

## Planning Committee

Wednesday, 28 September 2022

7.00 pm

### Present:

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

Councillors: Brian Francis  
Gary Harding  
Samir Jassal  
Emma Morley  
Elizabeth Mulheran  
Tony Rice  
Frank Wardle

**Note:** Councillors Baljit Hayre, Leslie Hoskins and Lauren Sullivan were also in attendance.

Shazad Ghani	Service Manager (Planning)
Faye Hobbs	Team Leader (Development Management)
Peter Price	Principal Planner (Development Management)
Amanda Grout	Senior Planner (Development Management)
Rebecca Harrison	Senior Planner (Development Management)
Ethan Bonthron	Career Grade Planner (Development Management)
Vicky Nutley	Principal Lawyer (Place Team)
Carlie Simmonds	Committee Service Manager (Minutes)
Karen Gingles	Committee Service Officer (Minutes)

### 20. Apologies

An apology of absence was received from Cllr Bob Lane and Cllr Frank Wardle attended as his substitute.

### 21. To sign the Minutes of the previous meeting

The minutes of the Planning Committee meeting held on Wednesday 27 July 2022 were signed by the Chair.

### 22. Declarations of Interest

Cllr Sullivan declared an interest in application 20220226 - Former Northfleet Cement Works, The Shore, Northfleet, Gravesend, Kent as she was Gravesham Borough Council's (GBC) representative on Ebbsfleet Development Corporation's (EDC) Planning Committee.

Cllr Craske also declared an interest in application 20220226 - Former Northfleet Cement Works, The Shore, Northfleet, Gravesend, Kent as he was Cllr Sullivan's substitute on EDC's Planning Committee.

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

### **23.1 20220226 – Former Northfleet Cement Works, The Shore, Northfleet, Gravesend**

The Committee considered planning application 20220226 in relation to Former Northfleet Cement Works, The Shore, Northfleet, Gravesend, Kent. The application was for temporary access and associated landscaping and parking for the sales suite at Northfleet Embankment West site.

The Senior Planner informed the Committee that the application site was located on the eastern side of College Road, near to the junction with Warwick Place, within the urban area of Northfleet where the character of the street scene was predominantly residential. To the north of the site stood a row of two storey dwellings, two pair of semi-detached dwellings and one detached dwelling in the middle. Parking for these properties was a mix of on and off road. Directly opposite to the west was a high brick boundary wall with residential properties behind. To the south was Warwick Place and further residential properties of mixed tenure. Due to the location of the proposed development within the Borough's urban area, the principle of development would be acceptable providing it accorded with the local and national policies as set out in the report.

The site for the proposed access and parking area is within the Gravesham Borough Council boundary, whereas the wider Northfleet Embankment East development, known as Harbour Village falls within the Ebbsfleet Development Corporation (EDC) boundary.

The Senior Planner informed Members that the developer for Harbour Village proposed to utilise a number of units within the Harbour Village development as show homes for prospective purchasers. The proposed access and parking to which this application pertained, would provide access to these to show homes. The proposed temporary permission would be for 3 years with the site being restored to its former condition on expiry. Members were advised that a proposed restoration plan had been submitted with the application. The plan included the removal of all the hardstanding and parking areas located within the application site and replaced with amenity grass and ornamental hedging, shrubs and borders. There would also be additional tree planting to the west of the site in replacement of the access.

The Senior Planner advised that the Council was currently unable to demonstrate a five-year housing supply and whilst the proposed development was not going to deliver any dwellings itself, it was required to assist in the delivery of 532 homes within Gravesham. Therefore, on that basis, the Officer's recommendation was that temporary permission be granted.

Members were invited to ask questions for clarification.

The Committee asked who would be responsible for maintaining the restored site after the permission had lapsed. The Service Manager (Planning) confirmed that it would be the responsibility of Bellway Homes to upkeep and maintain.

The Committee heard the views of the registered speakers in favour of the application who also answered questions from Members.

The Committee also heard the views of Cllr Lauren Sullivan, Ward Councillor for Northfleet North.

The Committee expressed concerns regarding:

- The ecological impact the proposed temporary access could cause and whether the site had been cleared prior to the ecological survey being carried out. The applicant advised that some clearing of the site had taken place due to the state of the site and the ecological survey had been carried out in May 2022, which EDC had approved, and KCC supported. The findings from the protective species survey was that there was a low risk. Further protection for bat roosting via a condition was requested.
- Access to the site for pedestrians and those with mobility issues due to the steep terrain. Clarification was given that regrading would occur to ensure accessibility for all.
- Members expressed that no work should be carried out during the bird nesting period of 1 March – 31 August. The Committee was informed that March to August was a long period of time to halt work and that an ecological survey had been carried out. After much debate, it was agreed that an additional condition would be included regarding this point.
- Clarification be sought on what the former condition was of the land as local residents referred to it as a much loved garden which attracted wildlife. It needs to be reinstated to its former condition; a pleasant garden for the community. The Senior Planner advised that was a condition of the application and referred Members to condition 1 of the recommendations. It was felt that condition 1 was too broad and needed to be tightened to include more stipulations regarding eco diversity, such as installation of bat boxes and enticing birds.

**Resolved** that the application be **DELEGATED** to the Service Manager (Planning) in consultation with the Chair and Vice Chair to grant temporary planning permission subject to conditions and informatives. The Chair and Vice Chair to be consulted on the details in relation to condition 1/the proposed restoration plan, bat roosting and works within the nesting season

**Note:**

- (1) Mr Gregory Evans (agent) spoke in favour of the application.
- (2) Mr Harrison Thomas (applicant) spoke in favour of the application.
- (3) Cllr Lauren Sullivan spoke with leave

**23.2 20220813 - Prince Albert Public House, 26 Wrotham Road, Gravesend, Kent, DA11 0PW**

The Committee considered planning application 20220813 in relation to the Prince Albert, 26 Wrotham Road, Gravesend, Kent, DA11 0PW. This application was for the continued use as a Public House and Restaurant with the creation of an ancillary Shisha area. As part of the application, permission was sought to retain the timber structures within the beer garden, with minor amendments, for use as outdoor restaurant seating and for smoking shisha.

The Planning Officer advised that the site was adjacent to the Town Centre Opportunity Area as designated by Gravesend's Local Plan Core Strategy (LPCS) (2014) and was within the Upper Windmill Street Conservation Area.

The Committee was informed that a timber structure was erected on site, and this was subsequently brought to the attention and investigated by GBC Planning Enforcement in June 2021. The structure was said to be temporary by the owner but required planning permission. However no application was submitted. The structure was later extended and converted into a shisha bar (February 2022), with advertisements erected within the Conservation Area. GBC Environmental Protection was notified of the development and in its own investigation found that the structure was substantially enclosed, and was non-compliant as either a smoking shelter or a Shisha bar, contrary to the Health Act 2006.

The Planning Officer advised that there were two main issues with the proposal; the poor quality of design and material used in a Conservation Area and the impact of the proposal on the neighbouring amenity, with noise, fumes and potential anti-social behaviour. On that basis, the Officer's recommendation was for refusal.

Members were invited to ask questions for clarification with the following points being raised:

- Members referred to the layout of the structure. The plan showed two areas one for the outside restaurant and one for the smoking area and asked whether they were separate. The Planning Officer confirmed that the two areas were separate
- Members queried why this application was not a retrospective planning application and why it was being presented to the Committee due to other departments having outstanding enforcement issues with the establishment. The Service Manager (Planning) advised that planning legislation allowed for applicants to submit planning applications for development where no Enforcement Notice has been issued and that the application would need to be determined inline with the Development Plan and material considerations.

The Committee heard the views of Cllr Baljit Hayre, Ward Councillor for Pelham.

The Committee expressed concern regarding the impact the proposal would have on the Conservation Area and neighbouring amenity, with noise, fumes and potential anti-social behaviour.

**Resolved** that the application be **REFUSED** for the following reasons:

1. The proposed change of use of the beer garden into a shisha area will materially impact the amenity of adjoining neighbours by virtue of unacceptable levels of noise and disturbance as well as fugitive odours. The unsubstantial structure will shelter users in all weather conditions enabling year-round use, but cannot achieve adequate sound proofing or smoke and odour control to mitigate noise nuisance and fugitive smoke and odour emissions whilst meeting Smoke free regulations which require an open air structure. Therefore, the development fails to provide adequate mitigation to safeguard neighbour amenity and is contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 National Planning Policy Framework (2021).
2. The structures are disproportionate in scale and poorly designed additions within the smoking area, which appear as a ramshackle quality and of incongruous design due to differing roof forms and poor quality external finishes in a prominent position visible from the street. As such, the development has a detrimental impact on the character and appearance of the street scene, fails to preserve or enhance the quality of the host building or the Conservation Area setting. Therefore, the development fails statutory test s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is contrary to Policies CS19 and CS20 of Gravesham's Local Plan Core Strategy (2014), saved policies TC2 and TC3 of the Gravesham Local Plan First Review (1994), as well as Sections 12 and 16 of the National Planning Policy Framework (2021).

## **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:

- Application Form (dated 22/07/2022);
- Supplementary Information - Planning and Heritage Statement (dated 22/07/2022);
- Drawing no. 001 - Rev. A - Site Location and Existing and Proposed Block Plans;
- Drawing no. 002 - Rev. A - Existing Floor Plans;
- Drawing no. 003 - Rev. A - Existing Elevations;
- Drawing no. 004 - Rev. A - Proposed Floor Plans;
- Drawing no. 005 - Rev. A - Proposed Elevations.

### **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.

**Note:** (1) Cllr Baljit Hayre spoke with leave of the Chair.

### 23.3 20220659 - St Peter And St Paul's Church, East Milton Road, Gravesend

The Committee considered planning application 20220659 in relation to St Peter And St Paul's Church, East Milton Road, Gravesend. The application was for repairs to the flint faced boundary wall along East Milton Road, new section of retaining wall and installation of 1220mm high railings.

The Senior Planner informed the Committee that the proposal would provide much needed repair works to an already collapsed section of the flint boundary wall along East Milton Road and prevent further collapse. The section of wall would be rebuilt as a retaining wall and would be faced with re-used flints and if any shortfall, flints to match the existing ones would be sourced and used. It was therefore considered that the rebuilt wall would be a solid and sympathetic alteration which would reinstate the wall and protect its future.

The proposed railings which would provide protection to users of the churchyard given the differences in land levels between the church and pavement and would be a sympathetic addition to the wall. Overall, it was considered that the proposal would protect the setting of this grade II\* listed building and would not cause any harm. Due to the proposed excavation of a section of the churchyard behind the section of wall to be rebuilt, in order to construct the retaining wall and its reinstatement, no development will take place until an archaeological watching brief has been undertaken and approved by the Local Planning Authority which will be secure by condition. On that basis, the Officer's recommendation was for permission.

The Committee was invited to ask questions for clarification.

Members agreed that the repair work was much needed, to restore the heritage of the wall and for the safety of passers-by.

**Resolved** that the application be **PERMITTED** subject to the following conditions and informatives:

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

**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 in accordance with the following schedule of approved plans:

- Application form;
- Drawing no. 5256/GA/200 Rev. B – Existing Site & Block Plan;
- Drawing no. 5256/GA/201 Rev. B – Existing Plan of boundary wall
- Drawing no. 5256/GA/202 Rev. A – Existing Long Elevations;

- Drawing no. 5256/GA/203 – Existing Section for Front of Retaining Wall
- Drawing no. 5256/GA/210 – Proposed Block Plan;
- Drawing no. 5256/GA/211 Rev. C – Proposed plan and elevation of the retaining wall section;
- Drawing no. 5256/GA/212 Rev. B – Proposed plan and elevation of the retaining wall section;
- Drawing no. 5256/GA/213 Rev. C – Proposed Section for Front of retaining wall and railings;
- Drawing no. 5256/GA/214 Rev. A – Proposed Long and Short Elevations;
- Drawing Issue Sheet;
- Statement of Significance; and
- Design & Access Statement.

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

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded in accordance with section 16 of the National Planning Policy Framework (2021).

4. The re-built section of wall as approved shall be faced with re-used knapped flint from the existing wall and in the event there should be any shortfall, then knapped flint to match the existing flints shall be used.

**Reason:** In order to protect the setting of this grade II\* listed building in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC2 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2021).

5. Prior to the installation of the railings, drawings to a scale of 1:20 of a typical section of the railings including 1:5 finial details and details of the colour and finish of the railings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** In order to protect the setting of this grade II\* listed building in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC2 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2021).with saved Policy TC7 of the Gravesham Local Plan First Review (1994).

**INFORMATIVES:-****1 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 condition 3 (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site.

Due to the importance attached to these details, it is reasonable and necessary to seek full approval in advance of works commencing. The applicant has agreed in writing on 16 September 2022 to the pre-commencement condition.

**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 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.

**4 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-boundaryenquiry>

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.

*(The Committee took a break at 8:34pm and reconvened at 8:39pm)*



**23.4 20220432 - Former Police Station, 133 Windmill Street, Gravesend DA12 1DB**

The Committee considered planning application 20220432 relating to Former Police Station, 133 Windmill Street, Gravesend DA12 1DB. The application was for demolition of existing structures on site and the erection of 75 Retirement Living apartments for older people (comprising 48 no. 1-bed and 27 no. 2-beds) including communal facilities, access, car parking and landscaping. The development would be contained within a 5 storey (including roof space) 'T' shaped building. The proposal included parking for 24 cars with vehicle access located where the original police station access was in Woodville Place.

The Principal Planner informed the Committee that the former police station which closed in 2008 was demolished in 2016 and since 2008 there had been other applications for mixed development accepted for the site, but they had never progressed. Members were advised that the proposed development would bring forth much needed housing and go some way to meeting the critical need both nationally and locally for older persons housing as identified in the Homes for Later Living Report, September 2019. The provision of retirement housing had the benefit of releasing under occupied family homes back into the housing market.

The design and layout provide a good standard and quality of accommodation on the site and a high-quality environment for future residents of the scheme in accordance with national and local planning policy. The site was situated within the Upper Windmill Street Conservation Area and the applicant's submitted Heritage Assessment suggested that there would be no material harm to designated or non-designated heritage assets including adjacent listed buildings or the Conservation Area. A foundation stone within the existing boundary wall, that relates to the earlier fire and police station which operated from the Site from the 1940's, would be relocated within the new development.

The access to the development would be via the existing access off Woodville Place and that adequate visibility would be available/achievable from this access.

The Principal Planner advised Members that although the proposed plans had been well received, one concern raised was the 'island location' of the site, being surrounded by roads but pointed out that that the retirement flats would be occupied by the active elderly with the average age of 78.

On that basis, the Officer's recommendation was for permission.

The Committee was invited to ask questions for clarification with the following points being raised:

- Members were advised that there had been a good working relationship with both the agent and applicant during the application process. There had also been engagement with the public from the applicant/agent with a public exhibition.

- This development offered no scope to offer affordable housing, however a section 106 agreement would be completed as a requirement of the permission, which would secure financial contributions towards affordable housing and leisure provision.
- The proposed build would meet the needs of wheelchair users and have access for all.
- Existing trees around the site would remain as they were protected due to being in a Conservation Area.

The Committee heard the views of the registered speaker in favour of the application who clarified the following points:

- The minimum required age of the lead homeowner was 65 with the overall average occupant being 78. If a couple purchased a flat the second occupant must be 55 years or over.
- Those who typically moved to the retirement scheme, were usually prompted by death of a spouse or a couple looking to downsize. It was clarified that the accommodation was purpose built for residents of active retirement age.
- There would be 24 car parking spaces on the development as not all residents tended to drive, so from experience of previous schemes, it was felt the ratio of 1:3 was appropriate. The site was also located in the town centre and close to public transport.
- Concern was highlighted to the storage of mobility scooters on site and the danger of batteries as a fire risk. Members were assured that Churchill Retirement Living had an inhouse team who considered fire regulations very seriously with a review being completed by Kent Fire and Rescue.
- The ratio of one bedded flats to 2 bedded flats was clarified to Members, explaining that whilst the one bedroom apartments were very popular, some couples looking to downsize had a lot of possessions and liked the second bedroom for additional space and in some cases used this as an additional reception room.
- Assurance was given to Members that a condition of the application meant that when properties were sold to new occupiers, a stipulation would ensure they could only be sold to those over 65.
- The applicants were confident that this scheme could be delivered as Churchill Retirement Living do not landbank, the development would be delivered as a single build footprint and not in several phases, and they have a track record that demonstrates expedient delivery of planning permissions, usually within 6 months of a permission being granted of which there are a number of examples elsewhere in Kent.

The Committee heard the views of Cllr Baljit Hayre, Ward Councillor for Pelham.

The Service Manager (Planning) read aloud a statement from Cllr Jenny Wallace, Ward Councillor for Pelham.

Members of the Committee were in support of the application and it was agreed that the development would add value to the local economy, bring forth much needed housing and improve the appearance of the area.

**Resolved** that the application be **PERMITTED** subject to:

- the applicants entering into a s106 legal agreement, necessary to secure financial contributions, towards:
  - Borough Council leisure provision (£43,910)
  - Affordable Housing contribution (£56,090)

in addition to the ecological mitigation (SAMMS payment) to which there is a legal requirement on the applicants to fund.

and the Council's Shared Legal Service team be instructed accordingly; and

- the following conditions and informatives:

#### Time Limit Condition

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.

#### Approved Plans and Particulars

2. The development hereby permitted shall be carried out only in precise accordance with the following approved details, plans and specifications:

Application Form and Certificates

#### **Form and Covering Letters**

Planning Application Form and Certificates

Covering Letter from Planning Issues Town Planning and Architecture dated 14 April 2022

### ***Drawings***

Drawing No 20085GD\_PL\_001 Rev P2: Site Plan  
Drawing No 20085GD\_PL\_002: Ground Floor Plan  
Drawing No 20085GD\_PL\_003: First Floor Plan  
Drawing No 20085GD\_PL\_004: Second Floor Plan  
Drawing No 20085GD\_PL\_005: Third Floor Plan  
Drawing No 20085GD\_PL\_006: Fourth Floor Plan  
Drawing No 20085GD\_PL\_007: Roof Plan  
Drawing No 20085GD\_PL\_008: Site Sections  
Drawing No 20085GD\_PL\_009: East Elevation and Context Elevation (Windmill Street)  
Drawing No 20085GD\_PL\_010: North and South Elevation  
Drawing No 20085GD\_PL\_011: West Elevation  
Drawing No 20085GD\_PL\_012: Site Location Plan  
Drawing No 20085GD\_PL\_013 Rev P1: Context Elevations (Woodville Place, Wrotham Road and Zion Place)

Drawing No SU-01: Topographic Survey by D&H Surveys Ltd  
Drawing No 01-PDL-1001-A: Preliminary Drainage Layout by Awcock Ward Partnership  
Drawing No 21203-2: Tree Protection Plan by Barrell Tree Consultancy  
Drawing No JBA 22-022-SK02: Landscape Strategy by James Blake Associates

### ***Supporting Documents***

- Revised Planning Statement by Planning Issues Ltd, dated April 2022, received 13 May 2022
- Design and Access Statement by Planning Issues Ltd (Report Ref 20085GD\_DAS\_001 Rev P1, April 2022)
- Arboricultural Assessment and Method Statement by Barrell Tree Consultancy (Report Ref 21203-AA-DC, dated 22 February 2022); Manual for Managing Trees on development Sites by Barrell Tree Consultancy, 2020
- Preliminary Ecological Assessment (incorporating Biodiversity Net Gain Assessment) by Tyler Grange (Report No 14480\_R02a dated 13th April 2022)
- Heritage Statement by Ecus Ltd (Report Ref 18582.1 Version V2.0, March 2022)
- Archaeological Desk Based Assessment by Ecus Ltd (Report Ref 18582.2 Version V1.0, March 2022)
- Transport Statement, by Awcock Ward Partnership (Project No 1305 Rev A dated 12 April 2022)
- Note: Appendix A Drawings are For Information Only
- Flood Risk and Drainage Technical Note by Awcock Ward Partnership (Project No 1305 Rev B dated 12 April 2022)
- Statement of Community Involvement by DevComms, April 2022
- Economic Benefits Infographic by Lichfields, April 2022
- Supporting Employment Evidence by Lichfields, April 2022
- Noise Impact Assessment by 24 Acoustics Technical Report: R9433-1 Rev 1, dated 14 April 2022
- Site Investigation Report by Crossfield Consulting (Report No. CCL03497.CO72, November 2021)

- Air Quality Assessment by Air Quality Consultants (Report Ref J10/13247A/10/1/F1, dated 11 April 2022)
- Financial Viability Assessment by Alder King Property Consultants (Report Ref: RJM / 96570 dated 06 May 2022)
- Sustainability Statement by JSP Ltd Sustainability April 2022
- Daylight and Sunlight Report (Within Development) by Right of Light Consulting Chartered Surveyors 11 May 2022
- Daylight and Sunlight Report (Neighbouring Properties) by Right of Light Consulting Chartered Surveyors 11 May 2022
- CGI's - Artistic Impression

### ***Additional Supporting Documents***

- Urban Design Analysis by Barton Willmore, August 2022
- Supporting Letter from Planning Issues re Consultee Responses dated 08.08.2022
- Technical Note on Waste & Recycling from Planning Issues, received 09.08.2022
- Technical Note on Electric Vehicle Charging from Planning Issues, received 09.08.2022
- Drawing No 1305 01-ATR-1001 Rev C: Swept Path Analysis - Part 1 of 2
- Drawing No 1305 01-ATR-1002 Rev C: Swept Path Analysis - Part 2 of 2
- Technical Note on Flooding by Awcock Ward Partnership dated 12 August 2022

and those approved pursuant to any conditions contained herein after and there shall be no deviation therefrom.

For the avoidance of doubt the revised plans will take precedence over any original plans that have not been revised or superseded in any of the supporting documents.

**Reason:** In order to ensure the development is implemented on the basis of the scheme as submitted and assessed in the interests of proper planning and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

### **Construction and Contamination**

#### *Code of Construction Practice (CoCP)*

3. No works shall commence on site until a comprehensive Code of Construction Practice/Construction Management Plan covering all environmental impacts of this development has been submitted to and approved in writing by the Local Planning Authority.

The Code of Construction Practice/Construction Management Plan shall include details, where relevant, of the following, including any other measures deemed reasonably necessary:

(a) Suitable mitigation measures to minimise noise pollution and vibration during the construction phase including the insulation of fixed plant and the silencing of vehicles and mobile machinery

- (b) A Dust Management Plan to minimise emissions to air and to prevent nuisance from wind-blown dust including fencing and the dampening down with water of excavated construction and cover materials on site, and other areas traversed by plant vehicles and machinery
- (c) A Construction Traffic Management Plan covering:
  - Means of direct access to the site from the adjoining maintainable public highway
  - Surface treatment of the access to avoid spill of migratory material on to the maintainable public highway
  - Details of numbers and routing of construction and delivery vehicles to / from site
  - Timing of deliveries and waste movement
  - Loading and unloading of plant and materials away from the maintainable public highway
  - Parking and turning areas for construction and delivery vehicles and site personnel
  - Type and location of wheel washing and chassis cleaning facilities
  - Temporary traffic management / signage
- (d) Details of the location of the proposed construction compound
- (e) Details of security fencing and other site security measures
- (f) Details of stockpile areas for building materials or for fill or removed topsoil
- (g) A Construction Drainage Design Plan to identify the required devices to prevent construction run off from flowing into existing drainage
- (h) Ecological mitigation measures
- (i) Measures to be undertaken to protect any public sewers and water apparatus
- (j) Details of vibration monitoring and mitigation during any necessary piling works
- (k) Details of the location, form and visual appearance of any site hoardings along road frontages and footpaths including decorative displays and facilities for public viewing, where appropriate
- (l) Details of temporary construction or security lighting; and
- (m) Monitoring and review provisions with the Local Planning Authority

The construction of the development shall adhere at all times and be carried out in full accordance with the relevant approved document or any subsequent variations that may be approved in writing by the Local Planning Authority.

**Reason:** To ensure that construction of the development does not result in avoidable congestion on the local highway network, and to protect the amenity of local residents and businesses and protected species and to mitigate the risks to groundwater, in accordance with adopted Gravesham Local Plan Core Strategy Policies CS11 (Transport), CS12 (Green Infrastructure) and CS19 (Development and Design Principles).

#### *Times of Construction*

4. No construction activities in connection with the development of the site including any preparatory earthworks or demolition works shall take place on site except between the following times:

07.30 a.m. and 6.00 p.m. on Weekdays

08.00 a.m. and 1.00 p.m. on Saturdays

No construction activities shall take place at any other time including Sundays, Bank or Public Holidays, without the prior approval of the Local Planning Authority having first been obtained.

**Reason:** In the interests of residential and local amenity and pursuant to Policy CS19 (Development and Design Principles) of the Gravesham Local Core Strategy, September 2014

*Contaminated Land - Site Investigation Report*

5. The development of the site as hereby permitted shall be carried out in full accordance with the findings and recommendations of the Site Investigation Report by Crossfield Consulting (Report No. CCL03497.CO72, November 2021), accompanying this application, and therefore no construction development shall be undertaken on the site until the recommendations for a supplementary phase of ground investigation to include additional bore holes and the use of trial pits designed to provide additional data for a more detailed environmental assessment and to obtain additional data for foundation design and to confirm that all contaminants are at negligible concentrations, together with verification testing for piled foundations have been implemented and such confirmation provided to the Local Planning Authority as to the extent of those investigations, if subsequently deemed necessary.

**Reason:** To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (2021) and to accord with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy, September 2014.

*Unsuspected Contamination - Watching Brief*

6. If during construction/demolition works, evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to, and approved in writing by, Local Planning Authority.

The closure report shall include:

A) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

B) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria, together with the necessary documentation detailing what waste materials have been removed from the site.

**Reason:** To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution

from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (NPPF) and to ensure suitable material is imported to site and appropriate measures for disposal of site waste are employed and pursuant to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy, September 2014.

### Archaeology

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded in accordance with adopted Gravesham Local Plan Core Strategy Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment), saved Gravesham Local Plan First Review Policy TC7 and section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF), 2021.

### Drainage

#### *Sustainable Surface Water Drainage Scheme*

8. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the Flood Risk & Drainage Technical Note prepared by Awcock Ward Partnership dated 12 April 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, pursuant to the requirements of paragraph 169 of the National Planning Policy Framework (NPPF), 2021.

*Sustainable Surface Water Drainage Scheme - Verification Report*

9. No building on any phase of the development hereby permitted shall be occupied, or within an agreed implementation schedule as agreed by the Local Planning Authority, 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 (NPPF), 2021.

Restrictions and Limitations on the Use of and Operation of the Development

*Restrictions on Use*

10. The apartments within the development hereby permitted shall, unless otherwise agreed by the Local Planning Authority in writing, be used solely for the designed purpose of providing self contained independent living units of accommodation for person or persons who, for the purpose of acquiring purchase or lease of any of the approved apartments will have a minimum age of not less than 60 years old (or a spouse/or partner, who is themselves over 55 years old, living as part of a single household with such a person or persons). The building shall not be used or occupied for any other purpose (including equivalent provision in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, as amended, or any equivalent provision in any statutory instrument revoking and re-enacting that Order, with or without modification, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015) no permitted changes of use shall occur, unless express written permission of the Local Planning Authority has been obtained.

**Reason:** In order that any other uses of the building hereby permitted may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to traffic generation and safety, parking demand, the amenity of the site and the prevailing planning policies and in particular pursuant to policies CS02 (Scale and Distribution of Development), CS05 (Gravesend Town Centre Opportunity Area), CS11 (Transport), CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 and saved policies T1 (Impact of Development on the Highway Network), P3 (Vehicle Parking Standards) and T5 (New Accesses onto Highway Network) of the Gravesham

Local Plan First Review (1994).

### Design and Detailed External Appearance

#### *Submission of Details of Ground Levels, Finished Floor Levels and Earthworks*

11. Notwithstanding the details shown in the approved drawings, topographical survey or other supporting documents, no works in connection with the development, other than demolition works, shall commence until full details including section drawings of the existing and proposed ground levels/floor levels of the development, together with all proposed earthworks or changes to ground levels on the site or re-profiling including details of any earth retention measures, have been submitted to and approved in writing by the Local Planning Authority; the details shall include any import or export of materials, the depth, direction, and method of the cut and fill, the drainage arrangements during the earth moving operations and the method of movement of materials by vehicles. Unless otherwise agreed in writing, only dry, clean, non-putrescible waste materials (comprising inter alia topsoil, subsoil, chalk, brickwork, concrete, cement, stone, clay, plaster, sand and silica or mixtures of the above materials) shall be brought on to or deposited on the site. No sludges or slurries may be used. The development shall be carried out in accordance with the approved details before the commencement of any above ground development.

**Reason:** No such details have been submitted and to ensure the development contributes to local character and local visual amenity and protects the privacy and amenity of adjoining premises and pursuant to Policy CS19: Development and Design Principles of the Gravesham Local Core Strategy, September 2014 and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF).

#### *Materials*

12. Notwithstanding the details relating to the materials and finishes as set in the application form, Design and Access Statement and approved drawings, before any works above ground floor slab level commence, additional details (and samples, where requested by the Local Planning Authority) of all the external facing materials, colours, textures and finishes to be used in the construction of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the apartments hereby permitted are first occupied and thereafter maintained in accordance with the details so approved.

**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 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy, September 2014 and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF), 2021.

*Details of Plant and Equipment*

13. Notwithstanding the details in the approved detailed drawings, no development above ground level, shall take place until full details of the installation of any external plant and servicing equipment on the building including roof top plant, lift overruns, solar PV or solar thermal equipment and kitchen extraction equipment or other ventilation, and the sound properties and any such plant and equipment, have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include the siting, external appearance and any proposed screening. Those works shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building and retained and maintained thereafter.

**Reason:** In the interest of the amenities of residential properties and the area generally and in accordance with Policy CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy, September 2014 and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF), 2021.

*Boundary Treatments*

14. Notwithstanding the details relating to the boundary treatments as set in the application form, Design and Access Statement and approved drawings, within 6 months of the commencement of the development, full details of all boundary treatments, including their design, height and materials, to the development as hereby permitted, including the screening and enclosure of the proposed substation within the southwest corner of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before any of the apartments hereby permitted are first occupied. Thereafter and notwithstanding the provisions of Article 3 of and Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any provision equivalent to that Class in any statutory instrument replacing, revoking or re-enacting that Order, with or without modification, no additional gates, fences, walls or other means of enclosure shall be erected on the site without the grant of further specific planning permission from the Local Planning Authority.

**Reason:** To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for future residents in accordance with Policy CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy (September 2014).

### *External Lighting*

15. Prior to the first occupation of the development hereby permitted and notwithstanding the details shown on the approved plans full details of all proposed external lighting set out in a lighting management plan shall be submitted to and approved, in writing, by the Local Planning Authority. The external lighting as approved shall be carried out in accordance with the approved details before the first occupation of the development and no additional external lighting shall thereafter be provided on the site without the prior written permission of the Local Planning Authority.

**Reason:** In order to ensure the development does not cause harm to local amenity by reason of the installation of intrusive lighting and in accordance with Policy CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy (September 2014).

### *Sustainable Design Measures*

16. The development hereby permitted shall be undertaken in full accordance with the sustainable design measures as indicated in the Sustainability Statement by JSP Ltd Sustainability April 2022, including the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water, before the first occupation of any part of the development, and thereafter the sustainable design measures shall be maintained at all times.

**Reason:** In pursuit of sustainable development principles and ensuring the development fully incorporates renewable energy and low carbon technologies pursuant to Policy CS18: Climate Change and Policy CS19: Development and Design Principles, of the Gravesham Local Plan Core Strategy (September 2014).

### *Preservation and Relocation of the Foundation Stone*

17. Before the commencement of any development, including prior to any demolition works, details of the careful removal and storage of the foundation stone to commemorate the building of the Civil Defence Control Centre that use to occupy the site and which is currently located within the eastern exterior brick boundary wall and for its proposed relocation within a splayed wall at the vehicular entrance into the site in Woodville Place, shall be submitted for the approval of the Local Planning Authority; the details as approved for relocation including the method for its cleaning and enhancement shall be implemented prior to the development being first occupied.

**Reason:** To ensure that historic building features are properly examined and recorded and as necessary preserved in situ having regard to the local historical interest of the site and is compliant with the adopted Gravesham Local Plan Core Strategy, September 2014 and notably Policy CS20: Heritage and the Historic Environment, and compliant with the National Planning Policy Framework (NPPF) 2021.

### *Broadband Provision*

18. Before any works above ground floor slab level commence details shall be submitted for the approval of the Local Planning Authority for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

**Reason:** To provide high quality digital infrastructure in new developments as required by paragraph 114 of the National Planning Policy Framework (NPPF), 2021.

### *Details of Telecommunication Equipment*

19. No satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the site or upon any roof or wall of any of the buildings hereby approved unless details have been submitted and approved in writing by the Local Planning Authority.

**Reason:** In the interests of the visual amenity of the development and in accordance with adopted Local Plan Core Strategy Policy CS19: Development and Design Principles of the Gravesham Local Plan Core Strategy (September 2014).

### Highways Access and Parking

#### *Parking Provision*

20. Prior to the first occupation of the development hereby permitted the vehicle parking and turning areas, shall be formed, surfaced, drained and marked out in accordance with the layout details as shown in Drawing No 20085GD\_PL\_001 Rev P2: Site Plan; thereafter, and notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to it in any statutory instrument revoking and re-enacting that Order, with or without modification, no development shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking and turning areas. For the avoidance of doubt all standard car parking spaces, other than disabled spaces, are to be a minimum of 5m x 2.5m except where adjacent to a wall etc. when they should be a minimum of 2.7m wide.

**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 (September 2014), saved Policy P3 of Gravesham Local Plan First Review (1994) and the adopted vehicle parking standards (SPG 4).

### *Cycle Parking Provision and Retention*

21. Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans and other submitted documents, full details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the storage facilities shall include sufficient space to accommodate 6 bicycles and should be secure, weatherproof and well-lit. The approved cycle facilities shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times.

**Reason:** To encourage the use of a sustainable and environmentally acceptable mode of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, Policy CS19: Development and Design Principles and the adopted vehicle parking standards (SPG 4).

### *Electric Vehicle (EV) Charging Points*

22. The development hereby permitted shall ensure that at least 3 of the parking spaces are provided with Electric Vehicle (EV) charging points and the remainder provided with passive provision i.e., cabling / ducting. Each charging point should be able to accommodate a useable supply of 7kW. Such provision shall be implemented prior to the first occupation of the development hereby permitted, and thereafter permanently retained and maintained.

**Reason:** To encourage the use of sustainable and more environmentally acceptable modes of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, Policy CS18: Climate Change and Policy CS19: Development and Design Principles.

### *Access and Visibility*

23. Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015, as amended (or any provision equivalent to that Order in any statutory instrument replacing, revoking or re-enacting that Order with or without modification), the vehicle visibility splay to the east of the reconfigured vehicular access to the site on to Woodville Place of 2.4m by 18m as shown in drawing no 1305 01-PHL-101 Rev A: Proposed Site Access Plan, submitted for information only as Appendix A to the Transport Statement, and also including 2m by 2m pedestrian visibility splays on either side of the access shall be cleared of all obstructions over 1.05m above the level of the adjoining highway, including the reduction in level of the land if necessary. Nothing over that height shall be permitted to remain, be placed, built, planted or grown within the approved vehicle and pedestrian visibility splays at any time.

**Reason:** To ensure the safety of pedestrian and highway users in accordance with Policy CS11: Transport, of Gravesham Local Plan Core Strategy (September 2014) and saved policy T5: Access to the Identified Highway Network of the Gravesham Local Plan First Review (November 1994).

### *Footway Reinstatement/Provision*

24. Within 12 months of the commencement of the development, and notwithstanding the details as shown in the approved plans and documents, full details shall be submitted for the approval of the Local Planning Authority showing all adjustments to access and dropped kerbs and all footways to be re-instated/re-established around the perimeter of the whole site including to the western side of the site to Wrotham Road, the removal of the parking lay-by and including any level changes and proposals to remove/replace any associated street furniture and signage. The details shall include any new proposed hard surfaces. Such details as may be approved shall be implemented prior to the first occupation of the development hereby permitted, and thereafter permanently retained.

**Reason:** In the interests of highway and pedestrian safety and in accordance with Policy CS11: Transport of the adopted Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 (Access to the Identified Highway Network) of the Gravesham Local Plan First Review (November 1994).

### *Gates*

25. Any gates / barriers to the vehicular access to the site shall open away from the highway and shall at all times be set back a minimum of 6.0 metres from the edge of the adjoining carriageway.

**Reason:** In the interests of highway and pedestrian safety and in accordance with Policy CS11: Transport of the adopted Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 (Access to the Identified Highway Network) of the Gravesham Local Plan First Review (November 1994).

### Hard and Soft Landscaping and Trees

#### *Soft Landscaping*

26. Prior to the first occupation of the development hereby approved the proposed soft landscaping for the site shall be carried out in full accordance with the details as shown in Drawing No JBA 22-022-SK02: Landscape Strategy by James Blake Associates, unless a different implementation date for the soft landscaping is agreed in writing by the Local Planning Authority. The developers shall ensure that proper arrangements are put in place for the maintenance and aftercare of the proposed soft landscaping and any retained and remediated trees through a site-wide arboricultural maintenance strategy that shall be submitted for approval of the Local Planning Authority before the 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 adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

### *Hard Landscaping*

27. Notwithstanding the details as shown in the submitted plans and supporting documents including Drawing No JBA 22-022-SK02: Landscape Strategy by James Blake Associates, and prior to the first occupation of the development hereby permitted and unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscaping and surface treatments for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of any part of the development hereby permitted. For the avoidance of doubt, the details shall include the surfacing treatments, as suggested by the Arboricultural Assessment, at the interface with the trees and their root protection areas (RPA's). In addition, the hard surfacing shall ensure that extensive use is made of permeable surfaces whilst ensuring that materials for the vehicle access and near to the carriageway are constructed of non-migratory materials. The developers shall ensure that proper arrangements are put in place for the maintenance and aftercare of the hard landscaping.

**Reason:** To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity and highway safety in accordance with Policy CS11 (Transport) and Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5: Access to the Identified Highway Network, of the Gravesham Local Plan First Review (November 1994).

### *Tree Protection and Tree Works/Removal*

28. All retained trees on/around the site and other vegetation shall be protected during construction in accordance with the tree protection measures as detailed in the submitted Arboricultural Assessment and Method Statement and a Tree Protection Plan. No vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s). Upon completion of the construction works and before the first occupation of the development on the site the trees shall be inspected by a competent tree surgeon and any necessary works to tidy the trees and maintain their health shall be undertaken.

**Reason:** To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

### Ecology/Biodiversity Provision

#### *Landscape and Ecological Management Plan*

29. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority within 12 months of the commencement of the development hereby permitted.



The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions, together with a plan of management compartments
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details before the first occupation of the development.

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features in accordance with and pursuant to the requirements of Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014 and the NPPF 2021.

#### **INFORMATIVES: -**

#### **1 DEVIATION FROM THE APPROVED PLANS**

Deviation from or amendment to the approved plans could require a further application and permission/consent. In the event that any change is proposed, applicants and builders are advised to seek advice from the Local Planning Authority. Proceeding without the necessary permissions or consents could result in enforcement action.

#### **2 BUILDING REGULATIONS AND PARTY WALL ACT 1996**

This decision **DOES NOT** imply any consent which may be required under the Building Regulations or under any enactment or provision other than Section 57 of the Town and Country Planning Act 1990. 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. This legislation is not taken into account when determining a planning application and independent advice should be taken in this regard.

### **3 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING**

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.

This has involved extensive discussions and negotiations during the processing of the planning application in a collaborative manner in order to address the various consultation responses and neighbour concerns.

The proposals were also the subject of a pre-application enquiry that enabled issues and concerns to be identified at an early stage prior to the submission of a planning application.

### **4 ENVIRONMENTAL REQUIREMENTS - REFUSE ARRANGEMENTS**

The applicants are advised of the following standard refuse guidance of the Borough Council:

Flats are generally serviced by communal bin stores. Bin stores should be large enough to accommodate and manoeuvre sufficient 1,100-litre refuse and recycling Eurobins for the number of dwellings in each block.

Developers are required to pay for the provision of all bins required for a development and these can be purchased through the Council. Developers are welcome to purchase their own 1,100 litre bins however, the bins must be metal and comply with European Standard EN840.

The following provision is normally required, although in this case a reduced level of provision has been agreed:

Refuse - 1 x 1,100ltr bin per 6 flats

Recycling – 1 x 1,100ltr bin per 6 flats with special recycling lid

Food Waste – 1 x 140ltr bin per 10 flats with an individual 5ltr caddy per flat

The immediate area outside the bin store should be level with the road, should not include an incline and the installation of a drop kerb where necessary is mandatory. Car parking spaces should not be allocated immediately in front of the access to the bin store.

The maximum distance bins will be moved by collection crews should be no more than 15 metres.

It is recommended that bin stores are fitted with a lock which is accessed via a key or a key code pad.

Collections from sites will not occur until containers are in place. It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints concerning non-collection due to the fault of the developer will be passed onto to the developer for response.

The Council should be informed at least two weeks prior to the waste collections by the Council taking place.

## **5 ENVIRONMENTAL REQUIREMENTS - COMMERCIAL**

The applicants are advised of the following comments from GBC Environmental Health Commercial Team:

### **Health and Safety**

In these premises Gravesham Borough Council (GBC) Environmental Health will be the enforcing authority. The applicant must ensure that these premises comply fully with the Health and Safety at Work (etc) Act 1974 and all relevant regulations made there under.

For information and advice

on health and safety matters check out the HSE website [www.hse.gov.uk](http://www.hse.gov.uk) or contact the Environmental Health team on [commercialhealth.admin@gravesham.gov.uk](mailto:commercialhealth.admin@gravesham.gov.uk) or 01474 337 000.

### **Food Safety Comments**

Unable to fully comment on the structure of the coffee shop as the plans do not provide us with a detailed layout. However, the applicant must ensure that the kitchen fully complies with current food safety legislation to the satisfaction of the Regulatory Services Manager. Structural and operational requirements are covered by the legislation notably EC Regulation 852/2004.

It is a requirement under Article 6(2) of Regulation 852/2004 that food business operators must register their establishments with the appropriate competent authority (in this case GBC Environmental Health) at least 28 days before food operations commence. Registration is via the Gravesham Borough Council website [www.gravesham.gov.uk/food-safety](http://www.gravesham.gov.uk/food-safety)

The provision and location of sinks and wash hand basins is an important consideration in the design and planning of a kitchen. A minimum of 1 wash hand basin and a double sink unit must be installed. A dish washer is also recommended.

For further advice on starting a food business please visit the FSA website <https://www.food.gov.uk/business-guidance>

## 6 BREEDING BIRD INFORMATIVE

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

## 7 LIGHTING ADVICE

The applicants are advised of the following advice from Gravesham Borough Council Environmental Protection:

*Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).*

## 8 KENT COUNTY COUNCIL (KCC) HIGHWAYS AND TRANSPORTATION

**It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.**

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls, which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

## **9 UTILITIES**

It should not be automatically assumed that permission will be given for utility services to be placed within the public highway, and early contact should be made with Kent County Council at [roadworkswest@kent.gov.uk](mailto:roadworkswest@kent.gov.uk). This will enable a proper consideration of available options in order that the optimum solution can be determined.

## **10 KENT POLICE CRIME PREVENTION DESIGN ADVICE**

The applicants are encouraged to incorporate or address all the matters raised in the design advice from Kent Police Designing Out Crime Team (ref 20220432/EH/G-253 dated 25 May 2022) with regard to Crime Prevention Through Environmental Design (CPTED) and are recommended to ensure the use of Secured by Design (SBD) Homes 2019.

## **11 SOUTHERN WATER ADVICE**

Southern Water advise:

- The public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: <https://www.southernwater.co.uk/media/3011/stand-off-distances.pdf>

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, 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.

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

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

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

<https://www.water.org.uk/sewerage-sector-guidance-approved-documents/>

[https://www.ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](https://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: <https://www.southernwater.co.uk/> by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

## **12 SMOKE CONTROL AREA**

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 by emailing: [air.quality@gravesham.gov.uk](mailto:air.quality@gravesham.gov.uk)

## **13 KENT FIRE AND RESCUE SERVICE**

Kent Fire and Rescue Service advise that applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

## **14 PRE-COMMENCEMENT CONDITIONS**

Pursuant to the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 introduced on 1 October 2018 the following planning conditions (conditions 3, 5, 7, 8, 11 and 17) attached to this permission are pre-commencement conditions and have been agreed as such by the applicants.

It is agreed that the requirements of those planning conditions (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site.

## 15 NAMING AND NUMBERING

As a result of the changes to this land/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, and the schedule of charges is enclosed, which should be used for your application. Please submit the application and the requisite fee in accordance with the guidance on the form. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.local.gravesham.gov.uk/>

## 16 HUMAN RIGHTS

The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation, is compatible with the Act.

## 17 ADVERTISEMENTS

For the avoidance of doubt the applicants are advised that this permission does not grant consent for or give approval to the display of and the locations for the display of advertisements and signage, for which a separate express consent will be required pursuant to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended.

## 18 SECTION 106 AGREEMENT

This planning permission has been accompanied by a legal agreement under the provisions of s.106 of the Town and Country Planning Act 1990. The terms of this legal agreement should be considered in conjunction with the planning conditions imposed by this decision notice.

**Note:**

- (1) Mr Ziyad Thomas (agent) spoke in favour of the application.
- (2) Cllr Baljit Hayre spoke with leave of the Chair.
- (3) The Service Manager (Planning) read aloud a statement from Cllr Jenny Wallace.



**24. Planning applications determined under delegated powers by the Director (Planning & Development)**

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 9.45 pm