



Delegated Report

Planning Application

Planning Application No: 20231316

Location: Marling Cross Site Compound, Valley Drive, Gravesend DA12 5UF

Description: Application for the removal of condition 1 attached to planning application reference number 20210675 for the continued use of the site compound established through planning application 20190482 being for the; Erection of temporary portable cabins with associated fenced off laydown area and car parking area with 3m fence around the site, lighting and perimeter landscaping, and as amended by application 20191217; to allow the continued use of the site as a compound/laydown area relating to National Highways construction activities and to allow for a further three year period of use of the land as a compound, until 31/12/2026.

Applicant: Ms Sarah Collins

Site Visit Date:

Submitted Documents/Plans

Application form
Cover Letter
Planning, Design and Access Statement
Landscape and Visual Technical Note
Flood Risk Assessment
Construction Compound Noise Assessment
Lighting Strategy Assessment
Transport Appraisal
Summary Update
Preliminary Ecological Appraisal
Drawing no. 00002 rev P02.1 (cross section)
Drawing no. 00001 rev P02.2 (south compound general layout)
Drawing no. 00008 rev P01.1 (south compound block plan)
Drawing no. 60549458-SKT-P-HEVER_COURT-LOCATION_PLAN (location plan)

Relevant Planning History

20210675	Continued use of the site compound established through planning application 20190482 being for the; Erection of temporary portable cabins with associated fenced off laydown area and car parking area with 3m fence around the site, lighting and perimeter landscaping, and as amended by application 20191217.	Permitted	26.07.2021
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20191217	Application for a minor material amendment to planning permission reference no. 20190482 for the erection of temporary portable cabins with associated fenced off laydown area and car parking area with 3m fence around the site, lighting and perimeter landscaping; to allow the re-design of the layout of the buildings and facilities.	Permitted	06.02.2020
20190482	Erection of temporary portable cabins with associated fenced off laydown area and car parking area with 3m fence around the site, lighting and perimeter landscaping.	Permitted	18.07.2019

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS10 – Physical and Social Infrastructure
- CS11 - Transport
- CS18 – Climate Change
- CS19 - Design & Development Principles

Gravesham Local Plan: First Review (1994)

- Policy T1 – Impact of Development on the Highway Network
- Policy T4 – Development Outside the Built-up Area
- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) 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.

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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places and beautiful places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);

Consultations, Publicity and Representations

Consultees

National Highways

Referring to the consultation on a planning application dated 20 December 2023 referenced above, in the vicinity of the A2 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~

~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~

~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSE@nationalhighways.co.uk.

KCC Highways

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Informative: 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 a 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

GBC Highways Officer

The original application's Transport Appraisal repeated in this application related to the use of the compound for Ground Investigation and not construction of the Lower Thames Crossing. Care must therefore be exercised to ensure whilst staying as a compound its use does not alter as the Lower Thames Crossing progresses through the Development Consent Order process and onto construction if permitted, as this could significantly alter the traffic generation and type of vehicle using the site. I would therefore suggest that any extension to the use of the compound should be restricted to works associated with ground investigation only and any other use should be submitted as a new application. Once the DCO is permitted I would suspect its future use during construction will be included in the DCO and so outside the control of the local planning authority.

GBC Commercial health

No objections.

Neighbouring properties

The application has been advertised by site notice and individual letters to 28 surrounding properties. No letters of representation have been received.

Officer's Analysis

Proposal

This application seeks planning permission for the continued use of the site compound established through planning application 20190482 being for the; Erection of temporary portable cabins with associated fenced off laydown area and car parking area with 3m fence around the site, lighting and perimeter landscaping, and as amended by application 20191217. The proposal is to create a temporary compound at Marling Cross on Hever Court Road in order to facilitate ground investigation works being undertaken by Highways England to inform the Lower Thames Crossing project.

In terms of layout and appearance no changes are being made under this application and everything remains the same as that which was approved under reference 20210675. Since permission for the minor material amendment was granted the temporary water, power and sewerage connections have all been replaced with permanent connections to the relevant services. The temporary facilities shown on the site plan are no longer required and have been removed.

Application reference 20210675 extended the permission until 31 December 2023. The site does not therefore currently have planning permission. Temporary permission is requested until 31 December 2026.

Character and Appearance

The application site is located to the south of the urban area and is laid to hardstanding. The site was formally a lorry park that is approx. 2,430sqm in size and is surrounded by a 2m high fence. In terms of Local Plan allocations, the site does not have a particular designation. To the north of the site are residential properties and to the south is the A2. The site is well screened by vegetation.

New planting has been planted to improve the character of the local landscape and enhance biodiversity and this is now well established.

The proposed temporary buildings are well screened from the road and from neighbouring properties and therefore are not considered to have any detrimental impact on the appearance of the street scene. Mobile offices such as these are utilitarian in appearance and not something that would be considered acceptable on a permanent basis. The proposal for a consent to 31 December 2026 ensures that any detrimental impact on the street scene is for a limited time only. The proposed development is therefore considered to accord with the objectives of Policy CS19 of the Core Strategy 2014 and paras. 85 and 135 of the National Planning Policy Framework 2023.

Neighbouring Amenity

The nearest neighbouring property is approx. 48m away from the northern boundary of the site. Due to the distances involved there is no detrimental impact on any neighbouring amenities in terms of loss of outlook, privacy, sunlight or daylight.

Lighting

Given the distance of the site from residential dwellings and its proximity to the A2, it is not considered that site lighting has a significant adverse impact. A condition was recommended that a post-installation report to ensure that the proposed lighting adheres to the submitted lighting assessment is submitted within three months of the decision. This was never submitted. No complaints regarding light spill from the site have been received and therefore this condition is no longer deemed necessary.

Noise

The generators were replaced by UK power networks cabinets and therefore supplied from the mains. The previously imposed condition 4 was therefore no longer required however a condition was recommended that the noise management protocols set out in section 5.6 of the submitted noise report shall be implemented and adhered to at all times. This condition is still required.

The proposed temporary compound and associated works will have no significant detrimental impact on the amenities of neighbouring dwellings and therefore accord with Policy CS19 of the Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023.

Parking and Highways

As no changes are proposed, no concerns relating to parking or highway safety are raised.

Other material considerations

The site and hardstanding already exist. There are no plans to extend the hardstanding and therefore the impact on biodiversity and flood risk remains the same as the current use and no objections are raised.

Conclusion

The use of the site for a further three years will result in no detrimental impact on the character and appearance of the area. There will be no significant detrimental impact on the amenities of neighbouring dwellings, parking or highways from the proposed extension of the temporary consent and therefore the proposals accord with the abovementioned Policies and are recommended for approval.

Recommendation:

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	5 February 2024	Dated:	6 th February 2024