



Planning Statement

LV21, ST ANDREWS QUAY, WEST STREET, GRAVESEND DA11 0BG – ICENI PROJECTS ON BEHALF OF GRAVESHAM BOROUGH COUNCIL, FEBRUARY 2024

a. Introduction

This Planning Statement has been prepared by Iceni Projects for Gravesham Borough Council ('GBC') (the 'Applicant') to accompany a Full Planning Application for the material Change of Use of the river bed at LV21, St. Andrews Quay West Street, Gravesend, DA11 0BG (the 'Site').

The proposed development comprises the following:

"Change of use of river to Use Class F1 – Learning and non-residential institutions to facilitate the permeant mooring of a vessel(s)."

This Planning Statement sets out the relevant background to the proposed scheme and demonstrates how the issues associated with the development have been addressed and how the proposal complies the statutory development plan and other material considerations.

The following documents have been prepared and are submitted to accompany the planning application. The scope of this planning application has been agreed with Shazad Ghani, Head of Planning:

Table 1: Planning Documents

Planning Document	Consultant	
Application Form	Iceni Projects	
Planning Statement	Iceni Projects	
Heritage Statement	Iceni Projects	
Flood Risk Assessment with Evacuation Plan	Aegea	
Plans and Drawings	Reference	Scale
Site Plans	4004 -LBXXXXDU102000	1:125
Elevation	4004 -LBXXXXDU104000	1:125
Sections	4004 -LBXXXXDU105000	1:125
Block Plan	4004 -LBXXXXDU101001	1:500
Location Plan	4004 -LBXXXXDU101001	1:1,250

The remainder of this Planning Statement is structured as follows:

- Section B – Relevant Background
- Section C – Proposed Development
- Section D – Planning Policy Context and Analysis

- Section E – Planning Balance and Conclusion

b. Relevant Background

LV21 Vessel

Built in 1963, *Light Vessel 21* is a 40 metre long, 8 metre wide, steel-hulled red lightship. We understand it has been moored in its current position ('the site') since 2017. LV21 was retired from service in 2008. It is currently in use as a floating cultural hub (heritage facility, art space and performance facility) - Use Class F1.

The vessel is open to the public for cultural/ tourism use, to provide a cultural and heritage focus for the quayside. This forms part of GBC's overall regeneration strategy for Gravesend. There are no fixed opening times. The opening times are dependent on when projects and events are taking place on the vessel.

The Site comprises 12 mooring bollards (6 x 10 tonne and 6 x 20 tonne) located on top of the river wall and three concrete access ramps located adjacent to the river wall. The central access ramp has a metal access platform which provides access to the LV21.

The Site

LV21 is located on the River Thames, on the riverfront to the north of St. Andrews Gardens. St. Andrews Gardens is a formal open space. The site is located immediately adjacent to the Gravesend Town Centre Opportunity Area (the Opportunity Area does not extend to the River).

The riverside adjacent to where the boats are proposed to be docked is a Conservation Area. There are a number of listed buildings in proximity to the site including the Town Pier (Grade II* to the west, the Royal Pier to the east (Grade II), the Three Daws Public House, St Andrew's Arts Centre and The Mission House (all Grade II). There is also a scheduled ancient monument to the east (Gravesend Blockhouse).

Requirement for Planning Permission

Legislative Context

Planning permission is required for the permanent mooring of the LV21 vessel at Gravesend as it is considered to fall within the definition of development as defined by The Town and Country Planning Act 1990 ('the Act').

Section 55 of the Act defines "development", as (own emphasis added):

"the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".

Change of use

In planning terms, the Court of Appeal determined¹ that water is viewed as land for the purposes of consideration of planning matters under the Act.

The same case law determined that the ordinary use of the Thames is *"the activity of ships boats and other vessels passing over the water for the purposes of navigation, commerce trade and intercourse"*. If an activity involves more than the use of the river for navigation purposes it is likely a change of use has occurred.

¹ *Thames Heliports Plc v London Borough of Tower Hamlets* "(1997) 74 P & CR 164

application site for boats in the process of navigating the river would not constitute a material change of use.

The installation of the existing mooring bollards at the application site would have been engineering operations which would have required planning permission. No planning permission or lawful development certificate exists for these moorings but the Council accepts these have been in place since 2011 (for the six 10 tonne bollards) and 2017 (for the six 20 tonne bollards). Therefore, as they have been in existence for a period in excess of four years, then no enforcement action may be taken against them and these benefit from deemed consent.

Accordingly, these associated structures do not form part of this planning application.

d. Planning Policy Context and Analysis

Section 38(6) of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise. This section identifies the principal planning policy considerations which have informed the development proposals, and which provide the context for the consideration of this planning application, as well as other material considerations. The current development plan consists of:

- Gravesham Local Plan Core Strategy, 2014;
- Saved policies from the adopted Gravesham Local Plan First Review, 1994; and
- The Kent Minerals and Waste Local Plan 2020.

Other material considerations include:

- National Planning Policy Framework (Dec, 2023);
- National Planning Practice Guidance (2023)

Statutory Development Plan

Local Plan Core Strategy Policies:

Policy Number	Policy Synopsis
CS01	Sustainable Development ensures that planning applications that accord with the policies in the development plan will be approved, without delay and will apply the presumption in favour of sustainable development and work proactively with applicants to find solutions to approving application wherever possible.
CS02	Scale and Distribution of Development aims to revitalise the Gravesend Town Centre Opportunity Area as a focal point for leisure, culture and tourism facilities.
CS05	Gravesend Town Centre Opportunity Area states that this area will be the principal focus for town centre related economic and social activity in the Borough, taking advantage of its heritage and riverside setting. The Council will support and enhance leisure, cultural and tourism provision in this area.

CS07	Economy, Employment and Skills states that the Council will seek to deliver new employment floorspace which includes culture and leisure space in Gravesend Town Centre. It also supports the expansion of river related employment, particularly where it supports the continued use of the River Thames.
CS09	Culture and Tourism seeks to maximise opportunities for expansion in culture and tourism related activity derived from its rich and diverse heritage assets, including greater use of the river, the appeal of Gravesend as a heritage riverside town. It will seek to protect and support existing cultural and tourist facilities.
CS18	Climate Change and Flood Risk requires proposals in areas at risk of flooding be accompanied by a Flood Risk Assessment and Flood Risk Management Plan if required.
CS20	Heritage and the Historic Environment highlights the Council's high priority towards the preservation, protection and enhancement of its heritage and historic environment. Proposals will be supported which preserve and enhance the significance of heritage assets and their setting where it contributes to the significance of the asset and their interpretation and enjoyment.

Saved policies from the adopted **Gravesham Local Plan First Review, 1994** include the following:

TC3 – The Borough Council will expect applications to contain sufficient details to enable to impact of the proposal upon the conservation area to be assessed.

Other Material Considerations

National Planning Policy Framework (2023)

The National Planning Policy Framework (NPPF) (2023) provides the planning policies for England and how these should be applied. This section provides an overview of the Government's national planning policy and guidance that is relevant to the proposed development. Additional guidance is contained with the Planning Practice Guidance (PPG).

Table 1.1 Relevant National Planning Policy

Achieving Sustainable Development	Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF highlights that achieving sustainable development has three overarching objectives – an economic, a social and an environmental objective, which are interdependent and need to be pursued in mutually supportive ways: • an economic objective – to help build a strong, responsive and competitive economy;
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	• a social objective – to support strong, vibrant and healthy communities; and • an environmental objective – to protect and enhance our natural, built and historic environment. Paragraph 9 of the NPPF states that planning decisions should play an active role in guiding development towards sustainable development solutions, but in so doing, should take local circumstances into account, to reflect the character, needs and opportunities of each area.
Decision Taking	Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, and identifies how decision taking should be undertaken. Paragraph 11 C states development proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 12 highlights that local planning authorities may take decisions that depart from an up-to- date Development Plan, but only if material considerations in a particular case indicate that the Plan should not be followed.
Building a strong, competitive economy	Paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development
Ensuring the vitality of town centres	Paragraph 90 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. This includes allocating a range of suitable sites to meet anticipated needs for leisure and main town centre uses.
Promoting healthy and safe communities	Paragraph 97 highlights the need to provide social, recreational and cultural facilities and services the community needs and should plan positively for the provision of shared spaces, and guard against the unnecessary loss of valued facilities.
Meeting the challenge of climate change, flooding and coastal change	Paragraph 165 states that where development is necessary in areas at risk of flooding, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 also indicates that applications should be supported by a site-specific flood risk assessment. Development should be allowed where

	it is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment, any residual risk can be safely managed and safe access and escape routes are included where appropriate, as part of an agreed emergency plan. Paragraph 174 confirms that minor development and changes of use should not be subject to the sequential or exception tests but should still meet requirements for site-specific flood risk assessments.
Conserving and enhancing the historic environment	Paragraphs 200 to 204 state that applications are required to describe the significance of any heritage assets affected, including contribution to their setting and that proposals should avoid or minimise any conflict with any aspect of the heritage asset's conservation. In determining applications, the desirability of new development making a positive contribution to local character and distinctiveness should be taken into account. Paragraph 205 to 209 consider the potential impacts to heritage assets and state that great weight should be given to assets conservation. Any loss or harm to the significance of a designated heritage asset should require clear justification. Local Authorities should refuse consent, unless it can be demonstrated the loss is necessary to achieve substantial public benefits that outweigh that harm or that it prevents all reasonable uses of the site, no viable use of the asset can be found in the medium term or the loss is outweighed by the benefit of bringing the site back into use.

Planning Analysis

The Local Plan Core Strategy sets out a strategic approach to development.

The site in our view effectively forms part of the Gravened Town Centre Opportunity Area (it is excluded from the boundary as the Opportunity Area does not include the River Thames, but land which is taken to access the boat is within the defined area).

Core Strategy Policy CS05 highlights that this Opportunity Area will be the principal focus for town centre economic and social activity in the Borough; which will be achieved, amongst other things, by taking full advantage of its heritage and riverside setting. The Opportunity Area seeks to reinforce Gravesend's character as a riverside heritage town; and the proposals would help Gravesend achieve this. Specifically, Policy CS09 seeks to maximise opportunities for culture and tourist facilities and support their enhancement. The expansion of river related employment activity is also supported through Policy CS07.

The proposed Vessel, LV21, is a floating cultural hub (heritage facility, art space and performance facility), which holds a series of events. This provision is in line with the aspirations of the Opportunity Area, delivering significant economic and social benefits, and enhancing this riverside location for the public in accordance with policies, CS02, CS05, CS07 and CS09.

The proposal, which is located in a highly accessible town centre location is not considered to give rise to any adverse impacts in highways terms.

Flood Risk Assessment and Evacuation Plan

Aegea has undertaken a Flood Risk Assessment with Evacuation Plan to accompany this application. An assessment of the risk of flooding from all sources has been included. A Sequential and Exception Test are not deemed required in line with the NPPF, given that the proposal is for a change of use (Paragraph 174).

The assessment shows that whilst the boat is not expected to flood from tidal/fluvial water, St Andrews Quay does not benefit from flood defences. As such, access/egress would be affected and the evacuation plan has been completed as a result. The site is not affected by pluvial flooding and the risk to the proposed development is considered low. Safe access / egress should be possible between the 'Low' and 'Medium' risk events, provided users egress the area towards the southeast of Crooke Lane. The site is considered to be at low risk from reservoir, groundwater, sewer and canal flooding.

With respect to flood evacuation, the site owner and management company should sign up to the EA Flood Warning Service for the Gravesend and Northfleet location and Met Office Severe Weather Warning Service. Prior evacuation of the site should be sought as soon as a flood warning is issued by the Environment Agency and before a severe flood warning is issued.

Overall, the Flood Risk Assessment and Evacuation Plan demonstrates there is an acceptable level of flood risk to the site, as long as a Flood Evacuation Plan is in place and establishes safe evacuation procedures. The proposed development therefore accords with the NPPF and Policy CS18 of the Local Plan.

Heritage

The site is adjacent to the Conservation area and there are a number of designated heritage assets in close proximity to the site. Accompanying this application is a Heritage Impact Assessment. It describes the presence of LV21 in this location and its impact on the High Street Conservation as:

'strongly adds to the maritime character of the riverside and adds a contextual enhancement to many of the nearby structures associated with the areas maritime past. This is a positive effect on the character and appearance of the conservation area. The effects on the setting of the heritage assets within the conservation area boundary is also considered positive'.

The same is true for the impact on the Riverside Conservation Area. The contribution of LV21 to the setting of the conservation area is positive as it is specifically related to the riverside setting and preservation of its maritime history. It also acts as a visual draw which gives more opportunities for visitors to experience the conservation area.

The proposals would represent a significant benefit to the areas cultural heritage and tourism and would only impact positively upon the key features of the Conservational Areas.

In terms of impact on nearby Listed Buildings which include the Grade II* Town Pier and Grade II Three Daws Public House, St Andrew's Art Centre and The Mission House, it can be summarised that the LV21 lends the buildings a contextual aid in understanding the maritime history of the area and enhances the interest in, and historic connection to the riverside.

The LV21 would be entirely appropriate to the setting of these assets and the effects of the permanent mooring are considered to be positive. The proposed development therefore accords with Policy CS20 of the Local Plan and Saved Policy TC3, along with the relevant statutory tests.

e. Planning Balance and Conclusion

The NPPF states that the purpose of planning is to help achieve sustainable development. Paragraph 7 notes that the NPPF as a whole sets out the Government's view of what constitutes sustainable development, while paragraph 8 identifies three dimensions to sustainable development, comprising economic, social and environmental roles. It is our opinion that the three roles are mutually dependent and should not be taken in isolation.

The proposed development will bring a range of economic, social and environmental benefits to the local area and Borough. These include:

- Positive benefits for the local economy during operation including Full-Time Equivalent jobs and a use which will contribute to the vitality and viability of Gravesend Town Centre.
- Providing a strong visual interest in the Conservation Area and along the riverside, generating further footfall and spending at local businesses such as cafes, restaurants or shops, supporting the towns economic growth.
- Supporting the continued use of an art, culture, education and performance venue and the events and initiatives the venue delivers. This helps foster community engagement and provides a platform for local artists and performers. Schools and community groups also benefit from the curated experiences the venue provides.
- Highlighting the rich maritime history of the riverside area of Gravesend and contributing to a more comprehensive understanding of the area's rich history.
- The vessel's use will not detrimentally affect the environment, river or adjacent land.

This planning application has been prepared on behalf of GBC for a Change of Use of the river to allow for the permanent mooring of the LV21 vessel for cultural and educational purposes. It has been demonstrated within this Planning Statement that the proposals are in accordance with the statutory development plan and are therefore suitable in planning terms.

The proposed development will provide positive economic, social and environmental benefits, as demonstrated above, particularly in terms of the social and historic benefits associated.

Paragraph 11 of the NPPF applies the presumption in favour of sustainable development and requires decision makers to consider whether relevant development plan policies are up to date.

c) approving development proposal that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.

As the preceding planning analysis demonstrates, the scheme accords with the statutory development plan and no adverse impacts have been identified by the assessment of the proposal. The proposal provides significant economic, environmental and social benefits (as outlined above). Therefore, the NPPF approach results in the conclusion that the proposed development is to be granted planning permission and that it constitutes sustainable development.