



Delegated Report

Approval of Conditions Application

Application No:	20240036
Location:	Land At The Rear Of Bridge Bar And Club, 24 Stone Street, Gravesend, Kent, DA11 0NP
Description:	Application for the approval of conditions 7, 8, 9, 18 and 21 attached to planning permission reference number 20211196 relating to a detailed sustainable surface water drainage scheme for the site (7), a detailed highway scheme (to accord substantially with Drawing No.D1.10 Rev E contained (8), details of surface finishes for roads and footpaths (9), full details of the open space, the design and landscaping of all un-built areas of any part of the development (18) and details of the proposed means of foul and surface water sewerage disposal (21).
Applicant:	Mr Lakh Kallar, Kallarview Construction Limited

Submitted Documents/Plans

- Application Form – dated 16 January 2024;
- Supplementary Information – Drainage System Maintenance Requirements by MBP Ltd (Consulting Engineers);
- Supplementary Information – Drainage Calculations by MBP Ltd (Consulting Engineers) (20 December 2023);
- Drawing no. 3582/P/13 – Proposed Landscape Site Plan;
- Drawing no. 7691-MBP-XX-XX-DR-C-0500 – P02 – Below Ground Drainage Upper Ground Floor;
- Drawing no. 7691-MBP-XX-XX-DR-C-0501 – P02 – Below Ground Drainage Lower Ground Floor;
- Drawing no. 7691-MBP-XX-XX-DR-C-0502 – P02 – External Works Layout;
- Drawing no. 7691-MBP-XX-XX-DR-C-0502 – P02 – Drainage Details.

Relevant Planning History

Reference	Description	Decision	Decision Date
20211196	Application for a minor material amendment to planning permission reference no. 20191187 for Demolition of outbuildings, excavation of soil to form a lower ground and upper ground floor B1 use, unloading bay and refuse areas with construction floors 1 to 4 providing a total of 3no. one bedroom self-contained flats and 11no. two bedroom self-contained flats and associated external works to allow alterations to the main entrance from Rathmore Road to Athboy Road and amendments and substitution to approved plans.	PERMITTED	14.02.2022

Consultations, Publicity and Representations

Internal Consultees

GBC Highways – I have no objections to the release of these conditions; it is a matter for Southern Water to accept the outfall into a combined sewer.

External Consultees

Kent County Council Highways – The highway scheme would be subject to the signing of a Section 278 Agreement, in order that the developer can undertake these works. Until this has been submitted and approved by my colleagues in the Agreements Team at Kent County Council, I am unable to discharge condition (8). Further plans should be submitted, which show the highway boundary and the full extents of the works, so these can be fully assessed.

Southern Water – Southern Water would have no objections to discharge condition 21 relating to foul drainage. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act.

Southern Water cannot recommend discharge of condition 7 and 21 relating to surface water drainage.

Discharge of surface water runoff to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted and at the discharge rates agreed with Southern Water as not introducing detriment to downstream network. Foul and surface water onsite network shall remain separate until the boundary of the site or final connection to public sewer.

Southern Water has undertaken a desktop study of the impact that the additional surface water flows from the proposed development will have on the existing public sewer network (surface water flow of 5 l/s at manhole reference TQ64736908). This initial study indicates that these additional flows may lead to an increased risk of flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24-month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required)
- Detailed design, including land negotiations.
- Construction.

Alternatively, if this is a brownfield site redevelopment, the developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical

site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

The applicant proposes to retain the SuDS within private ownership and maintenance.

Southern Water has no comments to make with regards to other conditions.

Officer's Analysis

This is an application for the approval of conditions 7, 8, 9, 18 and 21 attached to planning permission reference 20211196 relating to a detailed sustainable surface water drainage scheme for the site (7), a detailed highway scheme (8), details of surface finishes for roads and footpaths (9), full details of the open space, the design and landscaping of all un-built areas of any part of the development (18) and details of the proposed means of foul and surface water sewerage disposal (21).

Condition 7 states the following:

7. *Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed without increase to on site or off site flood risk. Any discharge to the public surface water sewer shall be agreed in advance in writing with the local planning authority and Southern Water.*
- (i) *No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:*
- i) *a timetable for its implementation, and*
- ii) *a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.*

This condition was attached to ensure that sustainable urban drainage is incorporated into the development.

Southern Water were consulted on the application and have stated that condition 7 cannot be discharged. There is no objection to the foul drainage, however Southern Water require an application under S106 of the Water Industry Act should be submitted.

The information provided is insufficient for Southern Water to confirm that the sustainable urban drainage system proposed would not lead to an increased risk of flooding based on their desktop study. Therefore, condition 7 cannot be discharged.

The applicant is encouraged to read Southern Waters response and engage with them prior to any resubmission.

Condition 8 states the following:

8. *Prior to the commencement of development a detailed highway scheme (to accord substantially with Drawing No. D1.10 Rev E contained shall be submitted to and approved, in writing, by the Local Planning Authority in consultation with the Local Highway Authority. For the avoidance of doubt this shall include details of surface finishes for roads, footpaths, cycle-ways and refuse vehicular access.*

The development shall only be completed in accordance with the approved details to be delivered through agreement (including timeframe) with the Local Highway Authority.

This condition was attached to ensure that adequate highway improvements are implemented so that the development has no impact on the safe or free flow of traffic on the highway network.

Kent County Council Highways have been consulted on this condition and have stated that there is insufficient information to discharge. The developer has not signed a S278 agreement or submitted this to the highway authority and additional plans are required to show the highway boundary and the extent of the works.

Therefore, insufficient information has been submitted and condition 8 cannot be discharged.

Condition 9 states the following:

- 9. Prior to the commencement of development details of surface finishes for roads, footpaths have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter only be carried out in accordance with the approved details.*

This condition was attached to ensure that the standard of the development does not impact on the character of the area.

The application has been supported by details of surface finishes for accesses and footpaths for the development and therefore adequate information has been submitted to discharge condition 9.

Condition 18 states the following:

- 18. Prior to the commencement of development full details of the open space, the design and landscaping of all un-built areas of any part of the development, including all pedestrian and cycle linkages, public art, hard and soft surfacing and means of enclosure for the residential outdoor amenity space, any children's play equipment and street furniture proposed in the development. Furthermore, the scheme shall ensure that the flood defence line is set as far back within the landscaped area as is reasonably practical to maximise the provision of flood storage volume. The scheme shall also seek to enhance the ecological value of the river frontage. The details shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be completed within one year of the completion of the development.*

This condition was attached to ensure that the development improves the character and amenity of the area.

The application has been supported by details of hard and soft landscaping. The hard surfacing details define the treatments and layouts, which are considered to be sufficient. The soft landscaping details are more limited, however seek to retain the grass verge with some improvement through planting which is acceptable in principle. Nevertheless, due to other conditions being refused in this application when resubmitted additional detail for the soft landscaping is encouraged.

Condition 21 states the following:

- 21. Prior to the commencement of the development details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.*

This condition was attached to ensure that details of the foul and surface water drainage systems are submitted and approved by Southern Water.

Southern Water have been consulted on the application and have stated that condition 21 cannot be

discharged. There is no objection to the foul drainage, however have stated that an application under S106 of the Water Industry Act should be submitted.

In terms of the surface water drainage, Southern Water have stated that condition 21 cannot be discharge. Similarly to the comments on condition 7 above, the discharge of surface water into a public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted, and at agreed flow rates. The desktop study undertaken by Southern Watern indicates that the additional flows from the development would lead to an increased risk of flooding from the sewer network. Therefore, condition 21 cannot be discharged.

The applicant is encouraged to read Southern Waters response and engage with them prior to any resubmission.

Conclusion

Although conditions 9 and 18 could be discharged, conditions 7, 8 and 21 cannot be and therefore as split decisions cannot be issued the application is recommended for refusal.

Recommendation

Refusal of details

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	12 th March 2024	Dated:	13 March 2024