

Delegated Report

Post Planning Committee

Application No:	20230136
Location:	Land At Worcester Close, Istead Rise, Gravesend, Kent, DA13 9LB
Description:	Construction of 8 new affordable rent residential units (Use Class C3) with associated vehicular and pedestrian access, car parking, cycle parking, refuse storage and landscaping.
Applicant:	Ms S Holmes, Gravesham Borough Council

Reason for Report

The purpose of this report is to:

- document the additional third-party comments received by the Local Planning Authority (LPA) since the Planning Committee resolution on 26th July 2023 and our consideration of the issues raised; and
- address any policy changes at a local and national level since the resolution of Planning Committee.

Application Background

A full planning application was submitted by Gravesham Borough Council on 20th February 2023 for the construction of 8 new affordable rent residential units, with associated vehicular and pedestrian access, car parking, cycle parking, refuse storage and landscaping.

The application was presented and determined at Planning Committee on 26th July 2023, where the following resolution was agreed:

That the Head of Planning is delegated authority in consultation with the Chair and Vice Chair to issue the planning permission and impose conditions and informatives, subject to the completion of the current departure notice period and completion of a unilateral undertaking.

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Should the Head of Planning consider that a different decision could have been reached by the Committee (having considered any further objections received) the application is to be reported back to the next meeting of Planning Committee.

The following documents are attached as appendices:

- Appendix 1 - Planning Committee Minutes
- Appendix 2 - Committee Decisions

Planning Policy Changes

Since the resolution of this application at Planning Committee changes have been made to the National Planning Policy Framework (NPPF). The 2023 NPPF has been the subject of minimal changes and was updated in relation to planning for onshore wind development in England. Therefore, officers consider that the changes to the NPPF do not impact the consideration of this application.

On 27th September 2023, the government set out the next steps for new housing, commercial and infrastructure developments to be nature positive in the Planning Practice Guidance (PPG). There will be new legislation to bring these rules into place and is the first step in providing a statutory footing for Biodiversity Net Gain (BNG), which will require developers for new housing, commercial and industry to deliver positive local environments by achieving 10% BNG and will come into place from January 2024. It is considered that these changes do not impact the consideration of this application. It should be noted that the proposal will deliver BNG through both on and off-site provision, with off-site provision including the planting of trees on a 3:1 ratio.

Secretary of State (Department for Levelling Up, Housing and Communities)

The Local Planning Authority were contacted by the Department for Levelling Up, Housing and Communities on 23 August 2023 regarding a call-in request for the application. The DLUHC required confirmation that the LPA were minded to approve the application, and requested a copy of the draft post-committee report in order to make their decision. The draft report was sent 12 October 2023 and the Secretary of State issued his decision on 18 October 2023, concluding that “the Secretary of State has decided not to call in this application. He is content that it should be determined by the local planning authority”.

Additional Third-Party Comments

Following the publishing of the Supplementary Committee Report on 25th July 2023, three responses have been received as of 27th November 2023.

The representations received have registered objections to the application and for clarity the objections have been summarised and separated into material planning considerations (only the material planning considerations are relevant to this decision) and other considerations (non-material planning considerations):

Material Planning Considerations

Green Belt

- Loss of Green Belt
- Inappropriate Location - brownfield land more appropriate

Unsustainable Location

- Capacity of physical infrastructure – Public/Surface Water Drainage
- Deficiencies in social infrastructure – Buses, Schools, Doctors, Dentists, etc.

Impact on Neighbour Amenity

- Loss of privacy
- Loss of light

Open Space

- Loss of amenity / open space

Impact on Public Right of Way (Bridleway)

Factual Inaccuracies / Errors in submission

- Dimensions / Measurements on plans are inaccurate

Other Considerations

- Pre-Application Consultation Event was not carried out correctly by the applicant**
- Questioning the legality of withdrawing from committee and advertising as a departure from the Local Plan
- Large number of objections

The objections received following Planning Committee have not raised any new material planning considerations that need to be considered further. The material planning considerations raised are as submitted and considered at the Planning Committee meeting on 26 July 2023.

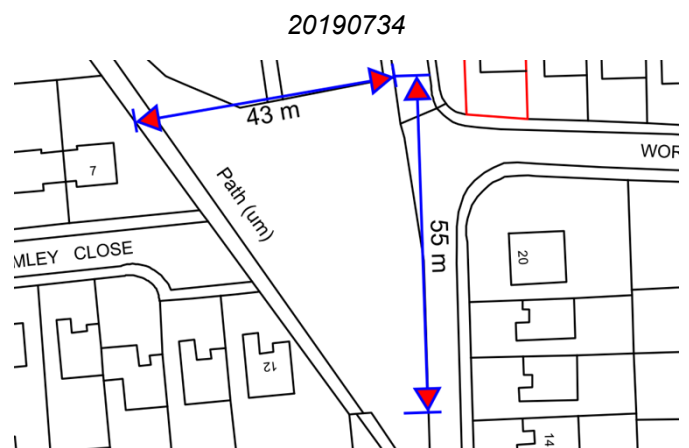
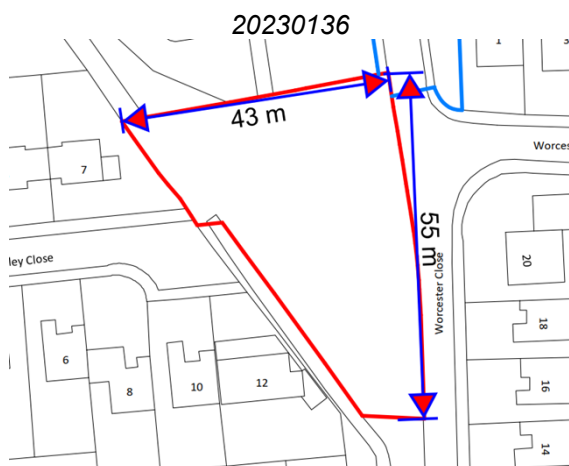
Therefore, the resolution remains as set out in the Planning Committee meeting minutes for 26 July 2023, ***“RESOLVED that the Head of Planning is given delegated authority in consultation with the Chair and Vice Chair to issue the planning permission and impose conditions and informatives, subject to the completion of the current departure notice period and completion of a unilateral undertaking.”***

**Note: the pre-application consultation event was undertaken by the applicant in accordance with paragraph 132 of the NPPF, which seeks applicants to work closely with the local community who would be affected by the proposal. However, the Local Planning Authority had no control or involvement in this process and therefore it is not a material planning consideration for this application.

Representations made on plan accuracy

Although no new material planning considerations have been raised following the resolution of Planning Committee and the expiration of the departure notice, continued concern has been raised by third parties regarding the accuracy of the submitted plans, which the Local Planning Authority wishes to clarify. The concerns raised specifically relate to the plans being out by approx. 4m, as well as the extension on no.7 Bramley Close not being accurately presented on the Ordnance Survey and Block Plans (Drawing nos. 'WCL-BPTW-S01-ZZ-DR-A-0102 - Rev. C01' / 'WCL-BPTW-S01-ZZ-DR-A-0103 - Rev. C01' / 'WCL-BPTW-S01-ZZ-DR-A-0112 - Rev. C01').

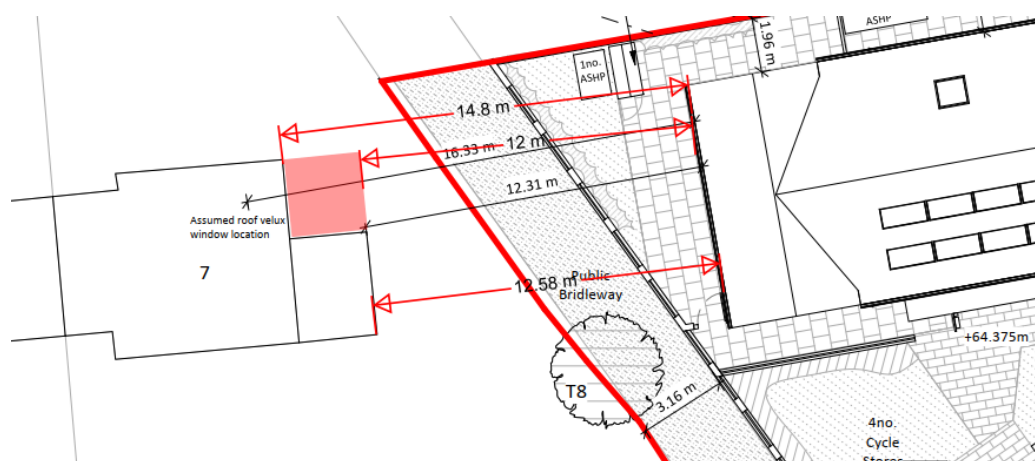
The agent was contacted in April 2023 regarding public concerns about the plans being inaccurate and they confirmed that the plans were taken from an Ordnance Survey base. Officers then corroborated these measurements to ensure that the plans provided were accurate, by using an application at 1 Worcester Close (ref. 20190734). The images below are taken from this application and the 1 Worcester Close application:



In relation to 7 Bramley Close, the Ordnance Survey mapping does not show the full depth of the side

extension but does show a projection that matches the width towards the principle elevation of the property. It is not unusual for Ordnance Survey mapping to not be up to date and show how a property has been extended, especially where there is no planning history for an extension. The Council concurs with the applicant that it is standard practice that, for buildings outside the red line boundary, the OS base is used. Equally the Council agrees that there is no expectation that an applicant would correct the OS base for buildings outside of the red line boundary.

The image below highlights the rear section of the extension which is not showing on the plan and provides dimensions:



The Committee Report includes an assessment of the impact of the proposed development on neighbouring amenity, including relevant properties on Bramley Close in paragraphs 6.117–6.121. In this section of the report the window-window distances were considered, with a 16.77m distance referenced to 7 Bramley Close. This measurement was taken from the Velux windows on the flank roof slope, which would face towards the development, as these windows would be viewable from the proposed development. The report highlighted that there could be overlooking into these windows, but to overcome this the flank (secondary) windows on the western wing of the proposed development would be conditioned so that they are obscure glazed and fixed shut. The Google Maps extract below, identifies the location of the Velux windows at 7 Bramley Close.



It is noted that the side extension includes glazing in the side elevation adjacent to the proposed development. The impact of the proposed development on glazing in the side elevation is not expressly

addressed in the Planning Committee report. However, the location and size of this glazing, limits the ability of both pedestrians using the bridle way and any potential occupiers of the proposed development, from looking into the property. This was clear during site visits undertaken by officers, where surrounding properties were viewed from public vantage points.

As such, it is considered that as set out in the Planning Committee report the privacy and amenity of the occupiers of 7 Bramley Close, can be addressed via suitable planning conditions, which obscures the relevant glazing panels in the proposed development.



(Google Maps Streetview - October 2016)

Therefore, although the Ordnance Survey mapping does not show the full extent of the extension to 7 Bramley Close, the plans submitted by the applicant are considered to be accurate.

Decision of Planning Committee on 26th July 2023

5b	20230136 - Land At Worcester Close, Istead Rise, Gravesend, Kent, DA13 9LB	RESOLVED that the Head of Planning is given delegated authority in consultation with the Chair and Vice Chair to issue the planning permission and impose conditions and informatives, subject to the completion of the current departure notice period and completion of a unilateral undertaking. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee. Should the Head of Planning consider that a different decision could have been reached by the Committee (having considered any further objections received) the application is to be reported back to the next meeting of Planning Committee.
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Planning Conditions

As per the decision of Planning Committee, the draft planning conditions and informatives were shared with the agent. The conditions were largely the same as those outlined in the Committee Report with some minor changes to improve consistence and change the trigger of some conditions. Further to this, a Construction Environmental Management Plan (CEMP) condition is required, for reference the CEMP condition would read as follows:

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The document shall cover all environmental impacts from the clearance and construction phases of this development

including details of the following, as well as any other measures deemed reasonably necessary:

- (a) Suitable mitigation measures to minimise noise pollution and vibration during the construction phase including the insulation of fixed plant and the silencing of vehicles and mobile machinery.*
- (b) A Dust Management Plan to minimise emissions to air and to prevent nuisance from wind-blown dust including fencing and the dampening down with water of excavated construction and cover materials on site, and other areas traversed by plant vehicles and machinery.*
- (c) A Construction Traffic Management Plan covering:*
 - Means of direct access to the site from the adjoining maintainable public highway*
 - Surface treatment of the access to avoid spill of migratory material on to the maintainable public highway.*
 - Details of numbers and routeing of construction and delivery vehicles to / from site*
 - Timing of deliveries and waste movement.*
 - Loading and unloading of plant and materials away from the maintainable public highway.*
 - Parking and turning areas for construction and delivery vehicles and site personnel.*
 - Type and location of wheel washing and chassis cleaning facilities.*
 - Temporary traffic management / signage.*
- (d) Details of the location of the proposed construction compound.*
- (e) Details of security fencing and other site security measures.*
- (f) Details of stockpile areas for building materials or for fill or removed topsoil.*
- (g) A Construction Drainage Design Plan to identify the required devices to prevent construction run off from flowing into existing drainage.*
- (h) Ecological mitigation measures.*
- (i) Measures to be undertaken to protect any public sewers and water apparatus.*
- (j) Details of vibration monitoring and mitigation during any necessary piling works.*
- (k) Details of temporary construction or security lighting; and*
- (l) Monitoring and review provisions with the Local Planning Authority.*
- (m) A Community Engagement Strategy covering how local residents, community groups and businesses will be kept informed about the development and construction timetable and works taking place, until completion of the development.*

The construction of the development shall adhere at all times and be carried out in full accordance with the relevant approved document or any subsequent variations that may be approved in writing by the Local Planning Authority.

Reason *To ensure that a suitable programme of all works is set out from the commencement of development, to demonstrate that the free flow of traffic on the highway and to minimise the impact on local residents and businesses, in accordance with policies CS11, CS12 and CS19 of the Gravesham's Local Plan: Core Strategy (2014).*

Unilateral Undertaking

A Unilateral Undertaking (UU) is a planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended). For the purposes of this development the UU will secure habitat mitigation contributions to the Thames Estuary and RAMSAR site (SAMMS) and for off-site mature tree planting within 2miles of the site, at a ratio of 3:1.

The UU was signed 27 November 2023.

Procedural Note

Following the signing of the Unilateral Undertaking and agreement of the extension of time, the application can now be determined in line with the resolution of planning committee 26 July 2023.

Recommendation

Permission subject to the agreed planning conditions and completed Unilateral Undertaking.

See draft decision

Case Officer:	Mr Ethan Bonthron	Head of Planning:	Mr Shazad Ghani
Signed:		Signed:	<i>S.Ghani</i>
Dated:	28 November 2023	Dated:	28 November 2023