

## Planning Committee

Wednesday, 27 July 2022

7.00 pm

### Present:

Cllr Brian Sanga (Chair)  
Cllr Harold Craske (Vice-Chair)

Councillors: Gary Harding  
Leslie Hoskins  
Samir Jassal  
Bob Lane  
Emma Morley  
Elizabeth Mulheran  
Tony Rana

**Note:** Cllrs Gurjit Bains and Dakota Dibben were also in attendance.

Shazad Ghani	Service Manager (Planning)
Richard Hart	Team Leader (Development Management)
Katherine Parkin	Senior Planner
Amanda Grout	Senior Planner
Laura Caiels	Principal Lawyer – Place Team
Carlie Simmonds	Committee Services Manager
Karen Gingles	Committee Services Officer
Chloe Taylor	Committee Services Officer

### 14. Apologies

Apologies for absence were received from Cllrs Brian Francis and Tony Rice. Cllrs Tony Rana and Leslie Hoskins attended as their substitutes.

### 15. Minutes

The minutes of the meeting held on Wednesday 15 June 2022 were signed by the Chair.

### 16. Declarations of Interest

No declarations of interest were made.

### 17. Order of Agenda

The Chair stated that he would deal with the planning applications in the following order:-

- 20211478 - Little Acres, Longfield Avenue, Gravesend, Longfield, Kent, DA3 7LA
- 20211215 - Hevercourt Residential Home Goodwood Crescent Gravesend Kent DA12 5EY
- 20211212 - Land Rear Of 2 - 3 Cobham Street Gravesend Kent DA11 0SB

## **18. Planning applications for determination by the Committee**

### **18.1 20211478 - Little Acres, Longfield Avenue, Gravesend, Longfield, Kent, DA3 7LA**

The Committee considered planning application 20211478 in relation to Little Acres, Longfield Avenue, Gravesend, Longfield, Kent, DA3 7LA.

The application was for the demolition of all buildings and the erection of 16 static homes restricted to those aged 55 and above, with associated management office, internal vehicular access road and parking.

The Senior Planning Officer introduced the application to the Committee and highlighted key points from the report. The Committee was informed that an additional representation had been received however it did not raise additional areas they were not already included within the report.

The Senior Planning Officer advised that the site was located on the boundary of Gravesham and Dartford. The site was within the Green Belt and locally designated Istead Arable Farmlands Landscape Character Area. The proposed development, if permitted, would not preserve the openness of the Green Belt and did not meet any of the 'very special circumstances' as set out in the National Planning Policy Framework. It would also be harmful to the landscape character when compared to the existing site. It was considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits and would provide a modest contribution towards the Council's housing need. On that basis, the Officer's recommendation was for refusal.

The Senior Planning Officer and Service Manager (Planning) set out a number of corrections to the report.

The Committee was invited to ask any questions for clarification.

The Committee heard the views of the registered speakers who answered questions from Members.

The Committee also heard from Cllr Dakota Dibben, Ward Councillor for Istead Rise.

The Committee expressed concern regarding:-

- the impact the proposed development would have on the Metropolitan Green Belt and locally designated Istead Arable Farmlands Landscape Character Area;
- the living conditions of occupants of the proposed static caravans which would fail to offer the space required for adequate living accommodation and would be occupied by over 55s on a permanent basis including the winter months; and
- the suitability of the site for over 55s due to the access being via a narrow-unadopted road, there being a lack of local services/amenities (shops, doctors surgeries etc.), limited public transport and the walking distance to local services/public transport being excessive.

**Resolved** that application 20211478 be **REFUSED**, for the following reasons:-

1. The site is within the approved Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent of urban areas and the present extent of any village. National Planning Policy Framework 2021 Section 13 (Protecting Green Belt Land) indicates that the most important attribute of Green Belts is their openness. The development will not preserve the openness of the Green Belt through construction of 15 additional residential units occupied on a permanent basis, associated hardstanding, lighting, car parking and residential paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (NPPF) 2021, and Policy CS02 (Scale and Distribution of Development) of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).
2. The application site lies within the locally designated Istead Arable Farmlands Landscape Character Area, where local and national planning policy and guidance expect developments to conserve, restore and enhance the natural landscape. The proposed development, if permitted, would be harmful to the landscape character when compared to the existing site. The harm from the redevelopment of the site in this instance would be derived from the increase of 15 residential units, the associated hardstanding, lighting, car parking and residential paraphernalia. The application is therefore contrary to Policy CS12 and CS19 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and Section 15 of the National Planning Policy Framework (NPPF) 2021.
3. The proposal would result in 16no. static homes, in an open plan site in an area that consists of single residential dwelling, within self-contained plots and as such the proposed development would be out of character with the area and would constitute an overdevelopment of the existing site and would be incongruous considering the existing pattern of development and the character of the surrounding area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 130 of the National Planning Policy Framework (2021) which states 'developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation of change (such as increased densities)'.
4. The proposed homes fail to offer the space required for adequate living accommodation to the detriment of future occupants and the enjoyment of these dwellings contrary to Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2021.

5. Due to the proximity and relationship of the proposed properties and access road to the rear and side elevations and rear gardens of the properties to the east and west of the site, the proposal would result in a detrimental impact on the amenities of the occupiers of the properties in terms of increase of noise and disturbance, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 130 of the National Planning Policy Framework 2021.
6. The proposal fails to provide adequate sight lines for the access and insufficient cycle storage and as such would be contrary Policy T1 of the Local Plan First Review 1994 and Policy CS11 of the Core Strategy 2014.

## **INFORMATIVES**

### **1. DRAWINGS AND DOCUMENTS**

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents comprising the application:

Planning Application Form;  
Affordable Housing Statement;  
Landscape Strategy with Biodiversity Enhancements;  
Landscape and Visual Appraisal – March 2022;  
Planning Statement;  
Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment;  
Renewable Energy Reporting;  
Standard Assessment Procedure (SAP) Compliance – Guidance;  
Standard Assessment Procedure (SAP) Compliance – Full Specification Table;  
Standard Assessment Procedure (SAP) – Regulations Compliance Report – Calculations Type 1;  
Standard Assessment Procedure (SAP) – Regulations Compliance Report – Calculations Type 2;  
Surface Water Drainage (SUDS) Strategy – February 2022;  
Transport Statement – October 2021;  
Travel Plan Statement – October 2021;  
Utilities Statement – February 2022;  
3D Image – Roof Plans;  
3D Image – Elevational;  
Drawing No. P\_100 – Location Plan;  
Drawing No. P\_101 – Site Plan;  
Drawing No. P\_102 – Existing Buildings 01 Office;  
Drawing No. P\_103 – Existing Buildings 02 Workshops 01;  
Drawing No. P\_104 – Existing Buildings 03 Static Caravan;  
Drawing No. P\_105 – Existing Buildings 04 Workshops and Stables;  
Drawing No. P\_201 Rev G – Proposed Site Plan; and  
Drawing No. P\_202 Rev B – Proposed Management Office.

## 2. STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance, the application is contrary to local and national planning policy and the planning objections could not be overcome by amendments to the scheme or through the imposition of acceptable and appropriate planning conditions.

- Note:**
- (1) Mr E Powell (representing the landowners) and Mr A Bateman (agent for the application) spoke in favour of the application.
  - (2) The Chair of Longfield and New Barn Parish Council spoke against the application.
  - (3) Cllr Dakota Dibben spoke with leave of the Chair.

### 18.2 20211215 - Hevercourt Residential Home Goodwood Crescent Gravesend Kent DA12 5EY

The Committee considered planning application 20211215 in relation to Hevercourt Residential Home, Goodwood Crescent, Gravesend, Kent DA12 5EY.

The application was for single storey 'wing' extensions to north, east, south and west elevations to provide 21 new ground floor ensuite bedrooms, increasing the total number of ground floor bedrooms by 23 (including converting 2 existing staff rooms to bedrooms) from 11 to 34 (and from 41 bedrooms in total to 64), plus additional care home facilities, together with internal and external alterations including a new entrance and entrance canopy to the south elevation, external courtyards, a new compound area, 7 additional car parking spaces and landscaping.

The Senior Planning Officer introduced the application to the Committee and highlighted key points from the report.

The Senior Planning Officer stated that planning permission had previously been granted on the site in 2018 for single storey extensions to the north, west and south with a focus around two internal courtyards and remodelling of the ground floor to provide 27 bedrooms, which was an increase of 16 bedrooms at ground floor. Car parking on the site was also increased from 24 to 30 spaces. Kent County Council's accommodation strategy for social care projects, set out that by 2021, Gravesham required an additional capacity of 56 residential dementia care units and that the proposal at that time would meet that required need. The current proposals would continue to be within the confines of the existing care home site and relatively low in scale. They would not be out of context or character with the existing buildings on the site and within the surrounding area. The proposed extensions would be located a sufficient distance away from the site boundaries to retain a sense of space around the site. Overall, it was considered that the proposed amendments to the previously approved proposal would be acceptable in design terms and would respect the character

and appearance of the site itself and the surrounding area. Therefore, on that basis, the Officer's recommendation was for permission.

The Committee was invited to ask any questions for clarification.

The Committee heard the views of the registered speaker who answered questions from Members.

The Committee also heard from Cllr Gurjit Bains, Ward Councillor for Woodlands.

The Committee welcomed the application and the additional capacity that would be offered to social care within the Borough but raised the following points:-

- existing trees should be retained where possible and suitable hard and soft landscaping provided in order to mitigate the potential impact of overlooking on neighbouring properties/residents of the care home;
- consideration be given to minimising external lighting in order to mitigate the potential impact on neighbouring properties; and
- consideration be given to the external facing materials in order to mitigate the potential impact on the character and appearance of surrounding area.

If permitted, the Chair and Vice-Chair of the Planning Committee, to be consulted on conditions 3, 6 and 13 prior to planning application(s) for these conditions being determined by the Local Planning Authority.

**Resolved** that application 20211215 be **APPROVED** subject to the following conditions and informatives:-

#### Conditions

##### *Time Limit*

1. The development hereby approved shall be begun not later than 3 years following the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

##### *Approved Plans*

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application form received 4 October 2021;  
Planning Statement received 4 October 2021;  
Design and Access Statement received 4 October 2021;  
Tree Survey received 4 October 2021;  
Surface Water Storage Requirements for Sites received 4 October 2021;  
UKsuds Attenuation Storage Analysis Received 4 October 2021;  
Drawing no. 01 (Site Location Plan) received 4 October 2021;  
Drawing no. 04 (Proposed Site Plan) (excluding trees) received 4 October 2021;

Drawing no. 05 Rev. C (Proposed Ground Floor Plan) (excluding trees) received 4 October 2021;  
Drawing no. 06 (Proposed Roof Plan) (excluding trees) received 4 October 2021;  
Drawing no. 10 (Proposed Elevations) received 4 October 2021;  
Drawing no. 11 (Proposed Courtyard Sections) received 4 October 2021;  
Drawing no. 20 (Existing Site Plan) received 7 October 2021;  
Drawing no. 21 (Existing Floor Plans) received 7 October 2021;  
Drawing no. 25 (Existing Elevations) received 7 October 2021;  
Drawing no. 26 (Existing Sections) received 7 October 2021; and  
Surface Water Drainage Strategy (ref. no. 531921 dated 22 February 2022) received 28 February 2022.

Reason: For the avoidance of doubt and in the interests of proper planning.

### Prior to Commencement

#### *Tree Protection Details*

3. Notwithstanding the submitted plans and particulars, no site clearance or development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all trees to be retained and removed in the form of an arboricultural impact and method statement and detailed drawings, including:
  - (a) the specification and position of fencing and other measures such as temporary surfacing, for the protection of the roots and crown spread of trees, groups of trees and other vegetation to be retained on and adjoining the site (including in the north-east corner of the application site). Protective fencing should accord with the recommendations of BS 5837:2005 'Trees in Relation to Construction';
  - (b) the programme for the erection and maintenance of protective fencing and the installation of any other protective measures; such programme will include details of supervision by an arboriculturist;
  - (c) details of any proposed alterations in existing ground levels and of the position of any proposed excavation and constructional details of any drainage, hard surfacing, foundations, walls and similar works within the protected area;
  - (d) details of contractors' compounds and areas for storage; and
  - (e) schedule of proposed tree works.

The details contained in the approved arboricultural impact and method statements shall be thereafter implemented on site and the protective fencing and other protective measures shall be maintained during the course of construction.

Reason: To ensure that existing trees and other vegetation on the site are not damaged during development in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

*Code of Construction Practice*

4. No development shall take place until a comprehensive Code of Construction Practice covering all environmental impacts of this development is provided and submitted for approval in writing by the Local Planning Authority. The approved scheme shall include details of hours of work during the construction period, delivery times for materials, parking of vehicles of site personnel and visitors, loading and unloading of plant and materials, storage of materials and wheel washing proposals. The development hereby permitted shall be carried out in accordance with the approved Code of Construction Practice.

Reason: To ensure the free flow of traffic on the highway and to minimise the impact on residential amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Prior to Above Ground Works*Sustainable Drainage*

5. Prior to the commencement of any above ground works, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the Drainage Strategy Report prepared by vkhp Consulting dated 22 February 2022 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development and in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy 2014.



*External Facing Materials*

6. Prior to the commencement of any above ground works, details and/or samples of all external facing materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

*Plant Machinery*

7. Prior to the commencement of any above ground works, a scheme detailing all plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with the use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first use of the development and retained thereafter.

Reason: To maintain the character and appearance of the building and to ensure a satisfactory visual relationship between the existing and new development in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Prior to First Occupation*Noise Impact Assessment*

8. The development hereby permitted shall not be occupied until a noise impact assessment has been carried out and submitted to and approved in writing by the Local Planning Authority demonstrating that:
  - The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
  - The maximum internal noise levels in all habitable rooms should not exceed 45dB L<sub>Amax</sub> more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
  - If relevant, the rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014.

Reason: In the interest of residential amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

*Verification Report (Drainage)*

9. The development hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework 2021.

*Hard Landscaping Scheme*

10. Prior to the first occupation of the development hereby permitted and notwithstanding the details shown on the approved plans a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be completed in accordance with the approved details prior to the completion of the development or the first occupation of any of the rooms whichever is sooner. The scheme shall include:
  - proposed boundary treatments;
  - proposed finished levels and contours;
  - hard surface finishes to the vehicle parking areas, pedestrian accesses, private amenity areas and internal courtyards;
  - details of any retaining walls, steps, railings, walls, fencing, gates or other supporting structures; and
  - details of the pedestrian access and circulation areas.

Reason: To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

### *Soft Landscaping Scheme*

11. Prior to the first occupation of the development hereby permitted and notwithstanding the details shown on the approved plans a scheme detailing the proposed soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following first occupation of the development. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and species during the next available planting season.

Reason: To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development, in accordance with Policy CS19 Gravesham Local Plan Core Strategy 2014.

### *Car Parking Spaces*

12. The development hereby permitted shall not be occupied until the car parking shown on the approved drawings has been fully provided and made available for use. These facilities shall be retained for use at all times thereafter.

Reason: To ensure sufficient off street car parking provision is available to serve the development, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy 2014 and saved Policy P3 of Gravesham Local Plan First Review 1994.

### *External Lighting*

13. Prior to the first occupation of the development hereby permitted and notwithstanding the details shown on the approved plans details of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details and no additional external lighting shall be provided on the site without the permission of the Local Planning Authority.

Reason: In order to ensure the development does not cause harm to residential amenity by reason of the installation of intrusive lighting and in accordance Policy CS19 Gravesham Local Plan Core Strategy 2014.

### *Cycle Parking Facilities*

14. Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans, details of the cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times.

Reason: In order to encourage options for sustainable travel in accordance with Policy CS19 Gravesham Local Plan Core Strategy 2014 and saved Policy P3 of Gravesham Local Plan First Review 1994.

Ongoing*Watching Brief*

15. A watching brief shall be undertaken 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 Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Reason: To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.

## Restrictions on C2 Use (Residential Institutions)

16. The use of the extensions hereby permitted shall be as a residential care home for the elderly only and for no other purpose including any other purpose within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

For the avoidance of doubt, it is expected that the nature of the occupancy is to provide residential care needs for the elderly with complex physical and care needs, such that residents will not be active and will, under the terms of the management of the scheme, not be allowed to have or keep pets on the site or have access to or the use of motor vehicles or vehicle parking spaces on the site.

Reason: In order that any other uses of the extensions hereby permitted may be the subject of a separate planning application which the Local Planning Authority would wish to consider having regard to the impact on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest, in accordance with the requirements of paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

**INFORMATIVES:-****1. KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION**

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

## **2. DEVIATION FROM APPROVED PLANS**

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

## **3. BUILDING REGULATIONS CONSENT**

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

## **4. SOUTHERN WATER**

Southern Water requires a formal application for a connection to the public foul sewer and water supply to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on their website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

## 5. REASON FOR IMPOSITION OF PRE-COMMENCEMENT CONDITIONS

Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of conditions 3 and 4 are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site. The reason for this are: to ensure that existing trees and other vegetation on the site are not damaged; to ensure the free flow of traffic on the highway and to minimise the impact on residential amenity. Due to the importance attached to these details, it is reasonable and necessary to seek full approval in advance of works commencing.

## 6. STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

It was further **RESOLVED** that the Chair and Vice-Chair of the Planning Committee be consulted on the details, in relation to the following conditions, prior to them being approved in writing by the Local Planning Authority:-

- Trees and Landscaping – in order to mitigate the potential impact on the neighbouring properties;
- External Lighting – in order to mitigate the potential impact on the neighbouring properties; and
- External Facing Materials – in order to mitigate the potential impact on the character and appearance of surrounding area.

**Note:** (1) Mr J Martin (architect for the application) spoke in favour of the application.  
(2) Cllr Gurjit Bains spoke with leave of the Chair.  
(3) Cllr Elizabeth Mulheran abstained from the vote.

### 18.3 20211212 - Land Rear Of 2 - 3 Cobham Street Gravesend Kent DA11 0SB

The Committee considered planning application 20211212 in relation to Land rear of 2 - 3 Cobham Street, Gravesend, Kent DA11 0SB.

The application was for the erection of 3 storey plus basement level building to create 8 no. 1 bedroom flats.

The Senior Planning Officer introduced the application to the Committee and highlighted key points from the report.

The Senior Planning Officer stated that the site in its present form was a combination of two sites previously granted planning permission, the western part of this site had an extant permission (20190497) for a block of flats and the eastern part of the site a recently expired permission (20190096) for a block of flats subject to demolition of the rear outrigger of no. 2 Cobham Street. The current applicant had now obtained ownership of both sites and was therefore seeking permission for one block of no. 8, 1 bedroom flats. At present, the site was unkempt with overgrown foliage. As the proposal was of a similar design of the application previously approved on the western plot, albeit larger, the principle of the development was considered acceptable. A key issue was the impact of the proposed development on the neighbouring properties with regard to loss of privacy. The applicant proposed to overcome this with obscure glass in the rear windows closest to the rear properties. Overlooking will occur to the rear gardens of those dwellings however, this was not considered significant. As this was a town centre location, car free parking was acceptable. The site also laid within the Darnley Road Conservation Area and it was felt that the proposal would preserve the special interest of the Darnley Road Conservation Area. It was also felt that the current unkempt appearance of the site did not make a positive contribution to the Conservation Area or the street scene.

The proposal would offer a modest contribution towards the Council's housing need. Therefore, on that basis, the Officer's recommendation was that the application be delegated to the Service Manager (Planning) for approval subject to the Strategic Access Management and Monitoring Strategy (SAMMS) payment being made in full.

The Committee was invited to ask any questions for clarification.

The Committee welcomed the application as it was currently an unkempt town centre site which was readily accessible to public transport links and a good range of local facilities. The Committee requested that, if permitted, construction/working hours be restricted on weekends due to it being a town centre site.

**Resolved** that application 20211212 be **DELEGATED** to the Service Manager (Planning) for APPROVAL subject to the SAMMS payment being made in full, and the following conditions and informatives:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans and details, unless alternative details are approved pursuant to the conditions imposed on this decision notice:

Application form  
Contaminated Land Report  
Heritage Design and Access Statement  
Drawing no. 211 rev G (existing and proposed block plans)  
Drawing no. 108 rev B (site location plan)  
Drawing no. 206 rev B (proposed street scene)  
Drawing no. 203 rev C (proposed first and second floor plans)  
Drawing no. 202 rev B (proposed basement and ground floor plans)

Drawing no. 207 (details of eaves, stone coping and windows)  
 Drawing no. 211 rev D (existing and proposed block plans)  
 Drawing no. 205 rev E (proposed side and rear elevations)  
 Drawing no. 208 (details of front walling, railings and front door surround)  
 Drawing no. 204 rev C (proposed front elevation)  
 Drawing no. 209 (cycle enclosure)  
 Drawing no. 210 (refuse enclosure)

Reason: For the avoidance of any doubt and in the interest of proper planning.

3. No development above ground shall commence until details or samples of the gable coping stone using reconstructed stone are submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

4. The facing materials of the building shall be finished in terca smeed dean weathered yellow stock brick with ibstock parham red stock quions and canadian glendyne slate roof tiles and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

5. No development above ground shall commence until details of the external joinery colour has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

6. Brick arches must be gauged and rubbed brick with a mortar joint of 3mm unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

7. Gutters and downpipes shall be cast iron effect unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).



8. The Roseview Ultimate Rose windows shown on drawing nos. 204 and 207 shall contain no trickle vents and shall be used for all windows unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

9. 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.
- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.
  - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
  - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
  - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.
  - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

- f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

Reason: To safeguard human health and the natural environment, in accordance with adopted Local Plan Core Strategy Policy CS19 and paragraphs 130 of the National Planning Policy Framework 2021.

10. Prior to occupation of the flats herein approved, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:
- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014. The maximum internal noise levels in all habitable rooms should not exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
  - If relevant, the rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

Reason: To safeguard human health and the natural environment, in accordance with adopted Local Plan Core Strategy Policy CS19 and paragraphs 130 of the National Planning Policy Framework 2021.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
  - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

12. The windows shown in the rear (north) elevation serving the kitchen/diners shall be fitted with obscure glass and fixed shut apart from any top hung fan light. This work shall be carried out and completed before the room is occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking in accordance with adopted Local Plan Core Strategy Policy CS19 and paragraphs 130 of the National Planning Policy Framework 2021.

13. Prior to the commencement of above ground construction, a landscaping scheme (including details of hard landscaping materials, soft landscaping planting and external lighting design and levels) shall be submitted to and approved by the Local Planning Authority. That scheme shall be carried out in full prior to the first occupation of any dwelling hereby approved, and retained thereafter.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policies CS19 and CS20 of the Gravesham local Plan Core Strategy (September 2014).

14. Prior to the first occupation of the building and notwithstanding the details shown on the approved plans, details of alternative refuse arrangements allowing access for cycles to the rear shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste. The approved refuse arrangements shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times.

Reason: In order to ensure the development is served by a suitable refuse storage area, to preserve the residential and visual amenities of the locality in accordance with policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

15. Prior to the first occupation of the building and notwithstanding the details shown on the approved plans, details of a secure, weather proof cycle store to be provided within the rear amenity area, which provides sufficient space for 8 bicycles, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be implemented in full prior to the first occupation of the development and shall thereafter be maintained and kept available for cycle parking.

Reason: To provide for alternative modes of sustainable transport in line Core Strategy policy CS11 (Transport) of the Gravesham Local Plan Core Strategy (2014) and the adopted Vehicle Parking Standards (SPG4).

16. No post boxes, meter boxes, vents or flues or other service outlets or piping shall be attached to or inserted into the front elevation of the building at any time.

Reason: In order to ensure special regard is paid to protecting the character and appearance of the Darnley Road Conservation Area pursuant to Policy CS20 of the Gravesham Local Plan Core Strategy (2014) and saved policy TC3 of the Gravesham Local Plan First Review (1994).

**INFORMATIVES:-****1. DEVIATION FROM APPROVED PLANS**

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

**2. BUILDING REGULATIONS AND PARTY WALL ACT**

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

**3. KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION**

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

**4. NAMING & NUMBERING**

As a result of the changes to this property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.gravesham.gov.uk/street-naming>. Please submit the application and the requisite fee in accordance with the guidance on the form.

## **5. SMOKE CONTROL**

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services [air.quality@gravesham.gov.uk](mailto:air.quality@gravesham.gov.uk)

## **6. STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING**

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

## **19. Planning applications determined under delegated powers by the Director (Environment)**

A schedule showing applications determined by the Director (Environment) under delegated powers had been published on the Council's website.

### **Close of meeting**

The meeting ended at 8.35 pm