

# Delegated Report

## Planning Application - Conditions

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| <b>Application no:</b>  | 20220705                                                                                                                                                              |
| <b>Location:</b>        | Ellenor Coldharbour Road Northfleet Gravesend                                                                                                                         |
| <b>Description:</b>     | Application for approval of condition 7 attached to planning permission reference number 20220633 relating to the Specification for an Archaeological Watching Brief. |
| <b>Applicant:</b>       | Mr Tim Hammond, Ellenor                                                                                                                                               |
| <b>Site Visit Date:</b> | Desktop only; previous visit 17 September 2019                                                                                                                        |

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### The Site and Surroundings

The Ellenor Hospice is located on the north side of Coldharbour Road Northfleet opposite the Morrison's supermarket and its customer car park and associated petrol filling station and close to the junction with Packham Road. It occupies a site area of 0.7 hectares.

The Ellenor Hospice (formerly Lions Hospice) provides inpatient and outpatient hospice care and support to families and for people of all ages in Kent facing terminal illness and has been at this site for over 25 years. The hospice currently provides 15 bedded inpatient facilities for people from 14 years to adulthood. There are two adult teams: 'The Hospice at home' for people in their own homes and the 'Care Home Support team' for people in care and nursing homes. Children's services include a respite service for parents and carers; and cancer care for children so they can receive chemotherapy in their own homes and a range of clubs and activities.

The Hospice is located within a brick and tile building principally single storey but with some first-floor roof accommodation and is set within well landscaped and enclosed gardens. The tarmac car park for the Hospice is situated on the west side of the building where the main entrance is located and provides car parking for 30 cars with access from Coldharbour Road. There is a rear entrance used as a service access in Marks Square. At the rear of the building is an existing mobile classroom. The site is screened at the rear by tree planting and timber fencing.

There is a wide-open grassed amenity strip of land containing a number of attractive trees adjacent to Coldharbour Road which is all within the ownership of the hospice. There is a short path across the amenity area that connects the footway in Coldharbour Road to the enclosed garden area of the hospice.

There have been a number of additions to the main hospice building since it was first permitted in 1990, details of which are set in the planning history section of this report.

The Hospice adjoins an open field to the east now being developed by Vistry Group (Bovis) and Persimmon Homes for the construction of 400 homes. To the north and at the rear of the site is Marks Square where there is a mix of terraced and semi-detached two storey, including Council owned dwellings. There is layby in Coldharbour Road opposite the entrance into the hospice car park. There is a bus service (service 306/308) that runs along Coldharbour Road and into Morrison's.

## Relevant Planning History

### Planning Application History

| Ref No   | Description and Site                                                                                                                                                                                                                                                                                                                                   | Decision             | Date       |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------|
| 19900081 | Erection of part single storey part two storey building to form a 10-bed ward Hospice with ancillary day care facilities, associated parking for 25 cars and landscaping and formation of a vehicular access onto Coldharbour Road.                                                                                                                    | Permission           | 26.03.1990 |
| 20010073 | Erection of single storey rear extension to form store, nurses rest room and enlarged mortuary and extension under the existing front entrance canopy to form enlarged reception area.                                                                                                                                                                 | Permission           | 28.03.2001 |
| 20020932 | Erection of single storey rear extension to form nurse's room, storage room and an enlarged refrigeration room.                                                                                                                                                                                                                                        | Permission           | 30.12.2002 |
| 20030791 | Erection of extension to canopy on main entrance and a conservatory on the south-eastern elevation.                                                                                                                                                                                                                                                    | Permission           | 05.11.2003 |
| 20040111 | Erection of single storey extension to and conversion of existing stores to form two conference rooms, reception area and wc accommodation.                                                                                                                                                                                                            | Permission           | 13.04.2004 |
| 20061060 | Erection of a two-storey extension on western side elevation to form a lift shaft and construction of an open canopy at the main entrance.                                                                                                                                                                                                             | Permission           | 22.01.2007 |
| 20070674 | Erection of single storey extension on the eastern corner to provide three additional patient bedrooms.                                                                                                                                                                                                                                                | Permission           | 18.09.2007 |
| 20100006 | Erection of single storey extensions to form day therapy room, dining room and sacred space.                                                                                                                                                                                                                                                           | Permission           | 04.03.2010 |
| 20100657 | Application for non-material amendment to planning permission reference number 20100006 relating to the erection of single storey extensions, for the amendment of the external materials from zinc cladding to render, omission of the grass roof and details of an amended landscaping scheme.                                                       | Permission           | 12.10.2010 |
| 20130761 | Installation of externally mounted chiller unit at the rear.                                                                                                                                                                                                                                                                                           | Permission           | 23.09.2013 |
| 20170643 | Retention of an existing portacabin and siting of 1no. Portacabin - both for a temporary three-year period.                                                                                                                                                                                                                                            | Temporary Permission | 29.08.2017 |
| 20190756 | Expansion and refurbishment of the existing Ellenor Hospice to provide 12 en-suite rooms consisting of a single storey extension at the eastern end to provide 5 single en-suite rooms with amenity space and nurses space together with 7 refurbished rooms within the existing hospice layout; construction of two storey addition on south side for | Permission           | 23.10.2019 |

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |            |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------|
|          | offices, meeting rooms for well-being centre and improved outpatient facilities; provision of ambulance access from Marks Square; alterations and extension to existing car parking layout and provision of external storage and sub-station                                                                                                                                                                                                                                                                                                   |                       |            |
| 20201363 | Renewed temporary planning permission (limited to 5 years) for the continued siting of 2no. existing Portacabins to provide training, meeting and lecture facilities at Ellenor Hospice                                                                                                                                                                                                                                                                                                                                                        | Temporary Permission  | 28.04.2021 |
| 20211398 | Minor material amendment application for variation of conditions 2, 10, 13, 14 and 16 attached to planning permission reference no. 20190756 for expansion and refurbishment of the existing Ellenor Hospice; to allow for phasing of the project, amendment of the design to accommodate measures to improve ventilation including minor increase in height, amendment to plant enclosure, various external amendments to doors, fenestration, fencing and hard surfaces etc., and relocation of parking due to anomalies in ownership areas. | Permission            | 27.01.2022 |
| 20220633 | Minor material amendment application for variation of conditions 8 and 9 attached to planning permission reference no. 20190756, as subsequently amended by planning permission reference no. 20211398, for expansion and refurbishment of the existing Ellenor Hospice; to allow a phased development of the site in respect of the submission of details of materials, surface treatments and boundary treatments and in respect of details of external lighting.                                                                            | Permission            | 08.08.2022 |
| 20220705 | <b><i>This Application</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |            |
| 20220796 | Application for approval of conditions 3(a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(k)(l) and (m) and 6 attached to planning permission reference number 20220633 relating to the details of (3(a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(k)(l)(m) code of construction conduct and (6) proposal of foul and sewage disposal.                                                                                                                                                                                                                                           | <b><i>Pending</i></b> |            |

*Note: There have been a number of other temporary permissions and consents for signs and advertisements, which have not been listed above.*

#### Relevant Pre-Application Enquiries

PRE20140526: Enlargement of hospice and additional parking spaces

PRE20170308: Phased extensions to hospice.

PRE20180646: Expansion and refurbishment of the existing Ellenor Hospice to provide 12 ensuite rooms consisting of a single storey extension at the eastern end to provide 5 single ensuite rooms with amenity space and nurses space and with 7 refurbished rooms within the existing hospice layout; construction of two storey addition on south side for offices, meeting rooms for well-being centre and additional outpatient facilities; provision of ambulance access from Marks Square; alterations and extension to existing car parking layout and provision of external storage and sub-station.

## Proposal

This application is for approval of condition 7 (i)(ii) attached to planning permission reference number 20220633 relating to the Specification for an Archaeological Brief.

### Submitted Plans and Documents

Application Form

Covering letter from David Hicken Associates, dated 27<sup>th</sup> June 2022

Specification for an archaeological watching brief by SWAT Archaeology

## Development Plan and other related Planning Policies and Guidance

The Development Plan for Gravesham currently 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 (2016, revised 2020)

### 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 application site lies within an **urban area** (Policy CS02) and adjoining a **key site** (Policy CS21) and Coldharbour Road is a **local distributor** in the highway network (Policies T1-T5) in the Gravesham Local Plan Core Strategy Policies Map

The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance to the consideration of this application:

Core Strategy Policy CS01: Sustainable Development

Core Strategy Policy CS02: Scale and Distribution of Development

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

Policy TC7: Other Archaeological Sites

### ***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 HER 4: Archaeology

### National Planning Policy Guidance

#### ***The National Planning Policy Framework (NPPF)***

The National Planning Policy Framework (NPPF) July 2021 is a material consideration. The following paragraphs are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered.

Section 2, Paragraphs 7 - 14: Achieving sustainable development

Section 4, Paragraphs 38 - 59: Decision Making

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 indicates that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

### 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.

There are no supplementary documents relevant to the consideration of this application.

## **Consultations, Publicity and Representations**

### ***Internal Consultations***

#### Ward Councillors

No comments received

### ***External Consultations***

#### Kent County Council Heritage and Conservation

I would be happy for the submitted WSI for an Archaeological Watching Brief to be approved as a first phase of archaeological mitigation at the site. As the condition is for field evaluation and then a second part for any subsequent mitigation works, I wonder if you can approve this WSI to allow development to comment but keep the planning condition in place in case we need to go down the route of trial trenching and/or mitigation excavation/continued watching brief?

### ***Publicity and Representations***

None required for discharge of planning conditions

## **Planning Analysis and Appraisal**

### Introduction

Planning permission was granted by the Borough Council to application reference 20190756 on 23 October 2019 for expansion and refurbishment of the existing Ellenor Hospice to provide 12 en-suite rooms consisting of a single storey extension at the eastern end to provide 5 single en-suite rooms with amenity space and nurses space together with 7 refurbished rooms within the existing hospice layout; construction of two storey addition on south side for offices, meeting rooms for well-being centre and improved outpatient facilities; provision of ambulance access from Marks Square; alterations and extension to existing car parking layout and provision of external storage and sub-station

The development permitted was for an additional 910m<sup>2</sup> made up of:

- (1) Inpatient Unit extension - 326m<sup>2</sup> (single storey)
- (2) Outpatient - 474m<sup>2</sup> (two storey)
- (3) Ancillary building (rear) - 60m<sup>2</sup> (single storey), and
- (4) External store and Workshop - 50m<sup>2</sup> (single storey).

The permission was subject to 19 planning conditions and various informatives.

The works to implement the planning permission have not yet commenced.

In 2021 planning permission was granted under ref 20211398 for variation of conditions 2, 10, 13, 14 and 16 attached to planning permission reference no. 20190756 for expansion and refurbishment of the existing Ellenor Hospice; to allow for phasing of the project, amendment of the design to accommodate measures to improve ventilation including minor increase in height, amendment to plant enclosure, various external amendments to doors, fenestration, fencing and hard surfaces etc., and relocation of parking due to anomalies in ownership areas. That application involved some minor design and layout changes including to the car parking layout.

In 2022 planning permission was given under ref 20220633 for a minor material amendment application for variation of conditions 8 and 9 attached to planning permission reference no. 20190756, as subsequently amended by planning permission reference no. 20211398, for expansion and refurbishment of the existing

Ellenor Hospice; to allow a phased development of the site in respect of the submission of details of materials, surface treatments and boundary treatments and in respect of details of external lighting.

This current application seeks approval for details of archaeology, namely Specification for an Archaeological Brief.

The application was originally submitted to discharge condition 7 of ref 20211398 but subsequently it has been agreed by the applicant's agents that this should now refer to condition 7 of application ref 20220633 as that more recent permission has effectively superseded two earlier consents.

### The Condition

The relevant condition is as follows:

7. Prior to the commencement of development the applicant, or their agents or successors in title, shall secure and implement:

- (i) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- (ii) Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded in accordance with adopted Gravesham Local Plan Core Strategy Policies CS19 and Policy CS20 and saved Gravesham Local Plan First Review Policy TC7 and section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF).

### *Submitted Details to discharge condition*

Covering letter from David Hicken Associates, dated 27<sup>th</sup> June 2022  
Specification for an archaeological watching brief by SWAT Archaeology

### *Analysis and Comments*

The specification for an archaeological watching brief by SWAT Archaeology provides details of:

- archaeological potential of the site
- objectives of the brief
- proposed groundworks
- method of the brief
- recording methodology
- reporting methodology, and
- report circulation.

The covering letter from the agent (DHA Planning) states:

It should be noted that it was agreed between Casper Johnson (KCC Senior Archaeological Officer and advisor to the Gravesham BC) and Paul Wilkinson (SWAT Archaeology) on 21 January 2021 that the first phase of archaeological works would take the form of an archaeological watching brief on groundworks for Area A of the development (*being the frontage of the site*). If significant remains are revealed during the watching brief, further archaeological measures may be required to secure mitigation on this part of the site. A decision would then be subsequently taken on the evaluation using trial trenches of the remainder of the site in advance of future development.

KCC Heritage and Conservation have indicated that the submitted WSI (Written Scheme of Investigation) for an Archaeological Watching Brief can be approved as a first phase of archaeological mitigation at the site but points out that the condition is for field evaluation and then a second part for any subsequent

mitigation works, and suggests that perhaps the Council can approve this WSI to allow development to commence but to keep the planning condition in place in case there is a need to go down the route of trial trenching and/or mitigation excavation/continued watching brief.

It is suggested that this is made clear in an informative in that the second part of the planning condition concerning further archaeological investigation, recording and reporting, will effectively be determined by the results of the archaeological field evaluation.

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## **Conclusions and Balancing Exercise**

The details submitted pursuant to this condition accords generally with national and local policy and notably policies CS11 (Transport) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 and the National Planning Policy Framework (NPPF) 2021, Section 9: Promoting Sustainable Transport, Section 12: Achieving well-designed places and Section 15: Conserving and Enhancing the Natural Environment.

KCC Heritage and Conservation have advised that the submitted WSI (Written Scheme of Investigation) for an Archaeological Watching Brief can be approved as a first phase of archaeological mitigation at the site.

It is therefore recommended that approval be given to condition 7(i) of application ref 20220633 in relation to the WSI (Written Scheme of Investigation) for an Archaeological Watching Brief but that the condition cannot be fully discharged at this stage.

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## **RECOMMENDATION**

### **APPROVAL subject to informatives**

#### **Planning Conditions**

None

## **INFORMATIVES**

### **1 EXTENT OF THE APPROVAL**

For the avoidance of doubt approval is hereby given to the details submitted pursuant to condition 7 attached to planning permission reference number 20220633 and being WSI (Written Scheme of Investigation) for an Archaeological Watching Brief.

For the avoidance of doubt the approval is given for the submitted WSI (Written Scheme of Investigation) for an Archaeological Watching Brief as a first phase of archaeological mitigation at the site but planning condition 7 is not fully discharged at this stage in case there is a need to go down the route of trial trenching and/or mitigation excavation/continued watching brief.

It does not amend the permission or discharge any of the other planning conditions relating to that permission subject to those planning 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

Covering letter from David Hicken Associates, dated 27<sup>th</sup> June 2022

Specification for an archaeological watching brief by SWAT Archaeology

### 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) 2021, 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.

|                      |                                                                                   |                     |                              |
|----------------------|-----------------------------------------------------------------------------------|---------------------|------------------------------|
| <b>Case Officer:</b> | Mr Peter Price                                                                    | <b>Team Leader:</b> | Richard Hart                 |
| <b>Signed:</b>       |  | <b>Signed:</b>      | <i>R Hart</i>                |
| <b>Dated:</b>        | 22 <sup>nd</sup> August 2022                                                      | <b>Dated:</b>       | 22 <sup>nd</sup> August 2022 |

File Location: H: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20220705 - Delegated Report - Ellenor Coldharbour Road Northfleet - condition 7 of 20220633 re archaeological watching brief