



Delegated Report

Planning Application

Application no: 20211209

Location: The Maltings Clifton Road Gravesend Kent DA11 0DN.

Description: Application for approval of condition 3 attached to planning permission reference number 20200380 relating to a Construction Management Plan.

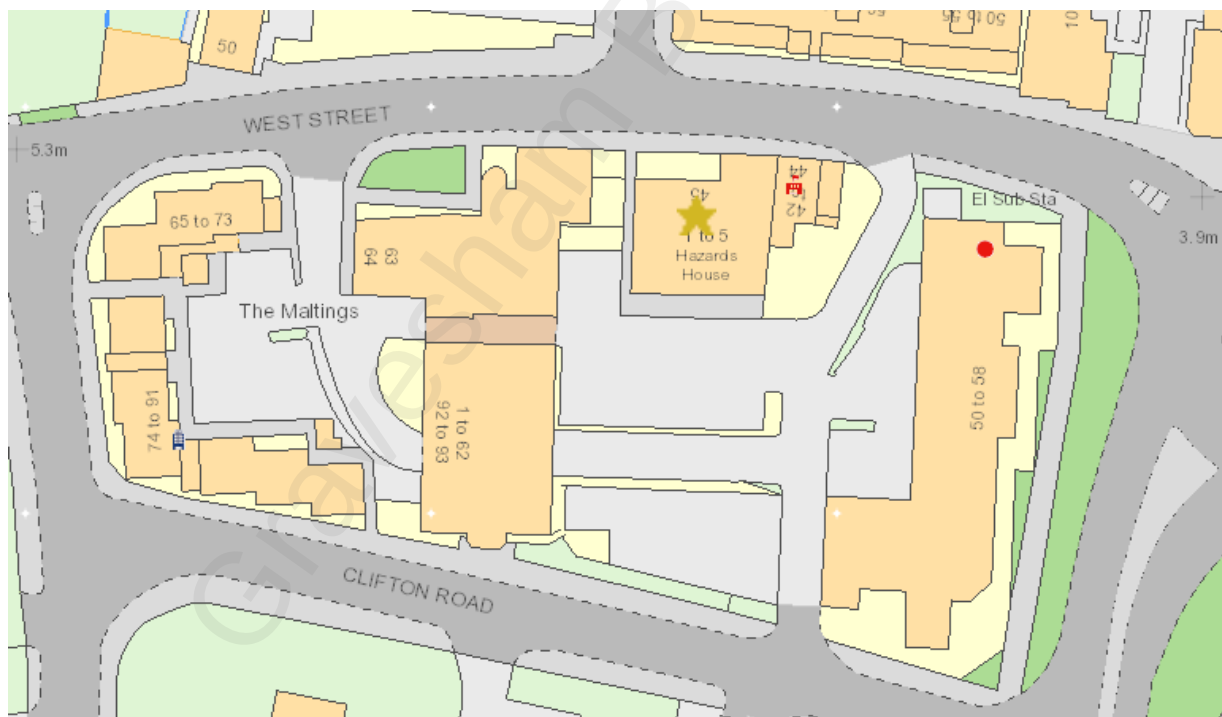
Applicant: The Maltings RTM Company Ltd, C/o Arrow Leasehold Management

Site Visit Date: Desk top only

Site Description

The Maltings is the collective name of three residential blocks containing 101 flats, called New Maltings, Old Maltings and Hazard House / West Street, Gravesend.

The Maltings is located almost entirely on a rectangular site located with West Street to the north, Bath Street to the east, Clifton Road to the south and Stuart road to the west. To the Bath street end of the site is an office block, which is not part of The Maltings.



The Maltings comprises a mixture of converted buildings (4-5 storeys) plus new build (3 storeys) and with the office/commercial building on the east being of 4 storeys.

Hazard House and the Former Brewery Offices, 45 West Street, Gravesend is a Grade II Listed Building, listed in 2003. The listing description is (in part):

Original part a house with public house added to front. House C18 altered and extended after 1865.

The entire development was converted from the Truman's brewery to residential use in circa 1989.

The site comprises of four distinct separate car parks containing 101 car park spaces. One of the car parks is of two-storey construction, with a basement level (underground) and ground level (top deck). This particular car park provides 35 parking spaces (23 top deck, 12 underground). Each one of these spaces is allocated to a flat. The office block is entirely separate and has its own dedicated parking facilities.

Access to the car park in question, is currently via Clifton Road for cars and West Street for all vehicles. Within the development there is an access road that runs between Clifton Road and West Street, off which a road runs through the development, alongside the car park in question, underneath the Old Maltings building and loops back round to West Street.

The images below (Google Earth, May 2018) show the residents car park and the various parking levels



The site is on the edge of the main town centre. To the south is the Gravesend hospital site including M Block a 6 storey building and the former maternity unit currently unoccupied but intended to be converted to residential accommodation. To the north is the residential development at Russell Quay West Street.

Planning History

More Recent Planning History

19871024: Change of use of The Maltings Oast Kilns 44 and 45 West Street to provide 69 no flats erection of three storey buildings on the west end of site to provide 27 no flats two and three storey buildings on the

east end of site to provide 1 380 sq. m of office. Permission 16.02.1988

19871027: Application for Listed Building Consent for alterations to 44 and 45 West Street in connection with their proposed conversion into flats and demolition of one existing oast on the West Street frontage the bottling store the terminus p h and 1 and 2 Clifton Road. Permission 16.02.1988

19880641: Change of use of the ground floor of the Maltings to provide 4 no flats. Permission 22.09.1988

20050430: Application for the variation of condition 2 attached to planning permission ref. no. GR/2002/429 relating to the erection of a new workshop building and change of use of existing workshop building to offices, to allow the new workshop building to be used for any manufacturing purpose within Class B2 or B1 but not to be used for the repair of motor vehicles at any time and variation of condition 3 to allow the existing Maltings building to be used for uses falling within Class B1. Permission 05.07.2005

20200380: Part demolition of car park slab (ground level), removal of defective supporting steels and columns, removal of all existing mechanical and electrical equipment. Reconstruction of part of car park including new supporting steel and columns, new concrete slab (ground level), new car park surface; installation of new mechanical and electrical equipment and new vehicular and pedestrian gate. Permission 26 June 2020

Pre-Application Enquiries

PRE20130041: Proposed works Balcony repairs, renew gutters/down pipes also repair work to north and south Atriums

PRE20170358: Demolish and rebuild car park. Decision 25.10.2017

Proposal

This application is for the approval of condition 3 attached to planning permission reference number 20200380 relating to a Construction Management Plan.

Submitted Plans and Documents

Application Form;
Site Logistics Plan by KCP Demolition Ltd 29.09.2021;
Draft Demolition Construction Phase Health and Safety Plan V3 by KCP Demolition Ltd
Car Parking Arrangement (Condition 3f);

Development Plan and other Relevant Planning Policies and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.¹

Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

The Development Plan for Gravesham therefore now comprises:-

- *The Gravesham Local Plan Core Strategy (September 2014)*
- *Remaining Saved Policies of the Local Plan First Review (1994)*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

¹ See the Judgement in the Court of Appeal on R(on the application of William Corbett) and The Cornwall Council and others [2020] EWCA Civ 508 at <https://www.bailii.org/ew/cases/EWCA/Civ/2020/508.pdf>

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance, and, where they exist, neighbourhood plans. There are currently no adopted neighbourhood plans.

Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The site is shown as being within the **Gravesend Town Centre Opportunity Area** (sub area 3.4) in the Gravesham Local Plan Policies Map. West Street is a **primary distributor route** on the highway network (saved policies T1-T3)

The most relevant policies from the adopted Core Strategy are as follows:

Core Strategy Policy CS01: Sustainable Development
Core Strategy Policy CS02: Scale and Distribution of Development
Core Strategy Policy CS05: Gravesend Town Centre Opportunity Area
Core Strategy Policy CS11: Transport
Core Strategy Policy CS12: Green Infrastructure
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles
Core Strategy Policy CS20: Heritage and the Historic Environment

Gravesham Local Plan First Review (1994)

The Gravesham Local Plan First Review was originally adopted in November 1994.

A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 219).

Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this application:

Policy TC2: Policy for Listed Buildings
Policy T1: Impact of Development on the Highway Network
Policy T5: New Accesses onto Highway Network
Policy P3: Policy for Vehicle Parking Standards

Saved Policy TC2 sets out that in the case of applications for development involving alterations or extensions to listed buildings or affecting the setting of listed buildings, the primary consideration of the Borough Council will be the maintenance of the integrity of the original listed building. Proposals will also need to be sympathetic to the listed building in terms of massing, scale, appearance and materials.

Saved Policy T1 requires that all proposed developments are adequately served by the highway network identified on the Proposals Map.

Saved Policy T5 requires that the formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map, will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.

Saved Policy P3 requires development to make provision for vehicle parking, in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception. All vehicle parking provision should normally be made on the development site.

Review of Local Plan

Paragraph 33 of the NPPF (2021) sets out those 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 the review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan First Review (1994) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF 2021, policies in this document may be accorded weight in the decision making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this pre-application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going and are considered as being relevant to the consideration of this application, albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy INF 2: Transport Design Principles;
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts;
Proposed Policy INF 4: New Accesses and Junctions;
Proposed Policy AM 1: Air Quality;
Proposed Policy AM 2: Contaminated Land;
Proposed Policy AM 5: Noise and Vibration;
Proposed Policy HER 2: Listed Buildings

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) July 2021 is a material consideration.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means approving development proposals that accord with the development plan without delay and where

there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development such as where land is designated as Green Belt or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The NPPF includes (in paragraph 8) three overarching objectives to achieving sustainable development:

- an economic objective;
- a social objective; and
- an environmental objective.

The following paragraphs are specifically highlighted as being of importance to the consideration of the application proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered. Reference to the national planning guidance is also considered in the analysis section of this report.

Section 2, Paragraphs 7 - 14: Achieving sustainable development

Section 4, Paragraphs 38 - 59: Decision Making

Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF.

It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things

The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It outlines the six tests.

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this application:

- Adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
- Planning Policy for vehicular accesses to classified highways (SPG 6, November 1992);

Consultations, Publicity and Representations

Internal Consultations

GBC Highways Development Management Officer

The included documentation raises a couple of issues.

1. Bath Street is not an A & E Hospital, it has a daytime minor injuries unit only. A & E hospitals are located in Dartford and Medway.
2. No details are given regarding constraints on deliveries or removals of waste. Such vehicle movements should avoid the morning 8am to 9am and afternoon 5pm to 6pm peak periods.
3. All vehicle movements should be timed to ensure no vehicles have to wait on local roads whilst attending the site.
4. The applicant needs to note that Kent County Council are the highway authority and will be responsible for arranging any temporary traffic regulation orders on the highway/hoarding licences etc.

GBC Regulatory Services - Environmental Protection

In principle this Service is satisfied with the information submitted in relation to the discharge of condition 3 of Planning Permission 20200380.

This service will expect the Construction Management Plan to be followed throughout the process of development.

External Consultations

KCC Highways and Transportation

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.

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

Publicity and Representations

None required for discharge of planning conditions

Planning Analysis

Introduction

Planning permission was granted on 26 June 2020 (ref 20200380) for part demolition of car park slab (ground level), removal of defective supporting steels and columns, removal of all existing mechanical and electrical equipment. Reconstruction of part of car park including new supporting steel and columns, new concrete slab (ground level), new car park surface; installation of new mechanical and electrical equipment and new vehicular and pedestrian gate at The Maltings Clifton Road

It was subject to a number of planning conditions.

The Conditions relevant to this submission

Condition 3 is a pre-commencement condition and states:

Before the commencement of any development on site the applicants shall submit to the Local Planning Authority for its approval a Construction Management Plan covering the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Relocation of existing car parking during the course of the construction works.

The construction of the development shall be carried out in accordance with the approved Construction Management Plan for the duration of the construction unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that construction of the development does not result in avoidable congestion on the local highway network, and to satisfy the reasonable requirements of road safety; and to protect the amenity of local residents and businesses in accordance with adopted Gravesham Local Plan Core Strategy Policies CS11 (Transport), and CS19 (Development and Design Principles), saved policy P3 of the Gravesham Local Plan First Review or the adopted Kent Vehicle Parking Standards (SPG 4).

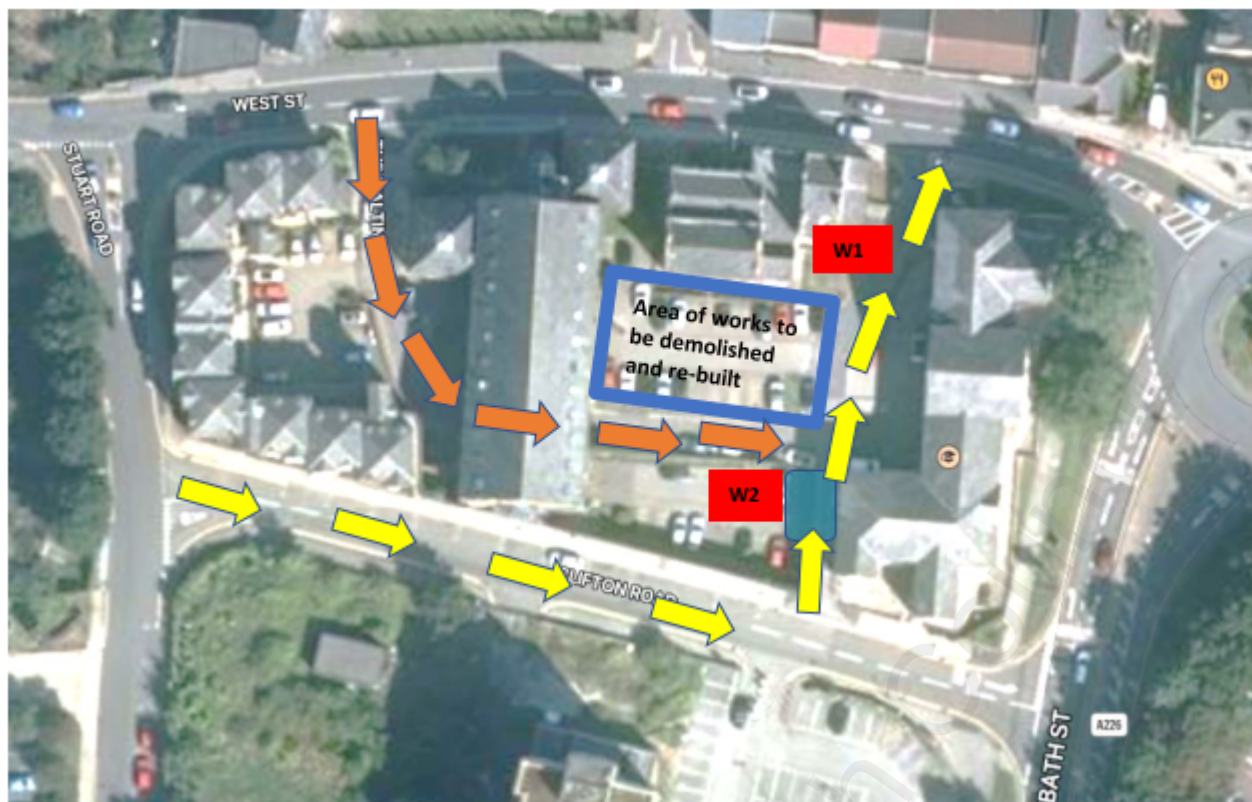
The details submitted to discharge this condition comprise:

Site Logistics Plan by KCP Demolition Ltd 29.09.2021;
Draft Demolition Construction Phase Health and Safety Plan V3 by KCP Demolition Ltd
Car Parking Arrangement (Condition 3f);

The Site Logistics Plan document includes a site drawing of the traffic route management plan and construction arrangements (*see below*).

Delivery hours will be 0800-1530 on Monday to Friday only. Materials will be stored within the compound.

Vehicle movements will coincide with the working hours restriction as set out in condition 4.



-  Preferred Site Traffic Route
-  Secondary Site Traffic Route
-  Area of height restriction and weight restriction (Access barrier and bridge)
-  W1 Preferred location of site welfare / compound. Utilising clients' facilities
-  W2 Secondary location of site welfare.
-  Works Area and Temporary Hoarding Location

KCP Demolition Ltd will organise wheel cleaning equipment as necessary to be utilised on this project, with this equipment stored on site and the use of which will be controlled by the Banks-men operative and/or by the Project Manager (or equivalent). Additionally, road sweeping vehicles will be used to clean along the defined access routes should this be required. The frequency being reflective of the vehicle numbers, to ensure that material originating from the site is not deposited and left on the highway.

In terms of alternative car parking while the works are being undertaken for residents, the applicants are making arrangements with Wickes (opposite the site) and their car park operators Access Point Ltd for the temporary relocation of the cars that will be displaced during the works. Consideration for extra spaces for contractor parking is not available on site. Access Point Ltd will provisionally allow 24 spaces to be allocated to The Maltings RTM Company Ltd for the duration of the proposed works. This is apparently enough spaces to be allocated to the residents whose parking facilities will be disrupted during the works.

GBC Regulatory Services are satisfied with the information submitted to discharge condition 3 but will expect the Construction Management Plan to be followed throughout the process of development.

KCC Highways and Transportation as the highway authority raise no objection to the details although the local Highways Development Management Officer advises that vehicle movements associated with deliveries or removals of waste should avoid the morning and afternoon peak periods and that all vehicle movements should be timed to ensure no vehicles have to wait on local roads whilst attending the site, while pointing out that Kent County Council will be responsible for arranging any temporary traffic regulation orders on the highway/hoarding licences etc.

It is considered that these matters can be addressed through an informative but overall there are no

objections to the details submitted and therefore condition 3 can therefore be discharged.

Conclusions and Balancing Exercise

The details submitted pursuant to this condition accords with national and local policy and notably policies CS11 and CS19 of the Core Strategy and the NPPF Section 12: Achieving well-designed places.

It is therefore recommended that approval be given to condition 3 of application ref 20200380 in relation to the Construction Management Plan.

Recommendation:

APPROVAL subject to informatives

Planning Conditions

None

INFORMATIVES

1 EXTENT OF THE APPROVAL

For the avoidance of doubt the approval hereby given relates only to the details submitted pursuant to condition 3 attached to planning permission reference number 20200380 in respect of a Construction Management Plan.

The approval does not amend any other part of that permission or discharge any of the other planning conditions attached to that permission, subject to those conditions still subsisting or capable of taking effect.

2 STATUS OF SUBMITTED PLANS AND DOCUMENTS

For the avoidance of doubt the following plans, details and particulars were submitted in support of this application for approval of details pursuant to planning conditions and were taken into account in making the decision:

Application Form;
Site Logistics Plan by KCP Demolition Ltd 29.09.2021;
Draft Demolition Construction Phase Health and Safety Plan V3 by KCP Demolition Ltd;
Car Parking Arrangement (Condition 3f);

3 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2019, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance the application was acceptable as submitted.

4 GRAVESHAM HIGHWAYS DEVELOPMENT MANAGEMENT OFFICER ADVICE

The applicants are advised that in respect of deliveries or removals of waste, such vehicle movements

should avoid the morning 8am to 9am and afternoon 5pm to 6pm peak periods.

All vehicle movements should be timed to ensure no vehicles have to wait on local roads whilst attending the site.

The applicant needs to note that Kent County Council are the highway authority and will be responsible for arranging any temporary traffic regulation orders on the highway/hoarding licences etc.

5 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

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

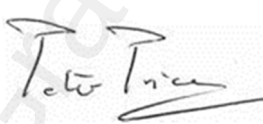
Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the 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.

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

Case Officer:	Mr Peter Price	Team Leader:	Faye Hobbs
Signed:		Signed:	
Dated:	10 th November 2021	Dated:	12 th November 2021