

Delegated Report

Planning Application

Planning Application No: 20230214

Location: Land Adjacent To Home Farm Cottage, School Lane, Higham, Kent

Description: Application for the approval of reserved matters pursuant to outline planning permission reference no. 20191222 allowed on appeal under reference no. APP/K2230/W/20/3255704 for the erection of 3 houses with associated garages and landscaping, relating to details of the appearance, landscaping, layout and scale.

Applicant: M & J Design And Build

Site Visit Date: Various

Submitted Documents/Plans

Application form
Covering letter
Construction Method Statement
Drawing no. 2022/52/01 (site location plan)
Drawing no. 2022/52/01 (proposed semi basement block plan)
Drawing no. 2022/52/03 (proposed ground floor block plan)
Drawing no. 2022/52/04 (proposed first floor block plan)
Drawing no. 2022/52/05 (proposed floor plans – plot 1)
Drawing no. 2022/52/06A (proposed elevations – plot 1)
Drawing no. 2022/52/07A (proposed elevations – plot 1)
Drawing no. 2022/52/08 (proposed floor plans – plot 2)
Drawing no. 2022/52/09A (proposed elevations – plot 2)
Drawing no. 2022/52/08 (proposed floor plans – plot 3)
Drawing no. 2022/52/11A (proposed elevations -plot 3)
Drawing no. 2022/52/12A (proposed garage details)
Drawing no. 2022/52/20A (proposed site set up plan)
Drawing no. 2022/52/21A (proposed foul and surface water drainage plan)
Drawing no. 2022/52/22A (proposed landscape plan)

Relevant Planning History

20221252	Application for a Lawful Development Certificate to request confirmation that the approved dwellings are not required to be built by self-builders	Certificate granted	07.12.2022
20191222	Outline Application with Some Matters Reserved for the erection of 3no. self build houses with associated garages and landscaping.	Refused, allowed on appeal	21.01.2020

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

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

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 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 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

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:

- 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 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 68); 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.

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

Environmental Protection does not have any objections to this application. The Construction Method Statement is noted and although it is not very detailed, it in essence covers the matters requested in Condition 6, so is accepted.

The information regarding the scheme for external lighting (Condition 8) is yet to be submitted. Any approval should ensure that the requirement for this information to be submitted still outstanding and is noted.

Highway Development Management Officer

Concerns were raised with the applicant who then submitted additional plans. These concerns were allayed and no objections raised.

Environment Agency

As you may be aware, we are not a statutory consultee for reserved matters applications. Due to workload prioritisation, we have taken the decision to no longer provide comments on these consultations.

Please take account of any planning conditions, informatives or advice and comments that we provided in our response to the outline application when making your determination of this reserved matters application.

We will, of course, still provide comments for any planning conditions that we requested and that were applied by you to the outline planning permission. Please continue to consult us on these planning conditions as usual.

Other consents

As you are aware, we also have a regulatory role in issuing legally required consents, permits or licences

for various activities. We have not assessed whether consent will be required under our regulatory role and therefore this letter does not indicate that permission will be given by the Environment Agency as a regulatory body.

The applicant should contact 03708 506 506 or consult our website to establish if consent will be required for the works they are proposing. Please refer to the gov.uk website: <https://www.gov.uk/topic/environmental-management/environmental-permits>

An environmental permit or exemption may also be required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This is called a flood risk activity permit (FRAP). Some activities are also now excluded or exempt. Please refer to the gov.uk website for further details and guidance: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Please note that an environmental permit is in addition to, and a separate process from, obtaining planning permission.

Dickens' Country Protection Society

The Society would wish to comment that the submission would not appear to meet the requirements of the condition. There is no landscaping scheme.

Neighbouring properties

The application has been advertised by site notice and individual letters to 22 neighbouring properties.

Two letters of objection have been received. Main concerns:

- The site will be overdeveloped and become an estate of 5 houses (*this was allowed at appeal by the Planning Inspector and is therefore not a consideration for this reserved matters application*)
- Outlook onto a building site and no clear plans for landscaping/trees/hedges
- Parking and access
- Local wildlife
- Access to local amenities and disruption
- There doesn't appear to be any detail about landscaping. Will all the trees and hedges be cut down?
- Will there be sufficient parking on the proposed site? Will the new dwellings be given parking permits?
- Will there be a new road to the new houses and who will maintain that road?
- What will happen to the road at the junction with Steadman Close? Will it become a crossroads? This is already a busy part of School Lane, with frequent traffic jams.
- Other points that are still valid:
 - The site lies on Green Belt
 - Overbearing and loss of privacy due to the sloping
 - Overdevelopment of the site
 - Access would not be wide enough for heavy machinery and lorries. The access is dangerous.
 - Drainage issues due to more hardstanding and the slope of the land
 - The site has historical interest
 - There is a variety of wildlife on the plot
 - The site would not offer affordable housing to the village
- Permission was only granted because of a short fall in self builds (*this is not the case – the Council has no policy for self builds and no condition was imposed to ensure they were built as 'self-builds'*)

Officer's Analysis

Proposal

This application seeks the approval of reserved matters pursuant to outline planning permission reference no. 20191222 allowed on appeal under reference no. APP/K2230/W/20/3255704 for the erection of 3 houses with associated garages and landscaping, relating to details of the appearance, landscaping, layout and scale.

The site layout shows three houses arranged around a turning circle:



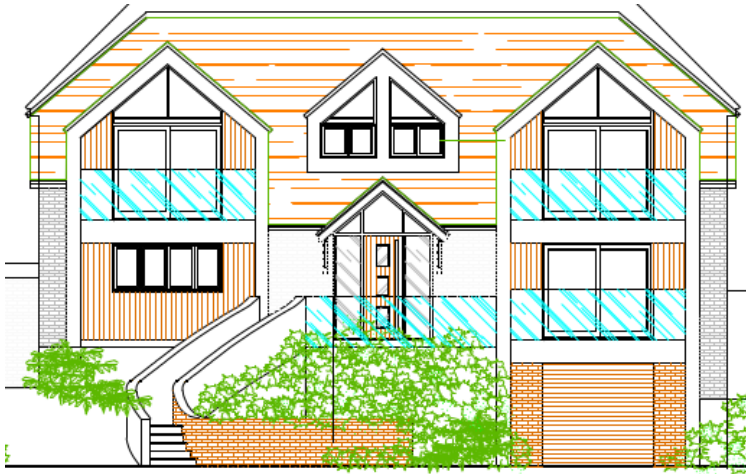
Plot 1 will be a two storey detached dwelling approx. 8m in height, 18.75m in depth and 13.2 in width. Internally there will be a living/kitchen/family room, utility, dining room, WC, study, living room and entrance hall at ground floor and four bedrooms and four en-suites at first floor:



Plot 1 will also have a garage approx. 4.3m high, 6.8m wide and 6.1m deep with a pitched roof.

Plot 2 will be a two storey detached dwelling approx. 9.9m high, 15.5m wide and 10.75m deep. Internally there will be a kitchen/diner, living room, study, WC and entrance hall at ground floor and four bedrooms and four en-suites at first floor. There will be a semi-basement accommodating a gym, utility room, garage

and bike store:



Plot 3 will be a two storey detached dwelling approx. 9.9m high, 15.5m wide and 10.6m deep. Internally there will be a kitchen/diner, living room, study, WC and entrance hall at ground floor and four bedrooms and four en-suites at first floor. There will be a semi-basement accommodating a gym, utility room, garage and bike store:



Principle

The principle of development has been accepted under reference APP/K2230/W/20/3255704. The main issues to consider in the determination of this application are as follows:

- Appearance
- Landscaping
- Layout; and
- Scale

(The principle and access have been deemed acceptable under planning appeal APP/K2230/W/20/3255704)

Housing Need

In regard to housing need, Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 8 of the National Planning Policy Framework and this means for decision-taking that planning permission for applications involving the

provision of housing should be granted in line with the requirements of the National Planning Policy Framework Para 11(d) unless:

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

The principle of the proposed development for a net increase of '2' no. dwellings has already been established through the approved outline permission APP/K2230/W/20/3255704.

Green Belt

The site is located within the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The Inspector for the appeal concluded that, due to the relationship of the plot with the dwellings opposite (west) and to the north, together with the train station car park, there was no reason why the infilling the Framework accepts cannot be between residential dwellings and another use of the built village environment. He therefore concluded that the proposal would not be inappropriate development in the Green Belt as it would represent limited infilling in a village. He went on to say that since the proposal constitutes limited infilling in a village, there is no requirements to consider openness or whether other considerations amount to very special circumstances.

The principle of three houses on the site has been established at appeal. Whilst the proposed dwellings are large, the impact on the openness has already been discounted by the Inspector and therefore cannot be considered within this application. Therefore the detail can only be assessed in terms of the below.

Design, Character and Appearance

The application site is a former garden area within Higham. Originally the land belonged to Home Farm Cottage but this was then split when an annexe building became Meadow Cottage and this land became its garden. The proposed dwellings are large however they are of a similar scale to the existing property known as Home Farm Cottage. Whilst the dwellings will be closer together than the buildings directly to the north they will still be located on spacious plots. The density of the proposed development will be less than the properties to the west and more than those directly to the north. In terms of character, and based on the conclusions made by the Planning Inspector, the proposed layout is considered acceptable.

Likewise, the buildings are of a similar scale to the original dwelling on the site and therefore the scale is also considered acceptable.

In terms of appearance, the proposed dwellings are of a modern design. The properties are shown to be built within the slope of the land rather than on top of it therefore reducing the overall height. Accommodation has been provided in the roofs of Plots 2 and 3 which reduces the bulk of the dwellings and also negates the need to restrict permitted development in the roof which could have an impact on amenities as well as parking. The roofline of Plot 1 drops with the level of the land reducing the overall bulk

and dominance when seen from School Lane.

In terms of materials Plots 2 and 3 are proposed to be finished in the following:

Roof – blue/black slate

Walls – rustic red stock brick with stone cills and Marley black cedar cladding

Windows – black aluminium double glazed

Doors – black aluminium double glazed

Plot 1 is to be finished in the following:

Roof – blue/black slate

Walls – rustic red stock brick with stone cills and Marley black cedar cladding

Windows – black wood effect UPVC flush casement

Doors – black aluminium double glazed windows

The garage is proposed to be finished in blue/black slate for the roof and rustic red stock brick for the walls. The walls will be clad in Marley black cedar cladding.

All rain water goods, gutters and downpipes will be black upvc. All retaining walls will be of Fulford blend rustic red bricks.

The site is contained and the street scene is mixed and therefore no concerns are raised with regards to the use of these materials.

In terms of landscaping drawing no. 2022/52/22 has been submitted which shows rear gardens laid to grass and Indian stone patios. The gardens are to be bounded by 1.8m high close boarded fencing and front boundaries will have 1.5m high post and rail fencing. Hedging is to remain along the western and southern boundaries and in the eastern corner. New hedging will be planted within the existing boundary hedging where it needs reinforcing and will consist of 50% Hawthorn or Blackthorn with 10% wild cherry, field maple, dog rose, hazel and either Hawthorn or Blackthorn (the opposite to the main component).

The surface of the access road and the driveways to the front will be finished in Marshalls Drivesett Tegula 60 in traditional colour, multi size permeable block paving:



These details are considered acceptable.

Condition 5 of the appeal required the reserved matters to include details of cycle storage and refuse bin storage to serve the development. This has been included on drawing 2022/52/12A and shows the bins and bike store in the garage for plot one. The cycle and bin stores for plots 2 and 3 are shown within the basement garage which is acceptable.

Landscape character

The site lies within the Higham Arable Farmlands landscape character area. The Inspector concluded that

the application site is self-contained and, due to this, would prevent any direct loss of any of the features that contribute to the wider landscape character area. He stated that any limited views of the proposed dwellings from the arable farmland to the south would place the development in context with the village of Higham and that the dwellings would not interrupt or obstruct any greater views of the wider landscape setting. No guidance has been provided within the appeal of that might be acceptable on the site in terms of scale and proportion. The proposed houses are large, however, attempts have been made to assimilate these into the landscape which is undulating so that they are not located on top of a hill and therefore dominant within the landscape.

The proposed dwellings therefore accord with policies CS12 and CS19 of the Gravesham Core Strategy 2014.

Amenity of Future Occupiers

In terms of the layout and impact on the amenities of future occupiers, all the properties contain sufficient floor area for the number of bedrooms. The bedrooms meet the size standards for doubles and each habitable room contains sufficient sunlight, daylight and outlook. There is sufficient outside space for each of the dwellings.

Neighbouring Amenity

All habitable room windows are located to the front and rear of the dwellings apart from Plot 1 where there are windows in the western flank. The distances between these windows and the front windows of the properties to the west on School Lane is over 21m and therefore no concerns are raised with regards to overlooking. There is no overlooking between the proposed dwellings and Home Farm Cottage is also a sufficient distance to suffer no loss of privacy (over 29m).

Due to the path of the sun and the distances between dwellings there will be no detrimental impact in terms of loss of sunlight, daylight or outlook from the proposals.

The proposed development therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021 with regards to amenity.

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 £275.88 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 paid towards the mitigation during the course of the appeal.

The houses are to be built on land currently laid to grass. The proposed development will result in the loss of some of the grass however, the plans show additional planting in the form of new trees and hedging around the boundary. This is considered sufficient and complies with policy CS12 of the Gravesham Core Strategy 2014.

Parking and Highways

Access has already been considered as part of the outline application and no concerns were raised.

Condition 10 of the appeal requires full particulars of the car parking spaces and turning facilities to serve the development to be submitted under the reserved matters submission. The proposed landscape plan shows the parking arrangements and sufficient turning arrangements and therefore no objection is raised.

Conclusion

The proposed details are considered acceptable in terms of appearance, landscaping, layout and scale and will have no detrimental impact on the character of the street scene and surrounding landscape, neighbouring amenities, amenities of future occupiers, parking or highway safety and therefore accord with the abovementioned policies and are recommended for approval.

Recommendation:

Permit

(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:	6 June 2023	Dated:	7th June 2023