



Gravesham Borough Council
Civic Centre,
Windmill Street,
Gravesend,
Kent,
DA12 1AU

Our ref: MB/14263

18th March 2020

Dear Sir or Madam,

PRE-APPLICATION ENQUIRY RE: FORMER WHITEHILL PLAYING FIELD, WHITEHILL ROAD, GRAVESEND

I write on behalf of our client, Kent County Council seeking a pre-application meeting and subsequent written advice in relation to proposals for the residential redevelopment of land at the former Whitehill Playing Field, Gravesend. The following documents are submitted as part of this pre-application enquiry:

- Completed Pre-Application Enquiry Form;
- Site Location Plan;
- Design Feasibility Pack;
- Transport Technical note;
- The pre-application fee of £1,230 (submitted under separate cover).

Site & Surroundings

The proposed site is 0.91 hectares and is a relatively rectangular shaped parcel of land to the rear of Turner House on Whitehill Road, Gravesend. The site is a former playing field located in the urban built confines to the south-east of Gravesend Town Centre.

The site has not been in use for a number of years and is laid to grass. The land was acquired in the late 1960s for use as playing fields and this continued until mid/late 1990s. The school's use of playing fields ceased in the late 1990s and they have not been used since for sports purposes. There have been no formal or informal arrangements for the use by others of these playing fields.

The site is bounded in all directions by residential developments of varying ages, which utilise a mix of two storey and three storey terraced, detached and semi-detached and flatted properties. Predominantly, the houses tend to be in a traditional style, utilising a mix of brickwork and render, with either red or grey clay or concrete roof tiles. In terms of topography, the application site is relatively level. The Environment Agency mapping confirms the site does not fall within a flood risk zone.

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The site is well served in terms of public transport and is highly accessible by foot. There are two bus stops located on Whitehill Road approximately 100m and 150m to the south and north of the site respectively, providing access to Gravesend Town Centre. Gravesend Train Station is also within walking distance.

Background

In August 2015 a pre-application request was made to Gravesham Borough Council regarding the erection of 14 residential units with associated access, parking and landscaping on part of the site.

It was proposed that the dwellings and associated residential curtilage would occupy the north of the site, whilst the southern section of the site would remain undeveloped and be retained by KCC.

On 16th October 2015 the assigned Planning Officer responded with the following comments:

1. *Sport England* – Stated that from the information provided, they are likely to object to any future application on the site;



7. *Ecology and Biodiversity* – It was confirmed that the site lies within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) or Ramsar Site. Therefore, a tariff of £223.58 per dwelling would be required (Total of £3130.12).

A further response was then received from the Planning Officer on 21st December 2015 with the following comments:

1. *Principle of Development* – It was confirmed that the site is within the urban boundary of Gravesend which is covered by Policy CS02 of Gravesham Core Strategy (2014), which supports the principle of residential development within the urban area of Gravesend. However, reference was then made to the status of the site as open space and the Council's policies which seek to protect open spaces. It was therefore recommended that any forthcoming application should be accompanied by a formal Open Space Assessment to demonstrate that the site is surplus to requirement.
2. *Sport England* – The Officer went back to Sport England to clarify their response. They came back to say '*Sport England therefore objected to this application as a non-statutory consultee due to the loss of formerly used playing field*'.
3. *Design and Layout* – The following comments were made regarding the layout of the proposed scheme:

The Block Plan which has been submitted (Drawing No.DHA/10248/07 Rev A) shows a traditional layout. I would query if Plots 5 and 8 would result in any unacceptable levels of overlooking onto plots and 9;

It would appear that the distances from the proposed dwellings to the existing surrounding properties would not result in any unacceptable level of overlooking from this development.

In terms of planning history, there has been just one application relating to the site since 1974. Application 20050940 sought the erection of 28 dwellings and was withdrawn. Unfortunately, there are no application documents to view on the Council's website and at the time of the 2015 pre-application enquiry, the Officer confirmed that the electronic version of the application only contained the letter confirming it was withdrawn.

Proposed Development

The proposed development follows the principles of the scheme presented in 2015, proposing 14 dwellings on the northern half of the site and retaining the southern half as undeveloped field.

Access, as before, is to be taken from the existing access point onto Whitehill Road in the form of a private driveway.



The internal layout has been reviewed with the benefit of the Council's previous comments. The two corner plots have been re-sited, with garaging located adjacent to them to avoid any potential for overlooking into adjacent proposed rear gardens. A mix of detached, semi-detached and terrace properties are envisaged ranging from two to four bedrooms. The terrace of four dwellings would front the access road to give it some activity and natural surveillance of the road and open space beyond.

The proposed layout would be directly informed by detailed surveys in respect of trees, drainage and ecology at the application stage.

Planning Policy

Section 38(6) of the Planning and Compulsory Act advises that planning applications should be determined in accordance with development plan policy unless material considerations indicate otherwise. The Development Plan currently in force for the Council comprises the Gravesham Local Plan Core Strategy (September 2014) and saved policies in the Gravesham Local Plan First Review (November 1994).

The Proposals Map extract from the Local Plan Core Strategy shows that the site is not affected by any site-specific policies. More general policies that will need to be taken into consideration if a planning application is forthcoming include:

Gravesham Local Plan Core Strategy

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS13 – Green Space, Sport and Recreation
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design & Development Principles

Saved Policies in the Gravesham Local Plan First Review (November 1994):

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

With regard to other material considerations, the NPPF (February 2019) and emerging Site Allocations and Development Management Policies Document are relevant, as is the Local Plan evidence base, which includes the Gravesham Borough Council Open Space Assessment Report (April 2016), the Gravesham Borough Council Open Space Standards Paper (August 2016) and the Strategic Land Availability Assessment Call for Sites (SLAA).

Planning Merits

Principle of Development

Policy CS02 of the Local Plan Core Strategy (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 7 of the NPPF and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the NPPF Para 11(d) unless:

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

Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. Policy CS02 (LPCS) seeks to achieve this by:

Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area.

The NPPF is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 119 advises that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. Where there is an existing or anticipated shortage of land for meeting identified housing needs, as is currently the case in Gravesham, paragraph 123 of the NPPF advises that it is especially important that planning policies ensure that developments make optimal use of the potential of each site.

Open Space and Playing Fields

Paragraph 97 of the NPPF states existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or



- the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The national approach is reflected in Policy CS13 (LPCS) which states the Council will seek to make adequate provision for and to protect and enhance the quantity, quality and accessibility of green space, playing pitches and other sports facilities, in accordance with an adequate, up to date and relevant evidence base.

The Council's Open Space Assessment Report (April 2016) refers to the site as 'Whitehill Road Open Space' (Site 204) and classes it as 'high value urban area amenity greenspace' with a quality score of 53.9% and value score of 37.9%.

Amenity greenspace is defined as sites offering opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas. It includes informal recreation spaces, housing green spaces, village greens and other incidental space.

The Assessment states that there are 77 amenity greenspaces in Gravesham and only one is identified as potentially have restricted or limited access (Shamrock Road Open Space). As the use of the site as playing fields ceased in the late 1990s and there have been no formal or informal arrangements for use by others of these playing fields in recent years, it is surprising that access to this site has not been raised as an issue in the assessment.

Security at the site has always been maintained and the gates at the entrance have been padlocked from the outset and there is little scope for illegal access from the general public as the site is surrounded by houses. Furthermore, there are no ancillary facilities such as bins and signage, parking or play equipment provision. The assessed quality and value score of the site is therefore also questioned.

The Officer's response in December 2015 refers to Core Strategy Policy CS13 (Green Space, Sport and Recreation) which states that *'The Council will seek to make adequate provision for and to protect and enhance the quantity, quality and accessibility of green space, playing pitches and other sports facilities, in accordance with an adequate, up to date and relevant evidence base'*.

In terms of Sport England responses to the original 14-unit scheme, when asked to clarify their response they said:

'Sport England are not a statutory consultee on this application for the reasons set out below. However, the applicants letter dated 21st August 2015 states:

"The land was acquired in the late 1960s for use as playing fields and this continued until mid/late 1990s. The school's use of playing fields and this continued until mid/late 1990s. The school's use of playing fields ceased in the late 1990s and they have not been used since for sports purposes."



Sport England therefore objected to this application as a non-statutory consultee due to the loss of formerly used playing field'

Given the above, it is not considered that the site provides any significant contribution to the local community or other user groups in terms of sport and recreation, and given its location and setting does not provide an important visual amenity function. It is therefore surplus to requirements and in the context of the Council's housing land supply position provides a sustainably located opportunity site for residential development and one which could also deliver more functional and accessible open space than is currently the case.

Design and Layout

Core Strategy Policy CS14 (LPCS) expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area.

The Council advised in 2015 that the proposed mix of 3 and 4 houses, and in particular the inclusion of 3-bedroom houses, would meet the identified needs in the SHMA Update. A similar mix of dwellings is therefore proposed to comply with Policy CS14.

To ensure that adequate living space is provided for future residents, the units proposed all meet the national technical standards.

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

It is clear that whilst Policy CS15 (LPCS) seeks to achieve this minimum density, this should not be at the expense of compromising the character of the surrounding area.

The previous 14 unit scheme was considered at the pre-application stage to be significantly under the minimum density of 40 dwellings per hectare, and the Officer at the time felt that a reconsideration of the site would give scope for improving the scheme's design whilst meeting the density requirements as set out in Policy CS15.

However, in the Officer's follow up response in December 2015 he noted;

'From our initial discussions I raised concern that this development would be under development for the site and Gravesham would seek a higher amount of development on the site. However, from my understanding you have already spoken to Kent Highways Services who have confirmed that the site constraints in terms of access would not allow development above the amount you are proposing'



Affordable Housing

The Borough Council's position on affordable housing, as set out in LPCS Policy CS16, is that it will be required at a provision of 30% on sites in the urban area proposing 15 or more dwellings. It is noted that national policy now precludes policies that require affordable housing on sites of less than ten units (other than within the AONB in some instances). The adopted policy here is not inconsistent with that. Development on this site is limited to no more than 14 units due to access constraints, meaning that affordable housing is not required to be delivered.

Highway Impacts and Vehicle Parking

Any forthcoming scheme will need to be considered against Policy CS11 (LPCS), which states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities. This stance is reflected in the NPPF which states at paragraph 109 development should only be prevented or refused on transport grounds where the cumulative impact of development are severe.

At the time of the previous pre-application discussions with the Council, the GBC Engineering Services provided the following comments:

'As discussed, I think the principle of residential development on this site is accepted, but the devil lies in the detail. My principle concern, at present, is the ability to provide a safe means of access onto Whitehill Road given the on-street parking situation therein. The long access road with a dead frontage leading into the site will quickly become a parking area for other residents unless action is taken to prevent this'

Access to the site remains a restraint on dwelling numbers and any more than 15 dwellings on the site would require a wider or additional access to the site, which is not available.

As previously ascertained through pre-application discussions with Kent Highways, the maximum level of development that could be achieved from the access would be for 15 dwelling units and this has been reconfirmed by KCC Highways. This yield represents a maximum given the constraints imposed by the proximity of the Porchfield Close junction, meaning that even if widened, no greater number of units could be served.

In terms of parking, it is noted that KCC and Gravesham Borough Council (GBC) have differing parking policies whereby KCC make use of IGN3 as described above whilst GBC refer to Kent Parking Standards Supplementary Planning Guidance 4. Despite discrepancies between the two standards, both require the number of spaces to be informed by a Transport Statement or Assessment and the provision proposed is considered appropriate for the site in this location.



Layout and Yield

Core Strategy 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 127 of the NPPF which requires the amenity of existing residents to be protected.

A scheme of 14 units retains a meaningful area of the site free from development, which will deliver a form of open space as a qualitative enhancement over the existing inaccessible and unmanaged offer.

With regard to layout, concerns were previously raised regarding a few of the proposed dwellings and possible internal overlooking issues. The layout shown on the accompanying plan is considered to include adequate separation distances to address these concerns, with the corner plots realigned with garaging intervening to preclude and screen any potential views into neighbouring gardens.

It was also noted that the distances from the proposed dwellings to the existing surrounding properties would not result in any unacceptable level of overlooking from this development, and that remains the case with the current scheme.

Ecology and Biodiversity

As confirmed in the 2015 pre-application response, the application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive.

The Council has mitigated out the impacts of this on each, and every, planning application for a new residential development of one or more units within the 6km zone since September 2015 by imposing a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £245.56 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking, the tariff has been secured through a contribution agreement.

Irrespective of the above, a Court of Justice European Union (CJEU) ruling means a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site is required. The CJEU sees a distinction between "the plan or project" itself and "measures intended to avoid or reduce the harmful effects of a plan or project on a European site". This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.



Given the above, as the site is within 6km of the SPA/Ramsar site, it is anticipated that a tariff of £245.56 per dwelling will be required and that this can be secured by planning condition. Furthermore, a screening for Appropriate Assessment (AA) will also need to be undertaken, although in the context of this site, this is not considered to raise any concerns.

Flooding

The site lies outside flood zones 2 and 3 and therefore residential development would not be at risk from flooding. The site does however lie within Ground Source Protection Zone. The Environment Agency advice for development in the nature of these sites is that no infiltration of surface water drainage shall be permitted without the LPA consent. This can be achieved through a planning condition.

Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. Details of the proposed drainage strategy will be developed to support an application in line with this guidance.

Application Scope

It is requested that as part of any pre-application Officers confirm the reports and information that will be required in support of any application.

Summary

This site is sustainably located within the urban area and therefore provides an opportunity to contribute towards the Council's current housing supply shortfall. The site does not meet any of the exceptions listed in Footnote 6 of the NPPF and accordingly benefits from the presumption in favour of sustainable development. Although it is classed by the Council as open space, it has not provided any formal recreational or other function for a number of years, is not publicly accessible and is not formally designated as such on the Proposals Map. It has also been established that the site can be suitably accessed to serve the quantum of development proposed.

These proposals therefore offer an opportunity to deliver sustainably located housing alongside improved open space and no impacts would arise which would significantly or demonstrably outweigh the benefits.

I trust that the above is sufficient to inform a pre-application meeting and provide subsequent written advice, and would be grateful if upon receipt the allocated Officer is able to contact us with suggested meeting dates.



Should you have any queries or require any additional information to inform the enquiry, please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'MBlythin'.

Matthew Blythin
Director

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