Application no: 20131070
Location: Shawline House, Burch Road, Northfleet, Gravesend, Kent, DA11 9NG.
Description: Demolition of existing building and erection of a four storey building with basement to provide a total of 10 flats comprising nine, two bedroom flats and one, 1 bedroom flat with two parking spaces on ground floor.
Applicant: Croftbond Ltd
Decision Level: Regulatory Board 12 February 2014
Recommendation: Delegation to Service Manager (Development Management) for permission subject to resolution of the following issues
- S.106 Agreement for community infrastructure contributions and financial contribution towards street lighting.

1. Site Description

Shawline House is located on the south side of The Shore at its junction with Burch Road and faces on to the River Thames.

The existing building, which occupies the whole site to which this application relates (0.02 hectares), is a single storey flat roofed building of irregular shape, rendered and painted. It is currently unoccupied but was last used as offices and before that as a works canteen. It is in a poor condition. The north east corner of the building projects out into Burch Road.

The building is a remnant of the former Rosherville Hotel that used to occupy the land to the south, the current site of a tile and stone outlet. The Hotel was demolished in 1963.

To the east of Shawline House and the adjoining works is Lansdowne Square – a group of 4 four storey detached villas converted and substantially renovated to provide flats.

Between Shawline House and Lansdowne Square the road layout of Burch Road has been significantly modified to provide parking either side of the carriageway and a high quality environment including new paving, street furniture and trees as part of environmental improvements carried out by the Borough Council in conjunction with English Heritage.

Access from Burch Road to The Shore is only possible in a one way northerly direction.
2. Planning History

The site has a long history relating to its use as a hotel including significant applications in 1990 and in 2001 for major extensions to the site which were both granted planning permission.

In 2005 a planning application for the demolition of the existing building at Shawline House and its replacement with a four/five storey building of a modern design to provide 10 two bedroom self-contained flats with basement parking was submitted in September 2005. The application (reference 20050820) was accompanied by a Conservation Area Consent application for the demolition of Shawline House (reference GR/20050821).

The application was accompanied by a parking survey which was then used by the applicants to justify the below standard parking ratio and to indicate that there is available parking on-street in the bays at Lansdowne Square.

The applications were reported to the meeting of the Council’s Regulatory Board on 14 December 2005. In respect of the planning application officers’ conclusions were that on balance it was not considered that there were any overriding reasons to reject the scheme per se but there were a number of deficiencies about the current scheme. Therefore it was recommended that a decision be deferred for negotiations over the size and detailed design, and to address highway issues and the relationship to the Janta Fashions’ site that adjoined the site to the south.

In respect of the application for conservation area consent it was recommended by officers that subject to negotiations to achieve a satisfactory scheme for the replacement building for Shawline House that conservation area consent be granted.

A report of the site visit was considered by Members at the meeting of the Regulatory Board on Wednesday 18th January 2006. The recommendation of the Head of Planning and Regeneration Services was that delegated authority be given to determine the applications following consideration of the revised plans. The Board however resolved that it was minded to REFUSE both planning permission and conservation area consent and a decision was deferred until the next Regulatory Board meeting.

However, prior to the meeting the applicants architects wrote to advise that they wished to continue to negotiate on the applications and therefore advised that both applications were WITHDRAWN.

In 2006 a full application (Ref: 20060373) was submitted for erection of a four storey building with basement on site of existing building to provide 10 one and two bedroom self-contained flats with cycle storage in the basement and double integral garage at ground floor level. There was also a second application (Ref: 20060374) submitted for Conservation Area Consent for demolition of the existing single storey building.

Both applications went before the Regulatory Board on 21 June 2006 with officer recommendation for permission. The Board however resolved that it is minded to REFUSE both planning permission and Conservation Area Consent.

The grounds of refusal were as follows:
1. The proposal would result in a monolithic form of development with some featureless elevations and inappropriate materials out of character with the locality and which is in a conservation area; as such the proposal is contrary to policy TC3 of the Gravesham Local Plan First Review and BE4 of the Borough of Gravesham Local Plan Second Review Deposit Version and policy ENV17 of the approved Kent Structure Plan wherein the policy is to preserve and enhance the conservation area and where development should make a positive contribution to the conservation area and be of a high standard of quality and design.

2. The proposed building by reason of its bulk, height and footprint that occupies the whole of the site and over-sails the existing highway in Burch Road would curtail views of the river currently enjoyed from the surrounding area and would also poorly relate to the adjoining site immediately to the south currently occupied by Janta Fashions and would be likely to prejudice the potential for a co-ordinated and appropriate form of development taking place on that adjoining site. The development is not complementary to the built form of the local area and does not reflect the history or architecture of the area; as such the proposal is contrary to the aforementioned conservation policies and to policies TC0 and TC1 of the Gravesham Local Plan First Review and policy BE12 of the Gravesham Local Plan Second Review Deposit Version.

3. The proposal makes insufficient provision within the site or building for off-street parking and relies almost entirely on parking being provided on-street in an area where there is likely to be a heavy demand arising from both existing and future development proposals; any such overspill is likely to be detrimental to amenity and traffic safety and the proposal is contrary to policy P3 of the Gravesham Local Plan First Review and policy T16 of the Gravesham Local Plan Second Review Deposit Version and the adopted vehicle parking standards.

20060374

1. The demolition of the existing building is not appropriate having regard to the absence of an acceptable scheme for a replacement and contrary to the advice in PPG 15 (Planning and the Historic Environment); the proposals are therefore contrary to policy TC3 of the Borough of Gravesham Local Plan First Review and Policy BE3 of the Borough of Gravesham Local Plan Second Review Deposit Version.

Since the refusal in 2006 there have been no subsequent planning applications for the site or any pre-application discussions between the applicant and the Council prior to this application being submitted.

3. **Proposal**

This current planning application by Croftbond Ltd is for the demolition of the existing vacant single storey building and its replacement with a 4/5 storey building to provide 10 flats. The site is within the Lansdowne Square Conservation Area.

From 1 October 2013 there was no longer a requirement to submit a separate application for conservation area consent for the demolition of an unlisted building in a conservation area. This change means that whilst the permission of the Council is
still required, it is no longer necessary to submit two applications for development proposals involving the demolition and replace of a building in a conservation area (one for planning permission and one for conservation area consent).

It should be noted this scheme is exactly the same as the previous scheme submitted in 2006 (Ref: 20060373), although it is supported by a highways statement.

4. Development Plan Policy

Gravesham Local Plan First Review 1994
The following saved policies in the adopted Gravesham Local Plan First Review 1994 are relevant to the consideration of this application:
- TC0 – General Townscape, Conservation and Design;
- TC1 – Design of New Development;
- TC2 – Listed Buildings;
- TC3 – Development Affecting Conservation Areas;
- H2 – Residential Layout Guidelines;
- H3 Character of Housing areas;
- P3 – Vehicle Parking Standards;
- E1 – Existing Industrial Areas;
- T1 – Impact of Development on the Highway Network; and
- P3 – Vehicle Parking Standards.

Local Plan Core Strategy
Public consultation ended for the Local Plan Core Strategy – Proposed Submission Version at the end of February 2013. Submission for Examination by an Independent Inspector took place in May 2013 and, in view of modifications required following examination in September 2013, adoption is anticipated by August 2014. A Site Allocations and Development Management Policies Development Plan Document will be prepared following the adoption of the Core Strategy.

As set out in paragraph 216 of the National Planning Policy Framework (NPPF), the weight that can be afforded to relevant policies in emerging plans varies according to the stage in the preparation of the emerging plan; the extent to which there are unresolved objections to relevant polices and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. The most relevant policies from the Core Strategy - Proposed Submission Version are as follows:
- CS01 – Sustainable Development;
- CS14 – Housing Type and Size;
- CS15 – Housing Density; and
- CS18 – Climate Change.

Other Material Considerations

National Planning Policy Guidance
The National Planning Policy Framework is a material consideration. The weight to be given to policies in existing local plans will depend on their consistency with the Framework. In March 2011 the Government statement ‘Planning for Growth’ instructs planning authorities to support enterprise and facilitate housing, economic and other forms of sustainable development.
Supplementary Planning Guidance
The following supplementary planning guidance documents are relevant to the consideration of this application:

- Residential Layout Guidelines (Adopted February 1996);
- Kent Vehicle Parking Standards SPG4 (Adopted July 2006); and

5. Reason for Report

At the request of Cllr Sangha

6. Consultations and Publicity

Senior Development Engineer (GBC) – It is considered that a new build site located outside the town centre would normally be considered an inadequate parking provision. However in this case, there is substantial publically available parking in Lansdowne Square immediately adjacent to the site which could be accessed by new residents. At the time of the 2006 application there was an expectation that these spaces would eventually be taken up by flats then being refurbished in Lansdowne Square. This has not proved to be the case.

In order to make the public parking to appear more secure a financial contribution to improvement of street lighting in the square should be requested from the applicant.

Kent County Council Highways and Transportation - It is noted that the proposals in question are largely reliant on existing local on-street and public parking bay provision with just 2 off-street spaces being offered.

The applicant's supporting transport statement includes overnight parking survey information which indicates sufficient local availability of parking spaces for the units and so if GBC as the local parking authority were to consider this to be a suitable parking solution for the development then there would be no principle objection to the proposals. However, it should also be noted that as GBC have retained their own residential parking guidance rather than having adopted the KCC standards in this respect, a view will need to be sought from your own engineer as to the adequacy of the proposed arrangements in respect of your retained standard.

With regard to the proposed parking bays, confirmation is sought as to how such bays will be utilised and managed in light of the small number of on-site bays compared to the proposed number of units. Additionally, the proposed access to these bays will require the formation of a vehicle crossover which should be conditioned to be secured to the requirements of KCC Highways and Transportation prior to the bays coming into use.

Finally, it is recommended that a further condition be secured requiring the applicant to provided suitable on-site wheel washing facilities throughout the duration of construction.
**Conservation Architect (GBC)** - The demolition of Rosherville Hotel in 1963 left the area around Burch Road, Lansdowne Square and The Shore with an air of dereliction and abandonment.

The proposal to establish a building on this corner site would begin the process of re-instating the missing urban grain that once framed the views to the river and gave context to the Art Deco style Henley building fronting The Shore.

I would have no reservations in supporting the proposals if they formed a part of a wider scheme for development of the adjacent Janta Fashions site, the industrial buildings accessed from Burch Road. The question must be how long it would be before the adjacent sites came forward, because the southern elevations of the proposal will remain as a blank and prominent elevation awaiting concealment by the future development of the site containing the industrial units along Burch Road.

The supporting information clearly illustrates the potential future context for development, which I consider to be an appropriate scale and design, responding both to the Henley building and the large Victorian Villas of Lansdowne Square.

I raise no adverse comments and presume that should the application gain support then conditions will be applied to secure the appropriate quality of external materials and detail design.

**Regulatory Services (GBC)** – The proposed building is adjacent to a clothing factory and a distribution yard used for early morning milk deliveries. It is also within 50 metres of a cement batching wharf. The building also lies adjacent to a declared air quality management area. There therefore exists the potential of dust/noise nuisance affecting occupiers of this building. In addition it is noted balconies are proposed on the façade of this building which is not ideal given the existing environment though it is noted there are no balconies or windows to habitable rooms on the southern façade which will help to reduce the impact of the adjacent commercial use. The following comments are made:

**Air Quality**

The northern façade of this site is immediately adjacent to a declared air quality management area (AQMA) for particulate matter (PM10) and is 50 metres from a cement batching plant.

There is concern therefore future occupiers will be affected by high levels of nuisance dust and possibly smaller particulate matter (PM10). In order for this to be quantified this Service will need the applicant to provide a suitable air quality assessment covering the northern façade of this building over a sufficient period of time. The applicant is required to contact Regulatory Services prior to placing the monitoring equipment in order for the assessment protocol to be discussed and agreed.

**Noise**

A scheme detailing noise and vibration attenuation provided by the construction, including design and installation of windows, ventilation etc. shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site. The scheme shall take into account existing and predicted noise/vibration levels arising from the cement batching wharf, traffic noise and the yard/clothing factory (including delivery noise) to the south of the proposed site. Reference shall be made to British Standard 8233:1999 and BS4142:1997.
Contaminated Land
No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

Kent County Council - Kent County Council consider this proposal for an additional net gain of 10 units on site will have an impact on the delivery of county services to Gravesham which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Kent County Council consider that their financial requests for developer contributions comply with paragraph 204 of the NPPF which require that any development contributions must comply with three specific legal tests:
1) Necessary,
2) Related to the development, and
3) Reasonably related in scale and kind

The above tests from paragraph 204 of the NPPF are based on The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) Regulation 122.

Primary Schools
The following requirements for Primary School are required by KCC:

A Primary School contribution assessed in accordance with KCC Development Contributions Guide methodology ‘first come, first served’ order of development at £1000.00 per ‘applicable’ flat (excludes 1 bed units of less than 56m2 GIA) (x9) & £4000 per ‘applicable’ house (x6) towards the building of a new Primary school local to this proposed development, and a contribution of £675.41 per applicable flat (x9) towards the land acquisition costs of a new Primary School site = total £15,078.69

Secondary Schools

A Secondary School contribution of £3589.95 per applicable flat (x9) towards the extension of a Secondary School building local to this proposed development = total £5309.55

Community Learning, Youth and Libraries

A financial contribution towards the provision of the following:

- Community Learning £225.88
- Youth facilities £279.24
- Local Libraries £1305.70
- Adult Social Services £1313.50

The total requested contribution amount £23,513.56
**Neighbour comments** - A site notice was displayed on site and 33 neighbouring properties were consulted. To date one objection letter has been received from an adjoining site with the following objections:

- There is a serious problem with on street parking in this area and the situation is no better than in 2006.
- No amenity space is provided for the flats.
- Overdevelopment of the site.
- A number of bathroom windows on the south elevation overlooking the site to the south.
- The balconies at ground first and second floor will overlook adjacent sites.
- The development will jeopardise any future development on the adjoining site.
- Only two parking spaces provided with no turning spaces which is a danger to highway safety.
- Loss of views of the River Thames.

7. Planning Analysis

**Principle of development**
The site in question is within the urban area of Gravesend and can be considered to be previously developed land which complies with Policy CS02 of the emerging Core Strategy and will provide a mix of housing on site which complies with Policy CS14 of the emerging Core Strategy.

The proposed development achieves a density of over 40 dwellings per hectare (DPH) and this meets the requirement set out in Policy CS15 of the emerging Core Strategy which requires development should achieve a density of 40 DPH.

In conclusion it is considered that the principle of residential development here is acceptable subject to residential redevelopment of the site complying with the relevant policies relating to design, amenity, parking provision and any other material planning considerations.

**Design and Townscape**
Policy TC1 of Gravesham Local Plan First Review, CS14 from the emerging Core Strategy and Section 7 of the NPPF all promote high quality design and this scheme needs to be considered against this policy backdrop. Furthermore as the site is within the Lansdowne Square Conservation Area Policy TC3 of Gravesham Local Plan First Review and CS20 from the emerging Core Strategy and Section 12 of the NPPF are also relevant to this proposal.

The proposal is for the demolition of the existing vacant single storey building – a remnant of the original Rosherville Hotel and replace it with a four storey building with basement.

The new revised scheme is about 13.5 metres in height, including the upper storey, a reduction of 1.575 metres on the 2005 scheme which was withdrawn.

It is acknowledged that the overall bulk and design are not dissimilar than the 2005 scheme but the detailing has been considerably improved by the provision of more uniform fenestration and the creation of interest from material changes to the ground floor and to the south elevation which overlooks the Janta fashions site.
The Council's Conservation Architect has been consulted and supports the proposal, because by establishing a building on the corner, the site would start to re-instate the missing urban grain in the area. In terms of bulk and massing the Conservation Architect supports the proposal as it is in keeping with the Art Deco style Henley building fronting the Shore and the large Victorian Villas of Lansdowne Square.

It’s disappointing that this scheme has not been submitted as part of a wider redevelopment of the adjacent Janta Fashions site. The south elevation of the proposal remains a blank and prominent elevation which is awaiting concealment for a future development. There is no guarantee that any development at Janta Fashions site will come forward in the near future.

In order to address this issue a condition will be included which will require specific details of the finishing treatment to the south elevation in order to try and make the blank façade a more attractive feature.

When the 2006 application was submitted the South East Regional Design Panel supported the scheme and stated ‘we consider the form interesting, welcome the contemporary design approach and feel that this has the potential to be a very attractive building’.

Furthermore Design Excellence North Kent supported the scheme and stated ‘the designers should be congratulated for creating a proposal for a contemporary sculptural building that sits as a counterpoint to the adjacent art deco office and residential villas, which addresses and turns the corner successfully. The massing and use of materials seems appropriate’.

The NPPF in chapter 7 states that good design is a key aspect of sustainable development and it’s considered that this scheme is of high quality design which meets the requirements of the NPPF. The design is a contemporary approach and paragraph 60 of the NPPF states decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It’s considered this proposal complies with paragraph 60 of the NPPF.

In summary it’s considered that this design complies with the relevant policies from Gravesharn Local Plan First Review, the NPPF and does not lead to any harm to the Conservation Area.

Listed Structure
Directly to the north of the site is the Grade II Listed Rosherville Quay Walls and this is the only surviving structure of the 1830s new town, Rosherville, and it provided travel to the very popular pleasure gardens, Rosherville Gardens, between 1837 and 1913.

It’s considered this proposal will have no adverse impact on the setting of the listed structure and the proposed development complies with policy TC2 of Gravesharn Local Plan First Review (1994) and CS20 from the emerging Core Strategy.

Refuse Arrangements
At the ground floor there is a bin store which will serve the entire block. As the door for this bin store opens out onto the highway it would be vulnerable to anti-social behaviour of fly tipping. In order to ensure that the bin stores are secured a planning
condition will be added to require specific details on how the bin stores will be secured.

**Residential Amenity**  
Concern has been raised from an objector that this scheme fails to provide sufficient amenity space for future occupiers. According to the Council’s Residential Layout Guidelines each flat should have 10m² of amenity space. It should be noted these are only guidelines and this figure needs to be considered on a case by case basis.

In this instance each of the units has access to a balcony which will provide sufficient private amenity space which is large enough to provide a drying area for clothes. Furthermore the open aspect to the north of the flats and the extensive river views will provide future occupiers with an excellent setting.

In the basement there is a secure cycle store which means that future occupiers will not have to try and store bikes in the flat or balcony which will take up valuable space within the flats.

There are windows in the west elevation and a balcony that overlook Janta fashions land whose site wraps tightly around the south and west boundaries of Shawline House. However the western side of the site is not a critical part of the site and it is difficult to see how a building on Shawline House could be designed without windows on this elevation short of reducing down the level of accommodation considerably. It would also be difficult to mount a planning objection based on loss of privacy as this is currently undeveloped land and is at a lower level than the main part of the Janta fashions site.

The proposals meet with the Council’s Residential Layout Guidelines in terms of room sizes.

**Vehicle Access and Car Parking**  
Gravesham Service Engineer is satisfied that the amount of parking provision off site is acceptable and Kent Highways raise no highway objection in principle. Members should note that Gravesham Service Engineer does not object to the scheme even though the off street parking provision is substantially below the normal standard as only a street level garage is being provided with room for just 2 cars with an access and crossover onto Lansdowne Square.

There are 35 spaces in the parking area to the west of the Lansdowne Square buildings provided by the Borough Council in partnership with English Heritage, therefore on the basis of one space per unit then 18 spaces would also be required leaving 17 for other developments or visitors. There are 10 units at Shawline House in the current proposals with 2 spaces provided within the building and on the basis of one space per unit this would leave a balance of nine spaces.

The lack of on-site parking provision is a significant drawback but the problem of accessing the building is a major difficulty. There is no spare land with the building to provide off-street parking.

It’s therefore considered that with the constraints of the site and the amount of parking available on street parking with this scheme is deemed acceptable.

Gravesham’s Senior Development Engineer has requested a financial contribution to improve street lighting in the square which is a valid request and can be formally requested through the Section 106 agreement for this scheme.
Community infrastructure financial contributions
Kent County Council have identified a need for financial contributions amounting to £23,513.56 which will be towards primary and secondary school places, community learning, youth facilities, local libraries and adult social services to offset the impact of this development upon the existing community infrastructure.

It’s considered that KCC planning obligations meet the statutory tests of paragraph 204 of the NPPF that requires planning obligations to be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

If a scheme of this size was to be permitted without any KCC financial contributions and without the applicant providing any justification why they cannot pay it would set an unfortunate precedent for future planning applications.

8. Conclusion

There is no conflict with local and national planning policy and it is considered that all concerns raised from the objector have been carefully considered. It is not considered that any of the concerns raised warrant a refusal or a fundamental redesign of the scheme. Although the council’s decision to refuse a similar scheme in 2006 is a material consideration, regard must also be had to the changes to national and local planning policy. In particular the NPPF encourages high quality design, and the Government statement ‘Planning for Growth’ instructs planning authorities to support enterprise and facilitate housing, economic and other forms of sustainable development. Furthermore the application is accompanied by a new transport statement which re-affirms that there is spare parking capacity at Lansdowne Square.

In summary this scheme has taken a bold approach to redeveloping a constrained site which is in line with planning policy.

RECOMMENDATION

Delegation to Service Manager (Development Management) to determine in the light of the Board being minded to grant conditional planning permission, subject to

- S.106 Agreement for community infrastructure contributions and financial contribution towards street lighting