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. The applicants have not paid towards the mitigation.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 186 and 187) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Biodiversity 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.

Where an applicant believes the development would be subject to the biodiversity gain condition, the application must be accompanied by minimum information set out in [Article 7 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#):

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;

- the pre-development biodiversity value(s), [either on the date of application or earlier proposed date \(as appropriate\)](#);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- [the completed metric calculation tool](#) showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('[degradation](#)'), and where they have:
 - a statement to the effect that these activities have been carried out;
 - the date immediately before these activities were carried out;
 - the pre-development biodiversity value of the onsite habitat on this date;
 - the completed metric calculation tool showing the calculations, and
 - any available supporting evidence of this;
- a description of any [irreplaceable habitat](#) (as set out in [column 1 of the Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

The proposed development would be subject to the biodiversity gain condition and therefore the planning application should have been accompanied by the information set out above. The application was made on 28th March 2024 and is exempt, BNG came into force for small sites on 2nd April 2024.

Parking and Highways

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

The previous plans showed two bungalows to the rear with six parking spaces. The number of dwellings has doubled however the amount of parking is now shown to be eight parking spaces. The adopted Kent County Council parking standards require two parking spaces per dwelling of 2-3 bedrooms. This is a maximum standard and therefore the policy is met. It is noted that visitor spaces are now being lost but these are not required by a development of this size. There is sufficient space to accommodate one cycle space per bedroom and this can be secured by condition. In terms of the layout of the service road, this remains the same as already approved and no objection is raised.

Whilst it is appreciated that concerns have been raised with regards to parking, the proposed development meets the adopted parking standards and therefore there is no policy to support a refusal on this basis. The proposal therefore meets the requirements of policy CS11 of the Gravesham Core Strategy 2014 and saved policies T1 and P3 of the Gravesham Local Plan 1994.

Conclusion

The proposed development, due to the increase in dwellings from two to four, will result in a cramped form

of development out of character with the surrounding area and at a density that is not in keeping with level of development in Coutts Avenue. The proposal therefore is considered to result in poor design to the detriment of the area contrary to Policies CS15 and CS19 of the Gravesham Core Strategy 2014, paragraph 135 and section 11 of the National Planning Policy Framework 2023.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 186 and 187) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Recommendation:

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	21 May 2024	Dated:	29th May 2024