



Delegated Report

Submission of Details to Discharge Conditions

Planning Application No: 20250222

Location: Former Site Of Battle Of Britain Coldharbour Road Northfleet Gravesend

Description: Application for the approval of condition 5 (Tree Protection Measures), condition 8 (Boundary Treatments), condition 9 (Plant and Equipment) and condition 10 (Noise Control) attached to planning reference number 20231182.

Applicant: Mr Neil Dobbie, Simply Construct

Submitted Documents/Plans

Application Form

2271_00_005 Rev W – Site Plan as Proposed

2271_00_007 Rev B – Site Plan Setting Out to Tree Protection Fences

2271_00_105 Rev H – Roof Plan as Proposed

2271_00_203 Rev P – Proposed Street Elevations

2271_00_208 Rev A – Proposed Street Elevation to North Boundary

2271_90_510 Rev F – Fence Details

2271_90_513 Rev B – Refuse Store Details

2271_90_515 Rev D – Plant Compound Details

Arboricultural Impact Assessment – 29 April 2025

Tree Report - 29 April 2025

Cover Letter

Noise Assessment

Plant Noise Assessment

Fencing Brochure

Superseded Plans:

~~Arboricultural Impact Assessment – 25 October 2024~~

~~Tree Report – 28 April 2025~~

~~2271_00_005 Rev V – Site Plan as Proposed~~

~~2271_90_510 Rev D – Fence Details~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20231182	Application for the variation of condition 2 attached to planning reference 20221251 for the construction of a care home (within Class C2) associated parking, access, drainage, boundary treatments, landscape and other associated works; to allow the increase of 65 bedrooms to 75 bedrooms and the provision of a basement.	Permitted	12.03.2024
20221251	Construction of a care home (within Class C2) associated	Permitted	20.06.2023

	parking, access, drainage, boundary treatments, landscape and other associated works.		
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Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS11 – Transport
- CS18 – Climate Change
- CS19 – Design and Development Principles
- CS20 – Heritage and the Historic Environment

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Guidance Note 12 – Arboricultural Association
- Kent Design Guide (2006)

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection Team

Condition 9 – Plant & Equipment:

The submitted details are fine and show the locations of the relevant plant/equipment and also associated screening to reduce noise levels. The details have been considered in conjunction with the noise assessment (see comments below) and there is no objection to the condition being discharged.

Condition 10 – Noise control

The Acoustic Impact Assessment by Hawkins Environmental dated 26th February 2025 has been reviewed. Appropriate noise measurement have been made and reference made to the relevant guidance/standards. With regards to the ASHP and refrigeration plant planned for the site, without mitigation, the rating level of the noise from the plant may be problematic (and also exceeds the criteria of the condition ie; 10 dB below existing background) at rooms on the site itself and also at some existing premises close to the site. Therefore, acoustic enclosures providing a minimum sound reduction of 9dB are advised. This addresses part d) of the condition.

Parts a), b) and c) of condition 10 regarding compliance with noise levels in BS8233:2014 have been met by the earlier 'Noise Assessment' also by Hawkins Environmental dated 15th August 2022. Glazing

and ventilation specifications have been given in this report and provided the build is in accordance with these specifications, the internal noise levels will be met. With regards to the external amenity areas, the noise levels will be below the upper guideline value will be met with additional screening being provided by the building so further reducing the noise levels. This is acceptable.

Based on the above, the condition can be discharged.

Officer's Analysis

This application seeks approval of details submitted to discharge condition 5, 8, 9 and 10 of planning reference 20231182.

The wording of Condition 5 is as follows:

5. *No development approved by this permission shall be commenced until details of tree protection measures during construction, is submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

No vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s). Upon completion of the construction works and before the first occupation of the development on the site the trees shall be inspected by a competent tree surgeon and any necessary works to tidy the trees and maintain their health shall be undertaken.

Reason: To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (2014).

Condition 5 has previously been considered acceptable under planning reference 20240378. However, alterations have been made relating to trees and so the applicants have resubmitted this to bring the new Tree Protection Measures into compliance. The updated Arboricultural Impact Assessment and Arboricultural Method Statement have been supplied to address this condition. The changes made include; removal of 2 trees located to the south eastern boundary with St Clements Close (T9 and T10). The location of the trees means that they are compromised by existing hard surfacing and fencing. The applicant/agent has advised that the trees must be removed in order to provide ramped, step free, wheelchair accessible routes which were negotiated to be retained under recent approved application for non material amended reference 20240987, which was put before planning committee on 8th January 2025. They also note that the community Baptist Church have raised concerns regarding the overhanging of the trees and potential harm to the congregation. These two trees are not protected. As these trees would be removed the tree protection fencing and geo-textile would also not be applied in this area as previously approved as it would be unnecessary.

The geo-textile membrane, and no dig area with tree-protection fencing would be maintained for T1 which is protected. The site plan provided also shows indicative new planting which would mitigate for some of the planting loss. It is noted that at this stage, this is indicative only as soft landscaping is yet to be determined by condition 18 of the original application.

The wording of Condition 8 is as follows:

8. *Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence, full details of all boundary, treatments, including their design, height and materials, and the access thereto including similar details of any vehicular or pedestrian gates to the access and communal areas of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the dwellings hereby permitted are first occupied and thereafter maintained.*

Reason To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (2014) and section 12 (Achieving well- designed and beautiful places) of the National Planning Policy Framework (NPPF) 2023.

To address this condition the Site Plan as proposed provided details of different boundary treatment types throughout the site. Elevational details are also provided.

The following types of fencing are proposed:

- 1.8m high Black weld mesh fence (Type A)
- 1.5m high Bow Top fence (Type B)
- 1.5m high Decorative fence (Type C)
- 2.0m high Timber screen fence (Type D)
- 2.0m high Acoustic Timber screen fence (Type E)
- 2.5m high Acoustic Timber screen fence (Type F)
- 1.8m High Existing timber screen fence.

Fence type A would be located along part of the south eastern boundary adjoining St Clements Catholic Church, with the remainder of the boundary treatment to remain as the existing 1.8m high timber fencing. Fence type B would be located to the north west and south west boundaries , fronting both Coldharbour Road and New House Lane. Fence Type C would be located along a short stretch besides the new access from New House Lane. Fence Type D would surround the bin store within the site. Fence Type E and F would surrounding the Air Source Heat Pump compound. Fence type A, B and C would be black in colour. The remaining fence types are timber. It is considered that the resultant appearance would be of a high quality with an appropriate mix of designs, reasonable heights position and extents.

The wording of Condition 9 is as follows:

9. *Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence full details of the installation of any external plant and servicing equipment on the building including roof top plant, lift overruns, solar PV or solar thermal equipment and kitchen extraction equipment or other ventilation have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include the siting, external appearance and any proposed screening. Those works shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building and thereafter maintained*

Reason In the interest of the amenities of residential properties and the area generally and in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (2014) and section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) 2023.

To address this condition the plans provided detail, the position of the Air Source Heat Pumps to the north-east of the site, adjacent to the substation. It would be surrounded by 2-2.5m high acoustic timber screen fence. This is labelled at fence type E and F on the plans, with corresponding elevation detail provided. This has the appearance of a standard timber boundary fence and given the position to the edge of the car park and close to the adjoining site, which forms Shears Green Infant School, this would offer an appropriate appearance and level of physical protection for those attending the school. GBC Environmental Protection have advised that the details when considered in conjunction with the Noise Assessment (see below) would be appropriate.

The wording of Condition 10 is as follows:

10. *Notwithstanding the details shown on the approved plans, submitted documents and*

application form, before any above ground works commence, a suitable noise impact assessment demonstrating compliance with the following requirements, including details of the glazing and ventilation strategy and their respective noise reduction values, shall be submitted to and approved by the Local Planning Authority:

- a) The internal ambient noise levels in all habitable rooms of the residential dwellings shall not exceed the guideline LAeq values in Table 4 of BS 8233:2014*
- b) The maximum internal noise levels in all habitable rooms should not normally exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.*
- c) External areas shall be designed and located to ensure that amenity areas do not exceed 50 dBLAeq, 16hr. If a threshold level relaxation to 55 dBLAeq, 16hr is required for external areas full justification should be provided.*

Where relevant, the rating noise from fixed building services/mechanical plant/equipment associated with/in the vicinity of the development (e.g. the air conditioning unit or similar) shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings, traffic) when measured and assessed in accordance with BS4142:2014+A1:2019.

Any mitigation measures recommended in the noise impact assessment shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building and thereafter maintained. Where compliance with the above criteria will rely on closed windows, the development must include sufficient and suitable ventilation to affected residential dwellings by means other than opening windows to ensure that the internal noise levels required by the above conditions can be retained all year round.

Reason In order to safeguard the living conditions of the future occupants of the residential units and pursuant to Policy CS19 of the Gravesham Local Plan: Core Strategy (2014) and paragraph 191 of the National Planning Policy Framework (NPPF) 2023.

To address this condition a Noise Assessment and Acoustic Impact Assessment have been submitted. The Noise Assessment concludes that due to noise from surrounding roads and the wider environment, the site is considered a medium risk site. Therefore, to bring the site forward noise must be considered and mitigated. It identifies that this can be appropriately mitigated using suitable glazing and ventilation. The Acoustic Impact Assessment concludes that the proposed VRF and ASHP units would ensure that the rating sound levels from all plant within the ASHP and VRF compounds at the nearest noise sensitive receptors, would be at least 10dB below the background level by installing acoustic enclosures. The comments received from GBC Environmental Protection, advise that the conclusions of the Noise Assessment, are acceptable and appropriate glazing and mitigation would mitigate external site noise from impacting users of the care home. This would address parts a, b and c of the condition appropriately. However, GBC Environmental Protection advise that with regards to the ASHP and refrigeration plant planned for the site, without mitigation, the rating level of the noise from the plant may be problematic to rooms on the site itself and also at some existing premises close to the site. Therefore, acoustic enclosures providing a minimum sound reduction of 9dB are advised. As the proposed acoustic fencing provides a noise mitigation of 32dB as confirmed by the acoustic fence detail and the planning agent separately, this addresses part d) of the condition and the occupiers of the rooms would not be impacted by noise from the proposed plant.

Conclusion

The details submitted to discharge condition 5 (Tree Protection Measures), demonstrates that the trees retained would be appropriately protected by no-dig measures, tree protection fencing and geo-textile cellular system surrounding relevant root protection area, The details submitted would meet the purposes of the condition which were; *to ensure that trees and other vegetation to be retained are not damaged during construction works.*

The details submitted to discharge condition 8 (Boundary Treatments) detail the position, extent, design and finished appearance of the fencing. It demonstrates that the boundary treatment would be of a high-quality appearance which would enhance the visual amenity of the area. The details submitted would meet the purposes of the condition which were; *to protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents.*

The details submitted to discharge condition 9 (Plant and Equipment) detail that it would be located in an appropriate position, nestled within the existing car parking area, set away from residences and with limited exposure to the streetscene. It would be discreetly located within an acoustic fence surround which would further protect the amenity of nearby residences and the occupiers of the future care home. The details submitted would meet the purposes of the condition which were; *in the interest of the amenities of residential properties and the area generally.*

The details submitted to discharge condition 10 (Noise Control) demonstrate that the occupiers of the care home would not be significantly impacted by external noise in the habitable rooms, external amenity and specifically from mechanical plant, surrounding roads and the wider environment. It would therefore meet the purposes of the condition which were *to safeguard the living conditions of the future occupants of the residential units.*

Recommendation

The recommendation is to approve the details submitted to discharge 5 (Tree Protection Measures), condition 8 (Boundary Treatments, condition 9 (Plant and Equipment) and condition 10 (Noise Control) of planning permission 20231182.

(see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	6th May 2025	Dated:	06 May 2025