



Application: 20221274
Your Reference: EDC/22/0088

TOWN AND COUNTRY PLANNING ACTS

TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

NO OBJECTION TO GRANT OF PERMISSION TO DEVELOP LAND

To: **Ebbsfleet Development Cooperation**
The Observatory
Castle Hill Drive
Castle Hill
Ebbsfleet Valley
Kent
DA10 1EE

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **NO OBJECTION** for development of land situate

at **Rectory Cottage**
Springhead Road
Northfleet
Gravesend
Kent
DA11 8HN

and being **EDC Re-consultation - Application for the demolition of a bungalow, a garage, and associated residential outbuildings, and the development of a six-storey, mixed use office and residential building, comprising 4no. offices and 10no. apartments (1no. 1-bedroom flat, 5no. 2-bedroom flats, 4no. 3 bedroom flats), car parking, pedestrian and vehicular access.**

Referred to in your application dated 29 November 2022.

GRAVESHAM BOROUGH COUNCIL HOWEVER MAKES THE FOLLOWING COMMENTS:-

The Brough Council would make the following comments

The following comments have been made in response to this planning consultation by the various planning consultees:

GBC Planning Policy

The most relevant Local Plan policies in this instance are likely to be:

Gravesham Local Plan Core Strategy (2014)

CS01: Sustainable Development
CS02: Scale and Distribution of Development
CS06: Ebbsfleet (Gravesham) Opportunity Area
CS07: Economy, Employment and Skills

CS10: Physical and Social Infrastructure
CS11: Transport
CS12: Green Infrastructure
CS14: Housing type and size
CS15: Housing Density
CS18: Climate Change
CS19: Development and Design Principles
CS20: Heritage and the Historic Environment

'Saved' policies from the Gravesham Local Plan First Review (1994)

TC2: Policy for Listed Buildings
T5: Access to the identified highway network
T6: South Thameside Development Route (A226 Diversion)
P3: Policy for Vehicle Parking Standards

The Gravesham Local Plan was subject to a 5-year review in 2019 and not all policies are now entirely consistent with national policy and guidance. The weight to be accorded policies will therefore need to have regard to this in the light of national policy as a material consideration.

At the current time, the Council cannot demonstrate a 5-year housing land supply and is failing the Housing Delivery Test. As a result, the presumption in favour of sustainable development as set out in NPPF (2021) paragraph 11(d) applies (see NPPF footnote 8).

Whilst the above does not override the development plan as the starting point for decision taking, in applying the 'tilted balance' it will be necessary to make a planning judgement as to which Gravesham policies are 'out-of-date' and the weight to be accorded which policies within the planning balance following relevant case law.

The Council is currently in the process of updating the Local Plan and undertook a Regulation 18 (Stage 2) consultation between Friday 23 October and Thursday 31 December 2020. Because of the stage reached and in accordance with paragraph 48 of the National Planning Policy Framework (NPPF 2021), it is advised that no weight be accorded policies therein in the planning balance.

Supplementary Planning Documents (SPD) and Guidance (SPG)

GBC Residential layout guidelines, including Housing Standards Policy Statement (amended June 2020)
SPG4 Kent Vehicle Parking Standards (2006) but see comments above

Other Material Considerations

Of particular relevance will be national planning policy and guidance as set out in the National Planning Policy Framework (NPPF, 2021) and associated Planning Practice Guidance (PPG).

Preliminary issues

Whilst the block plan etc. has been revised to include an additional area of parking and manoeuvring space, the site area on the application form has remained the same at 1169.5 sqm. This is presumably incorrect and requires amendment. The site area should include all that shown within the red line boundary as the full application site.

The proposed Use Classes of the commercial floorspace for which planning permission is sought is B1(a) (other than A2). Neither of these Use Classes exist and it is assumed that what is proposed now falls within the E(c) Use Class - if financial services and personal to a particular occupier E(c)(i). The application form therefore needs to be corrected.

Key issues

Key issues in relation to this application are likely to be:

1. Whether the proposed location for the commercial use is acceptable and complies with policies CS06/CS07 of the Local Plan and national policy in terms of the sequential test for main town centre uses.

On this policies CS06 and CS07 need to be read together. Whilst policy CS06 at paragraph 4.7.1 identifies the potential for regeneration in the Ebbsfleet (Gravesham) Opportunity Area, the focus of mixed-use development (including employment) is on the Key Sites at Springhead and Northfleet Rise Quarters, with Springhead Enterprise Park being maintained in employment use. The site of the current proposal lies within area 4.5 (Blue Lake) where the emphasis of paragraph 4.7.30 is on environmental enhancement consistent with water abstraction and public safety. This should be read in conjunction with the supporting text to the policy at 4.7.15 - 4.7.16.

Policy CS07 in terms of offices within the supporting text at 5.1.23 and within the policy itself at 5.1.29 - 5.1.31 clearly sets out where the Council anticipates new office employment will be located and that any proposals beyond this should be subject to sequential testing in accordance with national policy. On this, the proposed development is well beyond the 500-metre walking distance set out in the policy at 5.1.30 and as such a sequential test will be required. Whilst paragraph 5.1.31 of the Core Strategy sets out that office development exceeding 2,500 sqm (which this proposal doesn't) should be subject to impact testing, this no longer applies under NPPF (2021) paragraph 90 which only refers to retail and leisure uses, and as such this test will not be required.

2. Whether the proposal is acceptable in this location in relation to scale, form and massing given its context.

In this respect it is also noted that the main built element appears quite cramped in relation to the land in the control of the applicant and that it appears to rely on peripheral areas controlled by others to create a setting and some of the car parking/manoeuvring area. Whilst it would be subject to separate control, consideration might also be given as to the possible impact of advertisements in this location promoting the commercial element.

3. Whether the proposal is acceptable in terms of parking, access and highway safety, given the location of the site close to the existing junction and the fact that there are proposals to change this.

KCC and GBC's Highways Engineer will no doubt give comments in this area, although it is noted that the applicant suggests in the Transport Assessment (TA) that on-street parking may be available within the adjoining Springhead Enterprise Park to accommodate visitors to the commercial use. This seems unlikely considering the volume of on-street and pavement parking that occurs in the area and, it is suggested that the EDC seek additional information to understand what the situation is on the ground if this is considered an option.

4. Whether the proposal is acceptable in terms of impact within the setting of the Old Rectory as a Grade II* Listed designated heritage asset.

On this, it is noted that the two sites are physically separated by the A226 Thames Way but this should be properly assessed and national policy applied, having regard to the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Whether the proposal has sought to protect the biodiversity value of the Ebbsfleet Marshes Local Wildlife Site, which it lies within.

While KCC Ecology will give comments in respect of this, it is important to ensure that sufficient information is provided in respect of existing habitats/species within an adjoining the site and that the proposal maximises opportunities to enhance, restore, recreate and maintain existing habitats in line with Core Strategy policy CS12 to ensure measurable biodiversity net gain is achieved in line with the NPPF paragraph 174. This detail is currently lacking.

Detailed Matters

There are likely to be more detailed issues in relation to the proposal, these are more likely to relate to design, materials, lighting, residential amenity of future occupiers, sustainable drainage, services, and improvements to crossing points at the junction in order that people can access the Northfleet Urban

Country Park. No doubt, the EDC will have a view on the relationship of the development with Blue Lake itself and its plans for that area. The relationship of the proposal to any development that might come forward as part of Ebbsfleet Central may also be a consideration.

GBC Highways Development Management Officer

This proposal raises a couple of issues.

1. Drainage; Building Regulations (H) do not permit the use of soakaways within 5 metres of a road or a building.

Soakaways and other infiltration drainage systems

3.23 Infiltration devices include soakaways, swales, infiltration basins and filter drains.

3.24 Further information on the design of infiltration drainage systems can be found in CIRIA Report 156 - Infiltration drainage - Manual of good practice.

3.25 Infiltration drainage is not always possible. Infiltration devices should not be built:

a. Within 5m of a building or road or in areas of unstable land (see Planning Policy Guidance Note 14 Annex 1)

Here the drainage for the new access way is within 5 metres and the soakaway for the building seems to be within 5 metres of the building and would need relocation.

2. Car Parking spaces. should conform to the requirements of SPG4 should be 2.5 metres wide by 5 metres deep however when a parking space is adjacent to an enclosed boundary, they should be increased to 2.7 metres wide to provide the additional space that would normally be borrowed from the adjacent parking space. Confirmation is requested that this additional width has been provided for Parking Space 9. There is a conflict in the number of parking spaces being provided with 26 being stated in the Planning Statement whilst drawing number only shows 2453-007-E shows only 24. Number 25 is shown but there is no number 8 meaning 24 spaces are in fact provided, with 7 external parking spaces not 8 as stated.

3. Cycle Parking. It is disappointing that there appears to be no provision for adaptive cycles, this can be considered exclusive as no provision is being made for those with mobility handicaps that require an adaptive cycle. In addition, no details of how electric cycles with built in batteries will be recharged.

4. Tracked drawings. A tracked drawing should be presented for access and egress for parking space number 25 on drawing 2453-007-E, as its location appears to result in restricted manoeuvring space. The use of a car in the Tracked drawings of only 4.223 metres long by 1.715 metres wide, is not representative of all cars that may use the parking areas, particularly when the size of motor vehicles seems to be ever increasing with the shift to battery power. A Nissan Leaf is 4.49metres long by 2.03 metres wide with mirrors. Whilst a Tesla Model 3 is 4.694m x 2.088m. A larger vehicle in the region of 4.7m x 2.1 metres should be tracked.

5. Refuse collection. Given the time it will take to remove refuse from the site, it is considered appropriate that this should take place off street preferable from a lay-by to avoid the need for vehicles to overtake a parked freighter on the inside of a curve and in close proximity to the exit from a roundabout.

6. Traffic Management. To avoid confusion, it is suggested that the new access/egress on Thames Way should be left in/left out and this needs to be reinforced with the introduction of a Traffic Regulation Order prohibiting a right turn into the access, as the extension to the island would appear to be insufficient to prohibit this movement.

GBC Regulatory Services - Environmental Protection

There is no objection to this application. However, there are a number of areas that don't appear to have been considered by the applicants. As this is an Ebbsfleet Development Corporation (EDC)

application, it must be emphasised that our comments relating to the submission of various assessments and reports require the documents to be submitted to EDC for their approval. It is expected that EDC will use their consultants to assess the reports and make appropriate comments and recommendations. These can then be passed on to Gravesham BC for consultation.

No consideration has been given to Air Quality in the application. Although the site does not fall within or immediately adjacent to an Air Quality Management Area (AQMA), it is likely that construction traffic will access the site via the A2 Trunk Road AQMA which has been declared for exceedances of the Air Quality Objective for NO₂. The impact of the development in terms of air quality needs to be assessed by a full Air Quality Assessment for both the construction and operational phase and an appropriate condition is required.

No consideration has been given to the impact on the future residents from noise from the adjacent area or traffic noise from the roads running alongside the site (the A226/Thames Way and Springhead Road) which are both quite heavily trafficked. The area to the south of the site is mainly commercial/industrial and as such there are a number of potential noise sources in the vicinity. For example, the Council Depot is opposite the application site. It is understood that the refuse wagons are kept at the depot and are out on the streets by 7am each weekday, and also bank holidays and Saturdays around the holidays. The fact that the new block is tall will mean the flats will overlook the depot and without mitigation, this could give rise to noise complaints. The depot also carries out MOTs and repairs of the refuse wagons. To address these issues, a noise assessment will be required.

In addition, the Groundsure Sideguard report submitted with the application indicates a medium to high risk of contamination on the site. The site is next to the former Springhead Landfill site and the site has been used for distribution/haulage and also waste storage. In view of this, further contamination investigation is required, and a full contaminated land condition is recommended.

The site is also quite close to the Northfleet Wastewater Treatment Works which has the potential to be odorous. Again, an assessment of the impact of the odour from this site is required. The assessment should detail appropriate mitigation measures which may include a mechanical ventilation system in order to offer choice to the occupants as to whether they have the windows opened or closed.

To address these and other matters, the following conditions and informatives are recommended.

Air Quality

Prior to the commencement of the development, an air quality impact assessment of the proposal shall be undertaken and submitted to the LPA for approval. The assessment shall include air quality impacts of the existing environment, impact during the demolition and construction phase, and the impacts arising as a result of the proposed development. A Damage Cost Assessment will form part of the Air Quality Assessment and details of potential measures required to reduce any impacts will also be needed. In particular any impact on the A2 Air Quality Management Area shall be assessed.

Noise

Prior to commencement, 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

Contaminated Land

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary, an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

- 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.

Odour Control

An odour control assessment must be undertaken with respect to odour impact on the development from the Northfleet Wastewater Treatment Works and submitted to the Local Planning Authority for approval. The assessment should be undertaken in accordance with the Institute of Air Quality Management 'Guidance on the assessment of odour for planning' and provide mitigation measures as appropriate.

Code of Practice on Construction and Demolition Please apply to prevent nuisance from noise and dust during demolition and construction occurring to nearby premises.

Lighting 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).

Drainage/sewerage informative The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Smoke Control Informative 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

GBC Waste Services

The number of bins provided for refuse and recycling does meet our requirements although we would like to see a 50% split so 3 bins for recycling and 3 bins for residual waste.

Gravesham Borough Council operates a fortnightly refuse and recycling service with weekly food waste.

There is no provision for food waste recycling within the proposals, the recycling food needs to be included.

The domestic waste and commercial waste must be kept in separate bin stores to stop them being mixed,

The standard guidance is

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 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.

Where there is a building of mixed use (i.e., flat above shop), then separate waste provision must be made for the domestic and commercial premises.

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 in regard to 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.

Planning Assessment/Comments

From a Gravesham perspective the application raises a number of key issues, and these are as follows.

1. Policy and Principle of the Development

The response from GBC Planning Policy addresses these issues commenting:

On this policies CS06 and CS07 need to be read together. Whilst policy CS06 at paragraph 4.7.1 identifies the potential for regeneration in the Ebbsfleet (Gravesham) Opportunity Area, the focus of mixed-use development (including employment) is on the Key Sites at Springhead and Northfleet Rise Quarters, with Springhead Enterprise Park being maintained in employment use. The site of the current proposal lies within area 4.5 (Blue Lake) where the emphasis of paragraph 4.7.30 is on environmental enhancement consistent with water abstraction and public safety. This should be read in conjunction with the supporting text to the policy at 4.7.15 - 4.7.16.

Policy CS07 in terms of offices within the supporting text at 5.1.23 and within the policy itself at 5.1.29 - 5.1.31 clearly sets out where the Council anticipates new office employment will be located and that any proposals beyond this should be subject to sequential testing in accordance with national policy. On this, the proposed development is well beyond the 500-metre walking distance set out in the policy at 5.1.30 and as such a sequential test will be required. Whilst paragraph 5.1.31 of the Core Strategy sets out that office development exceeding 2,500 sqm (which this proposal doesn't) should be subject to impact testing, this no longer applies under NPPF (2021) paragraph 90 which only refers to retail and leisure uses, and as such this test will not be required.

Conversely it is noted that the development will provide additional residential accommodation on this site and the Brough Council would expect a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c) of NPPF) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. The site is within a highly sustainable location and on a direct bus route and the site is close to existing bus stops.

The residential development of the site also supports the Governments greater emphasis on delivering and prioritising housing land as set out in the current version of the NPPF (section 5 - delivering a sufficient supply of homes).

2. Scale of the Development

There are no specific policies in adopted local planning policy in relation to tall and bulk buildings. There is an emerging policy, DES 3: Tall and Bulky Buildings, which was included in the Regulation 18 Stage 2 Consultation, Part 2: Draft Development Management Policies Document (October 2020) although this has little or no weight at this stage in accordance with paragraph 48 of the National Planning Policy Framework 2021.

The design and built form of the proposals need to be considered against the Council's Core Strategy Policy CS19 (Development and Design Principles) that sets out detailed criteria. Policy CS19 (LPCS) states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The GBC Planning Policy response notes that the main built element appears quite cramped in relation to the land in the control of the applicant and that it appears to rely on peripheral areas controlled by others to create a setting and some of the car parking/manoeuvring area.

Whilst the nearby Police Station headquarters in Thames Way is located in a modern flat roofed building of some 4 storeys but on a similar elevated site, it does appear that the development as proposed appears quite bulky and out of scale locally.

3. Traffic Generation, Access and Parking

This is a matter for the highway authority to provide authoritative judgement on, but suffice to say that surely it would be more appropriate to avoid additional access points on to an important A class road and through route and so close to a roundabout junction and the enforcement of right turning/u turning appears to be challenging to achieve and to require vehicles visiting from the eastern direction to have to travel a significant distance to the roundabout to the west to be able to turn around and to then access the vehicle access on to Thames Way. The opportunity to have all traffic to access on to the lesser road in Springhead Road should be explored.

4. Impact on the setting of the Listed Grade II* Old Rectory

Whilst the existing listed Old Rectory building is physically separated from the development site by the A226 Thames Way, but this should be properly assessed and national policy applied, having regard to the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is acknowledged that the Old Rectory building has large modern warehouse/industrial buildings in close proximity at Springhead Enterprise Park to the west and south these do not challenge or dwarf the setting of the listed building but the same could not be said in terms of the scale of the development as proposed at some six storeys

5. Impact on biodiversity value of the Ebbsfleet Marshes Local Wildlife Site

The GBC Planning Policy response has pointed out that while KCC Ecology will give comments in respect of this, there is a lack of detail in relation to how the proposal maximises opportunities to enhance, restore, recreate and maintain existing habitats in line with Core Strategy policy CS12 and to ensure measurable biodiversity net gain is achieved in line with paragraph 174 of the NPPF.

It is noted that there are several trees are proposed to be removed including a horse chestnut within the grassed highway verge in Springhead Road and there is no detail or explanation as to why this is necessary.

Recommendation:

Whilst a formal objection is not made by the Borough Council, the development as proposed raises a number of planning and highway concerns and the Ebbsfleet Development Corporation (EDC) is asked to take into account those concerns and the consultation comments from the various internal Brough Council consultees.

The EDC are thanked for consulting the Borough Council.

Dated this 22nd day of December 2022

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