
SUMMARY REPORT

Application Ref:	20260238
Site Address:	Cascades Leisure Centre, Thong Lane, Gravesend, Kent DA12 4LG
Application Description:	Application for variation of condition 2 (Approved Plans), condition 10 (Noise Assessment), condition 19 (Soft Landscaping Scheme) part iii, , condition 34 (Energy Efficiency) and removal of condition 13 (Play Equipment) attached to planning permission reference number 20221293 for Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, 'clip n climb' facility, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, 2 no. squash courts, a new tennis/netball court, improvements to the existing play area, landscaping across the site and associated car parking.
Applicant:	Gravesham Borough Council
Agent:	Mr Harry Payne, Lichfields
Ward:	Riverview Park
Parish:	Non-Parish Area
Decision due date:	15.05.2026
Publicity expiry date:	10.04.2026
Decision Level:	Planning Committee -
Reason for referral:	Applicant is Gravesham Borough Council That the application be delegated to the Head of Planning to grant permission, subject to the finalisation of planning conditions.
Recommendation:	That the Head of Planning is given delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

Summary of Reasons for Recommendations

This application is an application under Section 73 of the Town and Country Planning Act 1990 (as amended) for amendments to an extant planning permission granted by the Council, under planning application reference 20221293. The application seeks to vary and remove a number of conditions, and these changes are set out below.

- The variation of conditions:
 - 2: (Approved Plans),

- 10 (Noise Assessment),
- 19 (Soft Landscaping Scheme) part iii,
- 34 (Energy Efficiency)
- Removal of condition 13 (Play Equipment)

The variation of condition results in a reduction in the overall building size, loss of the sauna and stream room, removal of clip and climb, larger café play area, removal of both squash courts, reconfiguration of space, removal of sedum roof and simplification of roof forms, simplification of the façade design, alternative cladding, the retention of the existing play equipment in its current location and minor landscaping changes including the removal of the fitness loop and its replacement with a grass-surfaced running route.

The proposed changes are not considered to have any detrimental impact on the surrounding landscape, character of the area, amenities, parking or highway safety and therefore accord with the Development Plan and material considerations, and the application is recommended for approval.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is currently a leisure centre with a detached public house (now demolished), car parking and play area. There are also disused netball courts and an informal football pitch to the southwest.
- 1.2. The application site lies within the Metropolitan Green Belt, beyond the urban area boundary as shown on the Gravesham Local Plan Core Strategy Policies Map (2014). The Riverview Park Estate lies to the west and open countryside to the east and south. Vehicular access to the site is via Thong Lane. The Thong Lane Conservation Area lies around 650 metres to the south, which includes within its area Whitehorse Cottage, which is Grade II Listed. Part of the Conservation Area also includes an area developed as post WWI smallholdings (Homes for Heroes) by the London County Council in around 1920.
- 1.3. To the south of the application site and east of Thong, the woodland on higher ground comprises part of the Kent Downs National Landscape. Much of this is designated as an SSSI due to its nature conservation interest. There are views of the application site from the edge of the National Landscape on higher ground along the Shorne-Ifield Road.
- 1.4. The site is 4.5 ha in size and is currently in leisure use, consisting of a leisure centre (Class E(d)), with ancillary swimming pool, constructed in the late 1960s and early 1970s, with later additions to the building in the late 1980s. The Site also comprises a car park with 183 parking spaces, a children's play area, a kick about field, 2 disused tennis courts, and other hardstanding areas.
- 1.5. The centre currently comprises a leisure pool with two water flumes and aqua play area with a casual viewing area. Of the dry side facilities, it provides a café, creche, 3No. court sports hall with climbing wall, 100No.+ station gym on two levels, 15No. station studio and 6No. squash courts (of which 3No. are used for fitness & storage). The facility also has a health suite comprising steam, sauna and treatment rooms

together with attendant staff and administration offices.

- 1.6. Existing vehicular access and egress to the site is from Thong Lane which connects to the A2 to the south and A226 to the north.
- 1.7. Adjacent to the site to the north is the Gravesend Golf Centre and the Gravesend Model Marine and Engineering Society Amusement Park Ride (a model railway). Immediately to the west is the Legends Sport Centre, which houses the Riverview Football Club and the Record Tennis Centres. To the south of the site is the now closed Southern Valley Golf Club. Beyond these sport and leisure uses immediately surrounding the site, the area comprises farmland and woodland to the north, east and south of the site, with the next neighbouring village, Shorne, approximately one mile to the southeast. This area will evolve and change as a result of the Lower Thames Crossing Development Consent Order, granted by the Secretary of State for Transport on 25 March 2025.

2. Relevant Planning History

Reference	Description	Decision	Decision Date
20221293	Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, 'clip n climb' facility, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, 2 no. squash courts, a new tennis/netball court, improvements to the existing play area, landscaping across the site and associated car parking.	Approved	3 March 2023

3. Proposal

- 3.1. This application seeks a variation of condition 2 (Approved Plans), condition 10 (Noise Assessment), condition 19 (Soft Landscaping Scheme) part iii, condition 34 (Energy Efficiency) and removal of condition 13 (Play Equipment) attached to planning permission reference number 20221293.
- 3.2. The need for this application has arisen due to the Council having to review the design of the proposed development to address cost-inflationary pressures, which have made the original design granted under 20221293 being unviable in the context of the funding that's available.
- 3.3. The permission granted under 20221293 is for Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, 'clip n climb' facility, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, 2 no. squash courts, a new tennis/netball court, improvements to the existing play area, landscaping across the site and associated car parking.
- 3.4. A non-material amendment has been applied for under reference 20260239 to amend the description of development to 'Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, a six court sports

hall, fitness suite, spin studio, 2 no. fitness studios, a new tennis/netball court, landscaping across the site and associated car parking' taking out reference to the clip and climb facility, squash courts and improvements to the existing play area.

- 3.5. This application to vary conditions formalises the proposed changes subject of the non-material amendment application. The proposed changes are listed below:

To reduce the leisure centre building footprint by 706sqm measured externally. The table below provides a breakdown of the proposed floorspace:

	Extant Permission	Proposed Scheme
Ground Floor (sq.m GIA)	4,935	4,290
First Floor (sq.m GIA)	2,138	1,747
Roof (sq.m GIA)	244 (inc. enclosed plant)	0
Total Floorspace (sq.m GIA)	7,317	6,037

Source: Space & Place

- 3.6. The key changes to the ground floor are:

- Slight reduction in pool hall size, but no reduction in overall offer of a learner pool and main pool of eight lanes;
- Removal of sauna and steam room;
- Removal of clip and climb from scheme;
- Larger play café space proposed in amended scheme;
- Reduction in community space from three separate spaces to now providing two smaller spaces (overall provision of 71.63 sq.m GIA);
- General reconfiguration of the floorplan in terms of storage, office space, WCs to suit the new redesign; and
- Omission of internal plant area adjacent to the large community room and 2 smaller plant rooms adjacent to the entrance and next to the sports hall in the approved scheme (due to Mechanical & Electrical strategy).

- 3.7. The key changes to the first floor are:

- Removal of both squash courts;
- Reconfiguration of circulation, changing facilities and storage facilities;
- Relocation of the spin studio to the existing area of the squash courts in the approved scheme, resulting in an increase in spin studio floorspace;
- Reconfiguration of fitness suite to increase provision;
- Removal of plant space of 189.37 sq.m GIA (plant and server room); and
- Void over soft play zone repositioned and reduced to suit the new location of soft play.

- 3.8. The key changes to the roof level are:

- Removal of plant rooms;
- Removal of sedum roof;
- Simplification of the roof falls and structure in conjunction with the general lowering of roof heights;
- New plant screen to house the external Mechanical & Electrical, Air Handling Units and other servicing plant. The ducts will be routed across the roofs and dropped into the building, and
- Repositioning of PV panels to suit roof proposals.

3.9. The changes to the building massing are:

- Reduction of building footprint of 706 sq.m GEA by shortening its eastern and southern extents;
- Omission of level 2 plant rooms and replaced with screened elements concealing the main Air Handling Units and other plant equipment; and
- Simplification and lowering of roofs. This results in a reduction in height of 2.7m at the previously proposed roof plant enclosure location, 0.88m at the Community Wing, and 0.57m at the Pool Hall Wing.

3.10. Changes to the north elevation are:

- Simplification and reduced façade design resulting from the - 706 sq.m GEA building footprint, whilst retaining a similar appearance to the existing;
- Openings have been simplified and reconfigured to suit the new internal layout;
- Elevation pitches have been reduced and simplified to suit massing and roof proposals, albeit the language of the façade remains as the approved scheme;
- The swimming pool height has been simplified and reduced;
- Change in flume configuration; and
- New soft play feature windows to the soft play zone.

3.11. Changes to the east elevation are:

- Simplification of openings;
- Flume reconfigured; and
- Simplification and lowering of façade.

3.12. Changes to the south elevation are:

- Simplification of the swimming pool façade, which is now a vertical façade as opposed to an inclined elevation, retaining the vertical concept of the other elevations. A feature reveal surrounds the pool glazing to maintain visual character despite the alteration of the raked façade;
- Reduction in height and width of the central core to suit the proposed layout, with a reduction in the external terrace and simplification of façade and openings;
- Sports hall massing moved further into the building due to omission of spaces between the approved and new scheme; and
- Glazed openings to the pool hall optimised in height to align with efficient panel sizes.

3.13. Changes to the west elevation are:

- Lowering of façade and alternative appearance to sports hall cladding;
- New soft play window feature and treatment; and
- Reconfiguration of openings and treatment to suit new internal layout.

3.14. The elevational plans below show the approved plans and the proposed plans:

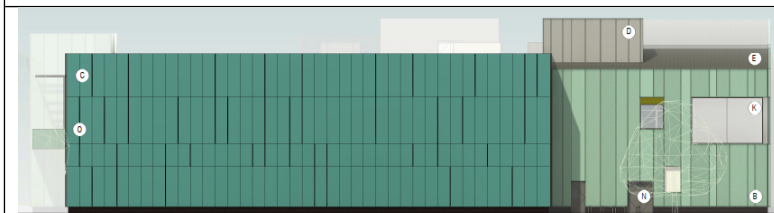
Approved North Elevation:



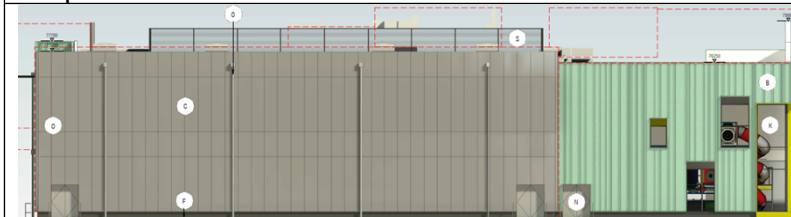
Proposed North Elevation:



Approved East Elevation:



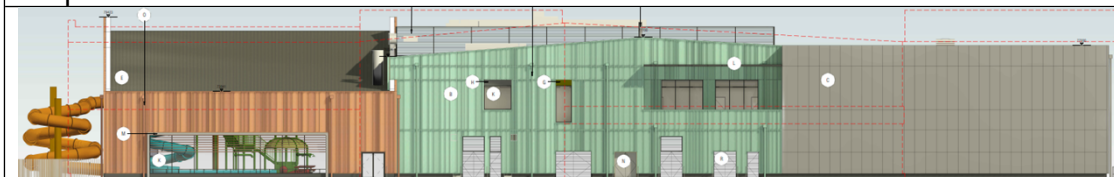
Proposed East Elevation:



Approved South elevation:



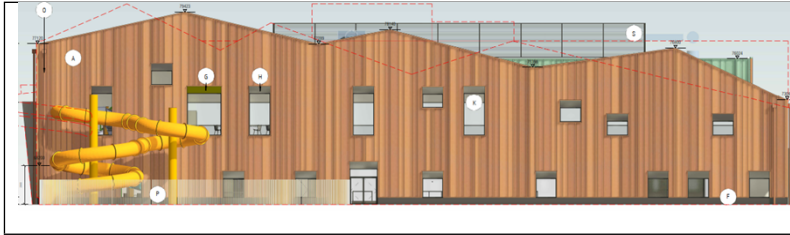
Proposed South Elevation:



Approved West Elevation:



Proposed West elevation:



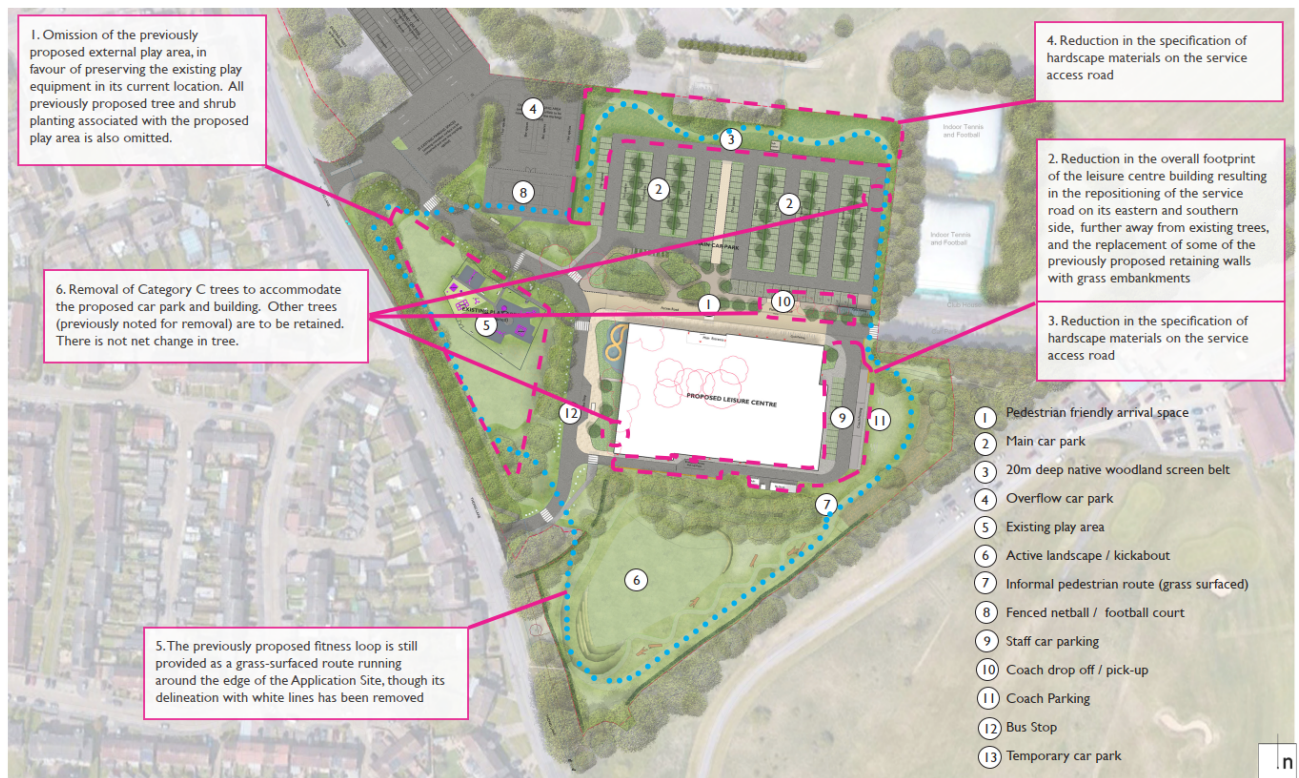
3.15. The changes to materials are:

- Materials for the elevations have been reviewed, and the proposals are to maintain the visual character whilst aligning with project viability. The pool hall is proposed with vertical profiled cladding with 'bronze-effect' finish, consistent appearance with the extant permission;
- The soft play area facades and rear of the building are to have vertical profiled cladding with 'green-bronze effect' finish, consistent appearance with the extant permission;
- The sports hall facades are changed to grey metal cladding system instead of green;
- The previous standing seam roof to the swimming pool is replaced with a grey profiled membrane roof system to replicate the standing seam and maintain similar language to the approved scheme; and
- North elevation central core cladding has been simplified and proposed as a grey cladding system to provide a consistent appearance with the extant permission.

3.16. Changes proposed to the landscaping scheme are:

- Retention of the existing play area, equipment and landscaping in its current location.
- Relocation of the service road, associated staff parking, coach parking, substation and bin store further away from existing trees on the eastern and southern side of the building.
- Replacement of some of the previously proposed retaining walls with grassed earth embankments.
- Change of proposed hardscape materials on the service access road and around 'back of house' areas of the leisure centre building. Macadam roads and footways are proposed in these areas, in lieu of block and slab paving.
- The previously approved fitness loop is retained but amended to a grass-surfaced running route with delineating white lines removed.
- Removal of 8 no. Category C trees proposed due to the updated car parking layout and changes to the footprint of the building. Notwithstanding, 7 no. other trees previously noted for removal are to be retained. As such, there will be a net loss of one additional tree.

- 3.17. The proposed general landscape plan is shown below and the changes are highlighted:



Drainage Strategy

- 3.18. An updated Flood Risk Assessment & Drainage Strategy has been prepared by Furness Consulting Engineers to accompany this Section 73 application.
- 3.19. The approved drainage strategy discharged surface water from the site via infiltration soakaways located under the new car park. In consideration of the proposed build sequencing, with construction of the new building prior to demolition of the existing leisure centre, this proposal is no longer considered feasible. The approved design discharged surface water from the new leisure centre into a soakaway located beneath the proposed car park. The revised construction sequence now plans to build the new leisure centre first and only demolish the existing leisure centre afterwards. Since the proposed soakaway lies beneath the area currently occupied by the existing building, this arrangement is no longer feasible.
- 3.20. The proposed alternative surface water drainage strategy is for two separate infiltration systems: one serving the proposed leisure centre building and another serving the new main car park to the north east. Surface water from the proposed leisure centre hardstanding and roof areas will be collected via a conventional below-ground drainage system and discharge to a new soakaway located within the soft landscape area to the south of the building. Surface water from the new car park will be managed through lined permeable paving, allowing infiltration into the ground.

With respect to foul water, a recent utility survey has identified the actual locations of the existing foul water manholes within the site, which has led to an updated, foul water drainage layout. Full details of the revised surface water drainage strategy are set out in the accompanying Flood Risk Assessment & Drainage Strategy.

Energy & Sustainability

- 3.21. As per the approved scheme, all regulated energy use will be electrical. Space heating will be provided using air source heat pumps, providing a low energy, low carbon solution.
- 3.22. The water to water heat pump is no longer proposed and instead CO₂-based heat pumps shall be utilised to satisfy the building's domestic hot water requirements. The waste water heat recovery system has been omitted from the scheme in an effort to better balance the project cost and the buildings sustainability performance.
- 3.23. Full details are set out in the updated Energy and Low Carbon Technology Statement prepared by Desco to accompany this Section 73 application.

Construction Management

- 3.24. Key changes to the construction arrangements for the site include:
- All construction vehicles proposed as entering the site via a newly formed temporary bell mouth from Thong Lane to avoid conflict with pedestrians;
 - Welfare hub re-located from the existing tennis courts to the grassed area to the south of the existing car park, providing direct access to the construction site;
 - Material storage to be provided within the welfare compound to the south – locations for material storage had not previously been identified;
 - Inclusion of an area around the perimeter of the building to be left clear for mobile elevating working platforms unimpeded access;
 - Contractor parking to be provided within the welfare compound area to prevent contractors using the leisure centre parking; and
 - The welfare hub and site office will remain in situ on the grassed area to the south of the construction area until completion of the new leisure centre. Once this is complete, it will be relocated to the site of the proposed netball/tennis court to facilitate the construction of the new car park. The grassed field will be reinstated to at least the same standard as it is currently once all works are complete.
- 3.25. Since the existing development was designed, there have been significant changes in market conditions and construction costs. As a result, Gravesham Borough Council has reappraised its options while continuing to seek the delivery of a high-quality new leisure and community facility. The amendments are required to safeguard the deliverability of the approved sustainable redevelopment of the leisure centre.

4. Planning Policy, Development Plan and other Material Considerations

- 4.1. The Development Plan for Gravesham currently comprises:
- Gravesham Local Plan Core Strategy and Policies Map, September 2014;
 - Saved policies in the Gravesham Local Plan First Review, November 1994;

- The Kent Minerals and Waste Local Plan 2024 to 2039, March 2025.

4.2. The most relevant policies for this proposal are as follows:

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS10 – Physical and Social Infrastructure
- CS11 - Transport
- CS12 – Green Infrastructure
- CS13 – Green Space, Sport and Recreation
- CS18 – Climate Change
- CS19 – Design and Development Principle
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC7: Other Archaeological Sites (area may have archaeological interest)
- T1: Impact of Development on the Highway Network
- T4: Impact of Development on the Highway Network
- T5: Access to the Identified Highway Network (includes intensification of use of existing)
- P3: Policy for Vehicle Parking Standards

4.3. Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

4.4. The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these saved policies via the emerging Local Plan.

Other Material Considerations

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protection Green Belt Land
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code SPD (2024)
- The Kent Downs National Landscape Management Plan (2021-2026)
- Gravesham Landscape Character Assessment (2009)

Emerging Local Plan as a Material Consideration

- 4.5. Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:
- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.
- 4.6. West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.
- 4.7. The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.
- 4.8. This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

5. Consultations and Publicity Responses

Neighbouring Properties

- 5.1. The application has been advertised in the press, by display of site notice, press notice and by neighbour notification letters sent to 41 addresses within the vicinity.
- 5.2. No letters of representation have been received.

External and Internal Consultees

5.3. See **Appendix 1** for internal and external consultee comments.

6. Planning Analysis and Head of Planning Comments

Principle of Development

- 6.1. This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted.
- 6.2. In deciding an application under section 73, the Local Planning Authority must only consider the conditions that are the subject of the application it is not a complete re-consideration of the original application. In this case the applicant is seeking a variation to the approved plans through the use of a section 73 application, whilst seeking the variation of relevant conditions and the removal of one condition.
- 6.3. In relation to s.73 applications, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and:
- a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 6.4. A s.73 application does not "amend" the original permission; it generates a brand-new planning permission. Because of this, any conditions from the original permission that are still relevant must be restated on the new s.73 decision notice.
- 6.5. The principle of development at this site has already been accepted under planning application 20221293.

Proposed changes to conditions

- 6.6. The principle of the development has already been determined and therefore it is not intended to repeat this section.

Variation of Condition 2:

- 6.7. At present, the condition is worded as follows:

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

- Drawing no. 3929-ASP-B1-XX-DR-A-0801 (site location plan);
- Drawing no. 3929-ASP-B1-XX-DR-A-0802 (existing site plan);

- Drawing no. 3929-ASP-B1-XX-DR-A-0803-P0 (proposed site plan);
- Drawing no. 3929-ASP-B1-00-DR-A-0810 (proposed ground floor plan);
- Drawing no. 3929-ASP-B1-01-DR-A-0811 (proposed first floor plan);
- Drawing no.3929-ASP-B1-02-DR-A-0812 (proposed second floor/roof plan);
- Drawing no. 3929-ASP-B1-02-DR-A-0813 (existing basement plan);
- Drawing no. 3929-ASP-B1-02-DR-A-0814 (existing ground floor plan);
- Drawing no. 3929-ASP-B1-02-DR-A-0815 (existing first floor plan);
- Drawing no. 3929-ASP-B1-XX-DR-A-0820 (proposed elevations north and east);
- Drawing no. 3929-ASP-B1-XX-DR-A-0821 (proposed elevations south and west);
- Drawing no. 3929-ASP-B1-XX-DR-A-0823 (existing elevations Regan's bar);
- Drawing no. 3929-ASP-B1-XX-DR-A-0822 (existing elevations);
- Drawing no. 3929-ASP-B1-XX-DR-A-0830 (sections A and B;)
- Drawing no. 3929-ASP-B1-XX-DR-A-0831 (sections C and D);
- Drawing no. 3929-ASP-B1-XX-DR-A-0840 (site sections 1, 2 and 3);
- Detailed Unexploded Ordnance (UXO) Threat & Risk Assessment (Feb 2023) ;
- Regans Café and Bar existing floor plans; and
- Drawing No. 2312-DES-ZZ-XX-DR-E-9301 Rev P01 – Electrical Services Existing External Lighting.

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

- 6.8. It is proposed to amend this condition to the following (the amended plans in **red**, with plans no longer relevant struck through and to be removed):

"The development hereby permitted shall be carried out in accordance with the following schedule of approved plans and documents:

- Drawing no. 3929-ASP-B1-XX-DR-A-0801 (site location plan);
- Drawing no. 3929-ASP-B1-XX-DR-A-0802 (existing site plan);
- **Drawing no. GCLC- ASP- B1- XX- D- A- 0803- P03 (Site Plan);**
- **Drawing no. GCLC- ASP- B1- 00- D- A- 0810- P03 (GA Ground Floor Plan);**
- **Drawing no. GCLC- ASP- B1- 01- D- A- 0811- P03 (GA First Floor Plan);**
- **Drawing no. GCLC- ASP- B1- 02- D- A- 0812- P03 (GA Roof Floor Plan);**

- Drawing no. 3929-ASP-B1-02-DR-A-0813 (existing basement plan);
- Drawing no. 3929-ASP-B1-02-DR-A-0814 (existing ground floor plan);
- Drawing no. 3929-ASP-B1-02-DR-A-0815 (existing first floor plan);
- Drawing no. GCLC- ASP- B1- XX- D- A- 0820- P02 (Elevations – North & East);
- Drawing no. GCLC- ASP- B1- XX- D- A- 0821- P02 (Elevations – South & West);
- Drawing no. 3929-ASP-B1-XX-DR-A-0823 (existing elevations Regan's bar);
- Drawing no. 3929-ASP-B1-XX-DR-A-0822 (existing elevations);
- Drawing no. GCLC- ASP- B1- XX- D- A- 0830- P01 (GA Sections - A & B);
- Drawing no. GCLC- ASP- B1- XX- D- A- 0831- P02 (GA Sections – C & D);
- ~~Drawing no. 3929-ASP-B1-XX-DR-A-0840 (site sections 1, 2 and 3);~~
- Detailed Unexploded Ordnance (UXO) Threat & Risk Assessment (Feb 2023);
- Regans Café and Bar existing floor plans; and
- Drawing No. 2312-DES-ZZ-XX-DR-E-9301 Rev P01 – Electrical Services Existing
- External Lighting.
- Drawing no. 6183-LLB-XX-XX-DR-Ab-0002 rev. P05 (tree protection plan)

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

- 6.9. These amended plans reflect the changes proposed in the Proposal section above and relate to minor changes to the size of the building, internal arrangement, external materials, landscaping and play area. The proposed changes are not considered significant and will have no detrimental impact to the character and appearance of the area. The design of the building remains true to the original brief, which was to reflect the agricultural nature of the surrounding site. The changes will have no detrimental impact on the amenities of neighbouring properties in terms of loss of outlook, privacy, sunlight or daylight. No objection is therefore raised against the proposals.

Variation of Condition 10:

- 6.10. At present, the condition is worded as follows:

Prior to the commencement of any above ground works, the applicant shall:

A. Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:

- (i) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
- (ii) Assess structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.
- (iii) Use the results of the noise survey to ensure that the noise generated at the boundary of any noise sensitive property meets the requirements laid down in BS4142:2014 "Method for Rating and Assessing Industrial and Commercial Sound".

B. Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion noise levels.

The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met.

Reason: To protect the amenities of the surrounding area in accordance with policy CS19 of the Gravesham Core Strategy 2014 and paragraph 185 of the National Planning Policy Framework 2021.

- 6.11. Condition 10 references a superseded version of the relevant British Standard and does not represent a best practice approach to noise sensitive properties, it is suggested that Condition 10 be amended as follows (amendments in red):

"Prior to the commencement of any above ground works, the applicant shall:

A. Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)".

The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:

- (i) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
- (ii) Assess structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.
- (iii) Use the results of the noise survey to ensure that the noise generated at **1m from the worst-affected window** any noise sensitive property meets the requirements laid down in BS4142:2014+A1:2019 "Method for Rating and Assessing Industrial and Commercial Sound".

B. Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion noise levels.

The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014+A1:2019 continue to be met.

Reason: To protect the amenities of the surrounding area in accordance with policy CS19 of the Gravesham Core Strategy 2014 and paragraph 198 of the National Planning Policy Framework 2024."

- 6.12. The Council's Environmental Protection Team has been consulted on this change and raises no objection. The condition ensures that residential amenity is protected in accordance with policy CS19 of the Gravesham Core Strategy 2014 and paragraph 135f of the National Planning Policy Framework 2024. The condition is therefore recommended to be amended in line with the applicant's suggestions and should also be amended to refer to the most recent NPPF.

Variation of Condition 19 (iii)

- 6.13. At present, the condition is worded as follows:

Prior to the first use of the development herein approved, full details of a soft landscape scheme addressing the following and including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority:

i. Plans and information providing details of existing and proposed soft landscape works, including details of the trim trail, planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape and raised planters), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

iii. Detailed information for the design and specification of the sedum roof, and details of irrigation systems.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies CS12 and CS19 of the Gravesham Core Strategy 2014.

The applicant is proposing to remove the sedum roof, and therefore is applying to delete part (iii) of this condition. The sedum roof has been removed due to amendments to the Energy Strategy i.e. the removal of the Passivhaus element of the scheme, simplification and rationalisation of the roof design and strategies. The applicant is content that the revised proposal maintains the aesthetic and visual integrity of the previously approved planning scheme. The building volume has been reduced through lowering roof heights and removing redundant second floor enclosures that formerly contained plant equipment. These have been replaced with screened external plant zones.

The architectural character of the elevations has been preserved albeit with reduced roof heights and simplification of the design. The pitched façade elements remain, though they have been simplified to conceal the newly rationalised flat roof pitches, achieving both cost efficiency and design continuity.

The façade treatments retain the established design language, with vertical cladding and *simplified forms maintaining the previous approved language*.

- 6.14. The swimming pool façade, previously raked, has been reconfigured to a vertical wall. This maintains the same level of prominence, and although simplified and rationalised it still upholds similar visual language to the previous approved scheme. In terms of appearance, the loss of the sedum roof will not result in any detrimental impact to the appearance of the resulting building, this and wider design changes to the scheme have been confirmed in the applicant's Landscape and Visual Impact Assessment (LVIA) Addendum as not materially alter the conclusions of the planning-approved LVIA in relation to either landscape or visual impacts.. No objection is raised to this. The County's Ecologist has raised no objection to the loss of the roof as this can be addressed through a review of the landscaping plan and increase of plants within the area which will benefit invertebrates and encourage the inclusion of bee bricks within the building (if possible) or any walls built within the wider site.

Variation of Condition 34:

- 6.15. At present, the condition is worded as follows:

The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the submitted Energy and Low Carbon Technology Statement. The development shall not be brought into use until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 6.16. It is proposed to amend this condition to:

The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the submitted Energy and Low Carbon Technology Statement (ref. 2312-50-RPT-01). The development shall not be brought into use until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 164 the National Planning Policy Framework 2024.

- 6.17. No objection to this, and it is also recommended that the NPPF is updated to the most recent published version.

Proposed removal of conditions:

Removal of Condition 13:

- 6.18. At present, the condition is worded as follows:

Prior to the commencement of any hard and soft landscaping details of the play equipment (including timetable for installation) within the play area as identified as such on the approved plans shall be submitted to and approved, in writing, by the Local Planning Authority. The approved play equipment shall be installed in accordance with the approved timetable. and maintained thereafter.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with policies CS10 and CS13 of the Gravesham Core Strategy 2014.

- 6.19. The applicants are now proposing to retain the existing equipment in its current location and therefore remove this condition. The reason for retaining the existing equipment is that the current equipment is not old and is of good quality. There will be no net loss to play equipment and therefore no objections are raised to the removal of this condition.

Other Conditions

Some of the original planning conditions have been discharged and therefore cannot be imposed on this application using the same wording. These are taken in turn below:

Condition 3

Condition 3 of 20221293 relates to a Construction Environment Management Plan and was discharged under reference 20251172. The proposed changes to the scheme have meant that some aspects of this document have had to be amended. The applicant's have submitted an updated CEMP and this has been consulted upon. No objections have been received from the relevant contributors and therefore the changes are considered acceptable. The condition should therefore be reworded to read:

The construction of the development shall adhere at all times to the submitted, and herein approved, Cascades Leisure Centre CEMP and Logistics Plan or any subsequent variations that may be approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable programme of all works is set out from the commencement of development, to demonstrate that the free flow of traffic on the highway and to minimise the impact on local residents and businesses, in accordance with policies CS11, CS12 and CS19 of the Gravesham Core Strategy 2014.

Condition 4

Condition 4 of 20221293 relates to foul drainage. This condition has been discharged under reference 20251170. The applicants have submitted a Flood Risk Assessment & Drainage Strategy in support of this application and the Environment Agency has been consulted on this and has raised no objection. Southern Water have not had the opportunity to comment. It is recommended that this application be delegated back to the Head of Planning to allow for Southern Water to comment. Subject to Southern Water agreeing, condition 4 therefore should be reworded to read:

No development approved by this planning permission shall take place until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented (with a connection to foul sewer), has been submitted to and approved by, the Local Planning Authority in consultation with the Southern Water. The development shall be constructed in line with the agreed detailed design and

recommendations of the strategy. No use premises can take place until the installed scheme is confirmed as meeting the agreed specifications.

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 2024.

Condition 5

Condition 5 (part a, b and c) relates to contaminated land and was discharged under reference 20251198. The applicants are not proposing any changes to the approved documents and therefore the condition can be reworded to read:

The proposed development shall be carried out in accordance with the documents approved under planning reference 20251198. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

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 187 of the National Planning Policy Framework 2024.

Condition 6

Condition 6 relates to sustainable surface water drainage. This condition has been discharged under reference 20251170. The Environment Agency and KCC Flood and Water Management have raised no objection to the submitted information. Condition 6 can be reworded to read:

The development herein approved shall be implemented in full in accordance with the Flood Risk Assessment and Drainage Strategy by Furness Consulting Engineers prior to the bringing into use of the development and thereafter maintained and managed in accordance with the approved scheme.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal; to ensure that the development does not contribute to, or is not put at risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and to ensure ongoing efficacy of the drainage provisions, in accordance with policies CS18 and CS19 of the Gravesham Core Strategy 2014.

Condition 7

Condition 7 relates to an arboricultural impact assessment and has been discharged under reference 20251171. Kent County Council's ecologist has been consulted on the submitted Arboricultural Impact Assessment has confirmed that their comments remain the same as the original application and no objections are raised. This condition can be reworded to read:

The proposed development herein approved shall be undertaken in accordance with the submitted Arboricultural Impact Assessment and Arboricultural Method Statement approved under planning reference 20251171. The tree protection measures shall

thereafter remain in place throughout the construction phase and the development shall be implemented in accordance with the details once approved.

Reason: To ensure no irreversible detrimental harm to the existing tree and in accordance with Policy CS12 of the Gravesham Core Strategy 2014.

Human Rights

- 6.20. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 6.21. Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.
- 6.22. In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

Equalities

- 6.23. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.24. In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.25. The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 6.26. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 6.27. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 6.28. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 6.29. The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

7. Conclusion

- 7.1. The Planning Statement prepared on behalf of Gravesham BC provides an assessment of the proposed Section 73 amendments to planning permission ref. 20221293 for the redevelopment of Cascades Leisure Centre, Thong Lane, Gravesend, DA12 4LG.
- 7.2. The proposed amendments sought under Section 73 are as follows:
“Section 73 application of the Town and Country Planning Act (1990) for an amendment to planning permission ref. 20221293 to facilitate changes to the building height, footprint and elements of the facades, alongside elements of the approved hard and soft landscaping areas of the approved leisure centre scheme.”
- 7.3. This Section 73 application is principally to vary the wording of Condition 2 (Approved Plans), Condition 10 (Noise Assessment), Condition 19 (Soft Landscaping Scheme) part (iii), and Condition 34 (Energy Efficiency), and to remove Condition 13 (Play Equipment) attached to planning permission ref. 20221293.
- 7.4. The proposed amendments retain the commitment to delivering a high-quality building and landscape design, as approved under the extant permission. Principally, the amendments are required to safeguard the approved sustainable redevelopment

of Cascades Leisure Centre - securing long-term community use of the site through a high-quality new public leisure facility.

- 7.5. Overall, the proposed amendments comply with the objectives and requirements of the Development Plan and are considered to remain acceptable with regards to all other material planning considerations.
- 7.6. In summary, the proposed amendments sought under this Section 73 application are minor in nature and scope and therefore are considered wholly acceptable in planning terms.

8. Recommendation

- 8.1. Grant planning permission subject to the conditions set out within this report, and to delegate authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.
- 8.2. For the avoidance of doubt the conditions amended keep the same numbering as those under the original approval (ref: 20221293).