



Delegated Report

Non-Material Amendment Application

Application no:	20220544
Location:	Land At Coldharbour Road Northfleet Gravesend
Description:	Application for non-material amendment to planning permission reference number 20141214 and the subsequent reserved matters approval under ref 20180041 to allow an amendment to the bin stores and collection points and associated landscaping in respect of specified plots.
Applicant:	Vistry Group
Site Visit Date:	24 June 2022; 23 October 2022

The Site and Surroundings

The application site comprises a large residential development of a mix of two and three storey private and affordable homes which is under construction on a roughly rectangular area of land extending to 17.46 hectares (43.14 acres) and comprising mostly former agricultural land north of Coldharbour Road and west of Wrotham Road, Northfleet, Gravesend approximately 2km south of Gravesend town centre.

The application site is being built jointly by Vistry Group (Bovis) and Persimmon Homes and is known as Watermans Park.

Construction commenced on the implementation of the housing development in 2019 following initial archaeological and ground preparation works with building works now well advanced on all phases of the development with circa 300 units now completed and/or occupied.

The whole site is accessed from an existing vehicular access from the south from the existing Morrison's roundabout in Coldharbour Road. A spur off the roundabout to provide for future development of the application site was constructed at the same time that the roundabout was originally built in 1994 to serve what was then the Sainsbury's supermarket.

Opposite the residential development now on the south side of Coldharbour Road is a further new development of a Lidl food supermarket and a (Kier) Trade City comprising 6 business units that was granted full planning permission in February 2020 (ref 20181271) and following approvals pursuant to various planning conditions both Lidl and some of the business units opened in Autumn 2021.

To the east of the Lidl store and Trade City is the Toby Carvery, a single storey restaurant which opened in 2013, and behind it the four storey Travelodge Hotel, which opened in January 2018.

To the west of the residential development site and opposite the Morrison's store is the Ellenor Hospice.

Planning History

The following table sets out the full planning history relating to the application site

Ref No	Description	Decision	Date
19910340	Outline application for development of land for: Site A - Construction of new roundabout and modification to the layout of Coldharbour Road Site B - Provision of Business Park (Class B1use) Site C - Residential development Site D - Provision of open space	Refused Appeal Dismissed	12.09.1997 24.08.2002
19980259	Outline application for residential development with access from Coldharbour Road	Refused Appeal Dismissed	26.06.1998 24.08.2002
20130594	Request for Environmental Impact Assessment (EIA) screening opinion in respect of proposed residential development for approx. 300 dwellings with open space and new structural landscaping	EIA not required	08.08.2013
20141214	Outline planning application for the development of up to 400 new homes and associated infrastructure including provision of open space, with access off Coldharbour Road.	Permitted subject to conditions and s106 legal agreement	11.01.2018
20180041	Reserved Matters Application for the approval of details of appearance, landscaping, layout and scale pursuant to outline planning permission reference number 20141214 for residential development for up to 400 new homes, including details pursuant to conditions 4, 6, 7, 8, 10, 11, 14, 27, 28, 31, 32, 33, 35, 39, 44 and 45 and being: 4 - compliance with outline plans, 6 - compliance with density/storey heights, 7 - levels, 8 - design code, 10 - compliance with space standards, 11 - sustainable energy measures, 14 - noise levels, 27 - northern road link, 28 - pedestrian/cycle access, 31 - design of roads etc., 32 - vehicle parking, 33 - electric cabling, 35 - cycle parking, 39 - external lighting, 44 - existing trees/hedges, and 45 - ecology/biodiversity measures	Approval subject to informatives	23.07.2018
20180898	Application for approval of condition 25 (i) and (ii) attached to outline planning permission reference number 20141214 relating to details of archaeological field evaluation works and safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation.	Approved	10.04.2019
20190128	Application for approval of details pursuant to conditions 9, 12, 13, 20, 21, 22, 24, 37 & 38 attached to outline planning permission reference number 20141214 and being: 9 - Materials, 12 - Affordable Housing, 13 - Contaminated Land Remediation Strategy, 20 - Public Sewer Diversion and Protection, 21 - Foul and Surface Water Sewerage Disposal, 22 - Water Infrastructure/Resource Plans, 24 - Sustainable Urban Drainage (SUDS) Scheme, 37 - Open Space Delivery, and 38 - Crime Prevention Measures	Approved	07.10.2020

20190159	Application for approval of details pursuant to condition 5 attached to outline planning permission reference number 20141214 relating to phase development programme.	Approved	16.07.2019
20190209	Application for the approval of conditions 15, 16, 17, 18 and 19 attached to outline planning permission reference number 20141214 relating to details of Environmental Management Plan/Code of Construction Practice, the proposed construction compound for each phase of the development including its extent, location, and access arrangements, the type and location of wheel washing facilities and chassis cleaning equipment and the parking/turning facilities (Bovis)	Approved	16.07.2019
20190507	Application for approval of details pursuant to condition 7 attached to outline planning permission reference number 20141214 relating to the revised details of existing and proposed levels of the site including finished floor levels of the buildings to be erected, sections through the site and adjacent land/buildings and any earth retention measures. (Bovis)	Approved	27.06.2019
20190543	Application for approval of details pursuant to conditions 15, 16, 17, 18, 19 attached to outline planning permission reference number 20141214 relating to Environmental Management Plan/Code of Construction Practice covering all environmental impacts from the clearance/construction phase of this development, details of the proposed construction compound for each phase of the development, details of the screening and treatment of the hoarding and/or fencing to the construction compound for the development or each phase of the development, details of the type and location of wheel washing facilities and chassis cleaning equipment to be provided on the site during the construction period for each phase of the development and parking / turning facilities shall be provided for site staff and for delivery vehicles in a location and of a size to be agreed prior to construction. (Persimmon)	Approved	16.07.2019
20190607	Application for a non-material amendment to reserved matters application reference no. 20180041 to allow house type swaps on Plots 49/50 with Plots 65/66, with the overall housing mix, tenure and numbers remaining as approved. (Bovis)	Approved	10.07.2019
20190866	Application for approval of details pursuant to condition 30 attached to outline planning permission 20141214 relating to details of the travel plan. (Bovis and Persimmon)	Approved	29.11.2019
20191148	Application for approval of details pursuant to conditions, 36, 40 (part), 41 and 42 (part) attached to outline planning permission 20141214 relating to new/replacement public footpaths, boundary enclosures and treatments relating to that part or	Approved	03.01.2020

	phase of the development, boundary stone and landscaping scheme. (Persimmon)		
20191298	Application for approval of condition 42 attached to planning permission reference number 20141214 for partial discharge relating to a detailed scheme of landscaping and tree and shrub planting including measures to enhance biodiversity, Phase 1 (Bovis Homes)	Approved	19.02.2020
20200228	Application for a non-material amendment to planning permission reference no. 20141214 to allow the correction of the tenure mix (Plots 157-162) - 6 x 1 beds and accommodation schedule (Block 4) and also to increase the size of the windows serving the living room on the gable end of plots 157-162 (Block 4) (Persimmon Homes)	Approved	17.04.2020
20200238	Application for part approval of condition 40 attached to planning permission reference number 20141214 relating to details of boundary enclosures and treatments, Phase 1 (Bovis)	Approved	28.04.2020
20200568	Application for approval of details pursuant to condition 29 and partial discharge of condition 40 attached to outline planning permission reference number 20141214, being 29: a shared cycleway and footway and 40: boundary plans Phase 2 and Phase 3. (Persimmon Homes)	Approved	28.09.2020
20200808	Application for a non-material amendment to the reserved matters approval under ref 20180041 relating to the strategic and detailed landscape masterplans and specifically allowing for the removal of some of the originally retained hedgerows and their replacement with new hedgerows made up of native species. (Persimmon and Bovis Homes)	Permitted	10.09.2020
20200948	Application for non-material amendment to reserved matters approval under planning permission reference number 20180041 to allow change of boundary treatments of plots 312 and 323 from 1.8m brick screen walls to 1.8m close boarded fencing. (Bovis)	Approved	26.10.2020
20201050	Application for part approval of conditions 40 and 42 attached to planning permission reference number 20141214 relating to boundary enclosures and treatments (condition 40) and a detailed scheme of landscaping (condition 42). (Bovis)	Approved	14.12.2020
20201331	Application for non-material amendment to planning permission reference number 20190128 to substitute the approved bricks Forterra Arden Special Reserve on Plots 123, 128-130, 155-156, 350-353, 356-360, 362-366, 369-370, 373 and 399 with Forterra Kirton Arden Red Brick. (Persimmon Homes)	Approved	18.01.2021
20211416	*REVISED DESCRIPTION* Application for a non-material amendment to planning permission reference no. 20141214 (re outline	Approved	05.07.2022

	planning application for the development of up to 400 new homes and associated infrastructure including provision of open space, with access off Coldharbour Road); to change the trigger for compliance with condition 34 from a trigger of 200 dwelling occupations until the completion of the improvements to the A2 (west) / A227 junction (as shown on drawing no. PHCOLDHARBOURRD.1/01, or such other scheme of works or variation substantially to the same effect, as may be approved) to such highway improvements to be commenced prior to Friday the Fifth of August 2022 and completed thereafter within 9 calendar months		
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Proposal

Revised Description:

Application for a non-material amendment to planning permission reference number 20141214 and the subsequent reserved matters approval under ref 20180041 to allow an amendment to the bin stores and collection points and associated landscaping in respect of specified plots.

Submitted Plans and Details, as revised

Application Form

Covering Letter from Boyer Planning (ref 20.6018) dated 23 May 2022

Drawing No GCHR-SITE-638 Revision P2

Drawing No 8092. PP.1.0: Additional/Revised Landscaping, submitted 20 October 2022

It relates to Plots 247, 248, 249, 250, 252 and 253 only within that part of the development built by Vistry Group - Bovis.

Details of the Development

The covering letter states:

In July 2018, a reserved matters application 20180041 was approved by Gravesham Borough Council. As part of this reserved matters application, the details of "Refuse Plans" were approved which showed the locations of bin storage points, communal bin storage points and bin collection points across all phases of the proposed development. Specifically, the following drawings which relate to plots in this part of the site are approved:

- *Refuse Strategy Plan Sheet 2 of 4: Drawing No 16.2047/SK32-2 Rev J;*
- *Refuse Strategy Plan Sheet 3 of 4: Drawing No 16.2047/SK32-3 Rev J*

Vistry wishes to amend the above plans to the following: • GCHR-SITE-632 Rev P1

The amended plan GCHR-SITE-632 Rev P1 shows the relocation of the bin stores and collection points from the rear garden of Plots 247, 248, 249, 250, 252 and 253 to the front. The amendment is required as steps have been inserted in the paths leading to the gardens of each plot which will require the future occupiers of these properties to drag the bins up the steps. This is not ideal and may cause difficulties to some people particularly when manoeuvring the larger bins. The new location of the bins and collection point to the front of the above properties are considered appropriate as they will be adequately screened and would not be visually intrusive in the street scene.

Note: The drawing reference in the covering letter is incorrect and should be Drawing No GCHR-SITE-638 Revision P2.

Subsequently an in response to case officer comments an additional plan has been submitted Drawing No

Development Plan and other Relevant Planning Policies and Guidance

As an application under S.96A of the Town and Country Planning Act the considerations turn to whether the proposals are non-material. The application is not assessed under the development plan.

Nevertheless, the most relevant local policy is Gravesham Local Plan Core Strategy Policy CS21: Land at Coldharbour Road Key Site. This indicates that:

Land north of Coldharbour Road

4.8.13 This will provide a residential development of around 500 dwellings with significant open space and biodiversity improvements and the provision of community facilities, potentially including a new primary school on-site. Off road pedestrian and cycle links will be provided in the eastern part of the site as part of suite of improved links facilitating connectivity between the town centre and the A2 corridor through the site.

Land south of Coldharbour Road

4.8.14 This will provide office and light industrial development in the form of an enterprise centre/incubation space of approximately 5,050 sq. m gross with pedestrian links to surrounding developments which provide facilities for workers and visitors.

It should also be noted that Gravesham Local Plan Core Strategy Policy CS19 (Development and Design Principles) states, amongst other things, that new development will incorporate appropriate facilities for the storage and recycling of waste.

Consultations, Publicity and Representations

Internal Consultations

GBC Waste Management

I understand the reasons for the changes and do support these changes however the changes need to ensure that there are suitable storage requirements for each property. Also, how will each property know where their bin storage is? Will the storage area be marked?

It will be the duty of the relevant householder to keep the area clean and tidy, the Council will not take responsibility for this.

Ward Councillors

No comments received

Publicity and Representations

None required for a non-material amendment type application

Planning Analysis and Assessment

Introduction

An outline planning application (20141214) was originally submitted to the Borough Council at the end of December 2014 and was reported to the Council's Regulatory Board meeting on 3 June 2015, where Members resolved, subject to the imposition of planning conditions and a s106 (of the 1990 Planning Act) legal agreement being entered into, to grant planning permission for up to 400 new homes, and associated

infrastructure (including the provision of open space). Delegated Authority was given at the meeting to the Service Manager (Development Management) to negotiate the terms of the s106 legal agreement and to agree any necessary minor revisions, amendments and additions to the planning conditions/informatives in consultation with the applicants.

The outline planning permission was finally issued on 11 January 2018 following the signing and completion of the s106 legal agreement.

The detailed reserved matters application including application for the discharge of planning conditions (and being 20180041 for Reserved Matters Application for the approval of details of appearance, landscaping, layout and scale pursuant to outline planning permission reference number 20141214 for residential development for up to 400 new homes, including details pursuant to conditions 4, 6, 7, 8, 10, 11, 14, 27, 28, 31, 32, 33, 35, 39, 44 and 45 and being: 4 - compliance with outline plans, 6 - compliance with density/storey heights, 7 - levels, 8 - design code, 10 - compliance with space standards, 11 - sustainable energy measures, 14 - noise levels, 27 - northern road link, 28 - pedestrian/cycle access, 31 - design of roads etc., 32 - vehicle parking, 33 - electric cabling, 35 - cycle parking, 39 - external lighting, 44 - existing trees/hedges, and 45 - ecology/biodiversity measures) was considered by the Council's Regulatory Board meeting on 18 July 2018 and was approved subject to informatives.

The site is being jointly developed by Bovis (Vistry Group) and Persimmon Homes.

There have been a series of other applications submitted on behalf of Bovis and Persimmon Homes to discharge various other planning conditions along with some applications for minor amendments to the details.

Assessment of the Proposal

This application for a non-material amendment to planning permission reference number 20141214 and the subsequent reserved matters approval under ref 20180041 is to allow an amendment to the bin stores and collection points in respect of specified plots.

It relates to Plots 247, 248, 249, 250, 252 and 253 only within that part of the development built by Vistry Group - Bovis.

The details of refuse plans were approved in July 2018 (under reserved matters approval ref 20180041) which showed the locations of bin storage points, communal bin storage points and bin collection points across all phases of the proposed development.

Specifically, the following drawings which relate to the above plots were the approved drawings:

- Refuse Strategy Plan Sheet 2 of 4: Drawing No 16.2047/SK32-2 Rev J
- Refuse Strategy Plan Sheet 3 of 4: Drawing No 16.2047/SK32-3 Rev J

The applicant's agent has stated:

The amendment is required as steps have been inserted in the paths leading to the gardens of each plot which will require the future occupiers of these properties to drag the bins up the steps. This is not ideal and may cause difficulties to some people particularly when manoeuvring the larger bins. The new location of the bins and collection point to the front of the above properties are considered appropriate as they will be adequately screened and would not be visually intrusive in the street scene.

Refuse Collection Points

In respect of the original GBC Waste Management comments the applicant's agent had advised:

Vistry confirms that the bin storage area will be marked with the house numbers. The location of the bin storage area will also be featured in information packs, and they will be distributed to the future occupiers of the new builds.

GBC Waste Management have subsequently commented that they are happy with the measures put in

place and have no further comments.

Visual Impact

Following a case officer site inspection in June 2022, it was indicated to the applicant's agent that there were some concerns with some of the proposed bin store locations visually, some that would take out some landscaping or in one case potentially impede ease of parking.

Photo Below: Bin storage next to Plot P251 (taken 24 June 2022)



The applicant agent responded in July 2022 commenting:

Our client, Vistry, has looked into this matter and noted there will be issues with moving the bin stores as suggested. The areas where the bins are stored in the photos will be on footpaths / walkways which should be kept clear for access to rear gardens and therefore they cannot propose bin stores in these areas. Whilst Vistry agrees with you that bin stores would be better located alongside fences, it is not possible to do so for Plots 247 or 251 as there is either no space or the space is taken up by parking. For Plot 250, Vistry has proposed the bin stores adjacent to the fence as suggested.

The only areas that could accommodate the bins are the areas shown below. The bin stores are small enclosures, designed to ensure that they are not visually obtrusive when viewed in the street scene.

Vistry has asked if they could keep the location of the bins in accordance with the current NMA application 20220544 submitted and perhaps offer some additional landscaping to offset the loss elsewhere on site?

As this NMA application affects only a small element of soft landscaping that has been previously approved, we would like to know if we could submit further details to you under this current NMA application to amend the landscaping detail or would the Council prefer if this matter was addressed by a new NMA application?

A revised landscaping plan was subsequently submitted on 20 October 2022 relating to Plots 247 248 249 250 252 and 253 only.

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme - what may be non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under s.96A. The proposed changes for to this application are minor and considered to be non-material.

Whilst the bin stores will still be prominent in the street scene the additional landscaping as now shown in the revised/additional landscaping will assist in mitigating the impact.

There is no conflict with Gravesham Local Plan Core Strategy policy CS19: Development and Design Principles.

Conclusions and Balancing Exercise

Having considered all issues and considered the development in the round it is considered that the amendments as proposed, and being to allow an amendment to the bin stores and collection points and associated landscaping in respect of specified plots, can be considered as non-material and are considered acceptable in replacement for the originally approved details and plans pursuant to outline planning permission reference number 20141214 and the subsequent reserved matters approval under ref 20180041 and can be APPROVED subject to informatives.

Recommendation:

Approval of Non-material Amendment

Case Officer:	Mr Peter Price	Team Leader:	Faye Hobbs
Signed:		Signed:	
Dated:	24 October 2022	Dated:	24 October 2022