

18th December 2024
Ref: 2022-067

Wendy Lane

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Dear Wendy,

Site: Former Gravesend & North Kent Hospital (M Block), Bath Street, Gravesend, Kent

Applicant: Strawberry Star SL1 Limited

Planning Portal Reference: PP- 13621245

On behalf of Strawberry Star SL1 Limited, Newsteer hereby submits a request to vary planning conditions under Section 73 of the Town and Country Planning Act to amend the trigger point associated with Conditions 5, 7, 8, 9, 10 and 11, attached to planning application (ref: 20220915) at the Former Gravesend & North Kent Hospital (M Block) Bath Street Gravesend Kent.

Background

Permission was granted under application ref: 20190504 on 17th February 2022 for the following development:-

"Conversion of existing building with an 11-storey side extension and a single storey roof extension, the construction of a new residential building ranging from 3-6 storeys to provide 115 residential units consisting of 47 one bed units, 59 two bed units and 9 three bed units, together with associated parking for 69 cars, 6 motorcycles and 212 cycles, amenity space, private gymnasium and waste and a B1, D1 and D2 flexi use space."

The description of development was subsequently amended on the ref. 20220915 to reflect: -

"Conversion of existing building with a side extension and a roof extension, the construction of a new residential building to provide residential units (class C3) consisting of one bed, two bed and three bed homes, together with associated car parking, motorcycle and cycles spaces alongside amenity space, private gymnasium and waste and space in Class E as flexi use space."

Following the approval of application ref. 20220487 a S73 was sought and approved amending the Block M element of the scheme to ensure buildability and overall building performance. The changes approved under application ref. 20220915 are summarised as; amendments to the internal layout of the conversion building; a minor increase in height; provision of enhanced internal and external communal amenity space for future residents; and, an adjustment in unit numbers from 63 units to housing 61 units.

Seeking to commence delivery, the Application has begun the discharge of conditions process having submitted initial condition information under planning portal ref. PP-13620009.

Proposed Amendments

To commence delivery as soon as possible the Applicant is seeking to amend the trigger point of 5no. conditions. As detailed below, the amendment to trigger point timing will ensure the LPA retain security regarding detailed delivery matters prior to their implementation without resulting in delays to on Site works.

The proposed deletion is shown in ~~strike through~~ and insertion in red underline.

Condition 5 – Contamination

No ~~development~~ below groundworks shall be commenced until a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, has been submitted to and approved in writing by the Local Planning Authority.

a) A site investigation, based on the findings of the submitted Phase 1 Desk Study, ref 2461_FP01.0-2019, from Lustre Consulting dated April 2019, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

d) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

e) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

Reason: To ensure that the development is carried out safely in the public interest and in accordance with best practice and with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Contamination assessment and risk are associated with work connected to earth movement and below ground works. As the scheme, in part, comprises the conversion of an existing building there are a number of preparatory works that can be undertaken without affecting contamination assessment / potential. The amendment to this condition ensure that control over potential contamination is retained whilst allowing works to start on Site.

Condition 7 – Surface Water Drainage

No ~~development~~ groundworks shall be commenced in any phase 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 be based upon the Flood Risk Assessment prepared by Herrington Consultants, dated May 2019, and 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 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

Reason: In order to ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on or off-site flooding, in accordance with Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

Consistent with the approach to Condition 5, the proposed scheme includes above ground works to an existing building that will not affect the implementation of a sustainable surface water drainage scheme in future. Amending the trigger point for this condition will allow commencement on Site whilst retaining the security that a surface water drainage scheme will suitably design and implemented.

8. Verification Report

No below ground works ~~development~~ shall be commenced in any phase until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework 202 and Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

In step with the proposed amendments to Condition 7, the amendment to Condition 8 seeks to enable the implementation of works on Site that will not be affected by the implementation of a surface water drainage scheme. The amendment to the trigger point allows work to the point of verification allowing for the sequential approach to conditions 7 and 8.

Condition 9 – Water Contamination

No development (excluding works to the existing Block M) shall be commenced until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy must include:

- 1) A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site
- 2) A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) 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 in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The site lies over a principal aquifer and to ensure that the development does not contribute to or is 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 2021 and Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

The proposed amendment seeks to move the trigger point to allow for the implementation of the development and commencement of works to the existing building without affecting the risk of water contamination. The amendment will retain the need for the submission of a strategy to deal with potential contamination prior to ground works.

Condition 10 – Foul and Surface Water

No development groundworks shall be commenced until details of the proposed means of foul and surface disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be implemented in accordance with the approved details.

Reason: To ensure the development protects the groundwater environment of the site and its locality generally and is compliant with the National Planning Policy Framework 2021. Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing

development from contributing or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

The amendment to the trigger point for condition 10 seeks to align with proposed amendments to Condition 7 which deals with surface water drainage. As detailed above, the implementation of elements of the scheme are not dependent on foul and surface water drainage and this amendment seeks to allow for these matters to progress whilst the scheme is developed.

Condition 11 – Heritage and Archaeology

No ~~development~~ below ground works shall be commenced until the applicant, their agents or successors in title have secured the implementation of:

- a) 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*
- b) Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigations and recording 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 and that due regard is had to the preservation in situ of important archaeological remains in compliance with Policy CS20 of the Gravesham Local Plan Core Strategy 2014.

Consistent with the approach to contamination, the submission of an archaeological field evaluation is not connected to works occurring above ground level. Amending this trigger point will allow implementation of the proposal whilst retaining the relevant heritage and archaeology protections for the Site as a whole.

Summary

As detailed above, the proposals do not seek to materially alter the detail included in the proposed conditions, however seek only to ensure timely progress for the development. Accordingly, it is considered that the amendments sought be considered an overall benefit to the scheme and housing delivery in the borough.

We trust the enclosed provides you with adequate information to register and process the application, however, should require any further information, please contact me at this office (020 3151 4850) in the first instance.

Yours sincerely,



Paul Manning

Planning Director

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