



Delegated Report

Application No:	20211582
Location:	BRT Properties Kent, Top Yard, Hardys Corner, 2 Vale Road, Northfleet
Description:	Erection of a three storey building with rooms in the roof space to provide 14 x two bedroom self-contained flats, with associated access, car parking, cycle parking, refuse stores and amenity space.
Applicant:	BRT Properties
Site Visit Date:	24 May 2022

Submitted Documents/Plans

The application comprises the following documents and plans:

Application form
Covering letter
Design and Access Statement
External Surfaces Materials Schedule
Vibration Assessment
Piling Risk Assessment
Noise Impact Assessment
Phase 1 Habitats Survey
Sustainability Statement for Planning
Remediation Strategy rev B
Supplementary Phase 2 Site Investigation
Desk Study Assessment Report - Phase 1 Desktop Study.
Geo-Environmental Assessment Report
Drawing no. 7985-PD-06 (proposed landscaping and exterior lighting)
Drawing no. 7985-PD-05 (refuse and cycle stores)
Drawing no. 7985-PD-04 (proposed elevations and sections)
Drawing no. 7985-PD-03 (proposed 2nd floor, 3rd floor and roof plans)
Drawing no. 7985-PD-02 (proposed ground and 1st floor plans)
Drawing no. 7985-PD-01 rev A (proposed site layout, street scene, site section and location plan)
Drawing no. 1530 rev P03 (typical drainage details)
Drawing no. 1540 rev P03 (typical construction details)
Drainage Operations and Maintenance Manual
Storm Sewer Design
100 year Storm Calculations
Drainage Strategy Appraisal Technical Note
Drawing no. 1510 rev P03 (drainage layout 1 of 2)
Drawing no. 1511 Rev P03 (drainage layout 2 of 2)

Drawing no. 1510 rev P01 (manhole schedule)
 Drawing no. 1500 rev P03 (engineering layout 1 of 2)
 Drawing no. 1501 rev P03 (engineering layout 2 of 2)

Relevant Planning History

20190727	Erection of a two storey building with rooms in the roof space to provide 10 x two bedroom self-contained flats, with associated access, car parking and amenity space.	Permission	29.10.2019
20181113	Redevelopment of the existing site by the erection of a two storey building with rooms in the roof space to provide 10 x two bedroom self contained flats, with associated access, car parking and amenity space.	Refused	15.02.2019
20180023	Redevelopment of the existing site by the erection of 9no. two bedroom houses and 2no. two bedroom self-contained flats, formation of associated access, car parking and amenity space.	Refused, appeal dismissed	30.04.2018

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Design & Development Principles

Paragraph 33 of the National Planning Policy Framework (2021) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- T1 – Impact of development on Highway Network
- T5 – Access to the identified Highway Network.

Other material considerations

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. This requires that in regard to housing development, planning permission should be granted 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 proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- Technical Housing Standards – Nationally Described Space Standards

Consultations, Publicity and Representations

KCC - Development Contributions

Kent County Council have requested contributions for the following:

£23,800 contribution towards the new Rocherville School, Northfleet
£3,681.44 towards either Ifield Special School expansion or a new build special school
£15,890 towards the expansion of Mayfield Grammar
£229.88 towards additional resources for Adult Education
£917 towards additional resources for North fleet Youth Centre
£776.30 towards library book stock
£2,056.32 towards Age UK, Fleming Resource Centre
£2,571.38 towards capacity works at Pepper Hill Waste Centre

Condition:

Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.

GBC - Waste & Recycling Manager

No comments were made on this application however no objection was raised on 20181113 to the waste arrangements proposed. They have advised that the immediate area outside the bin store should be level with the road, should not include an incline and a dropped kerb shall be provided. They have also advised that the bin store is fitted with a lock which is accessed via a key or a key code pad.

High Speed 1

No comment.

Environment Agency

13 January 2022 – objection:

For this application, we require a Preliminary Risk Assessment (PRA) upfront. The site history indicates medium polluting potential from previous use which always flags significant concerns about land contamination. The site is also underlain by an aquifer, meaning there is also a risk of pollution to water resources. We need to ensure that the proposals, with associated foundation and drainage designs and the required ground disturbance, will not cause an unacceptable risk to the aquifer. Our own guidance on groundwater protection (formerly known as GP3) states that:

‘1. We expect developers to provide adequate information to statutory bodies when submitting their proposals, so that the potential impact on groundwater resources and quality can be adequately assessed. Developers should be prepared to supply specific relevant data to allow the risk to groundwater to be assessed.

2. We expect developers to comply with any relevant statutory codes of good practice and to have due regard to our advice and guidance, and to other reputable standards and guidance. This applies particularly to the handling, use, storage and treatment of substances that can potentially result in an unacceptable input to groundwater.'

This is supported by paragraph 183 ground conditions and pollution of the NPPF which states that planning decisions should ensure that adequate site investigation information, prepared by a competent person, is available to inform assessments.

We understand that responsibility is with the Local Planning Authority (LPA) to make a decision on whether the applicant should submit the PRA now, or to condition the proposal if you grant planning permission. However, in the context of good practice, we believe the PRA is necessary to make an informed decision and to comply with your duty under the Water Framework Directive as a public body. We always advise that we see a PRA when reviewing medium/high pollution potential sites before we can offer proper advice on relevant conditions or safe development, unless we know the site well from past involvement. This approach is in keeping with the precautionary principle which is embedded in sustainable development and a theme running through the NPPF.

We would like to refer the applicant to the 'Managing and reducing land contamination: guiding principles (GPLC)' page which provides guidance for the land contamination risk management process.

If you are minded to approve the planning application contrary to our advice, we will need you re-consult us to allow further discussion and/or representations from the Environment Agency.

24 February – objection:

We object to this development, as the planning application does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. We therefore recommend that planning permission is refused.

Reason(s) : The previous use of the development site as landfill and transport yard presents a *high* risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located:

- within source protection zone 1 and
- upon a *principal aquifer*

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 174 and 183 of the National Planning Policy Framework.

Overcoming our objection

The applicant should submit an appropriate risk assessment which includes a desk study, conceptual model and detailed risk assessment, including a piling risk assessment, drainage plan with no infiltration drainage and a Groundwater risk assessment.. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

Please note This application appears to be a duplicate of an existing permission, which has been granted permission, providing a suitable remediation strategy can make the site safe to develop that protects the local groundwater resources in a Source Protection Zone 1.

Our previous responses and concerns are outlined in our consultation for the application reference 20190727.

This application has only a desk study report submitted, which was originally submitted for the previous application.

The application requires all additional reports associated with the plot as with the original application because it indicates the site includes a landfill site and there is no risk assessment to show the site can be developed safely under these plans without impacting local abstractors of groundwater.

If the applicant does have access to the full set of reports previously submitted, it is recommended that they are submitted in support of this application and then a permission with similar conditions could potentially be agreed by ourselves, once it is clear a viable strategy to safeguard water resources is available.

1 April 2022 – no objection subject to conditions:

Thank you for consulting us on the above development. This application is a duplicate of another submission. For consistency we therefore ask for the same conditions on any permission granted, although we are now aware of site conditions due to reporting under the alternative application.

We therefore request all the conditions below for a robust permission to be granted but acknowledge that documents submitted under separate cover may be able to be used to support this application if access is granted for the developer to report rights and therefore the LPA may decide that not all conditions are relevant.

The previous use of the proposed development site as a landfill and depot presents a high risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon principal aquifer. Further detailed information will be required before built development is undertaken.

Considering the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1

No development approved by this planning permission shall commence 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 will include the following components:

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 the 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not 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.

Condition 2

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework. The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 4

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Condition 5

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance

with the approved details.

Reason.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Informative.

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

The LPA may wish to consider that all site reports should meet a high standard and be confirmed as such by the NQMS scheme, to enable confidence in conclusions on required remediation, based on adequate risk assessment practice. DoWCoP The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the code of practice, excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project formally agreed with us. Some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the us should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to the position statement on the definition of waste. Development industry code of practice and the Environmental regulations page on GOV.UK

The approved remediation works shall be carried out in accordance with the agreed remediation strategy prior to the commencement of development other than preliminary site works that are required to carry out the agreed remediation. The planning authority and us must be given two weeks written notification of the commencement of the remediation works.

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 201

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the we should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Kent Fire and Rescue Service

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20211582 I would like to make the following observation.

□ Although 'off-site' access to the proposed building can be achieved, please confirm that once on site there is vehicle access for a pump appliance to within 45m of every point of the footprint of the proposed building or a fire mains fitted in accordance with Section 13 of ADB Vol 1.

Alternatively the installation of a domestic sprinkler system in the dwelling will increase the distance of Fire Service access to 75 meters.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Kent Police

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as local Designing out Crime Officers to address CPTED. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behavior (ASB), Nuisance and Conflict.

Secured by Design (SBD) www.securedbydesign.com is the UK Police flagship initiative combining differing levels of security. Gold incorporates the security of the external environment together with the physical security specification of the home. Silver offers those involved in new developments, major refurbishment and the individual the opportunity to gain an award for the level of physical security provided. To meet SBD physical security requirements, doorsets and windows must be certified by an approved independent third-party certification body e.g. (UKAS) in the name of the final manufacturer/fabricator. This requirement exceeds the requirements of Building Reg ADQ.

If this application is to be approved we strongly request a Condition be included to address the points below and show a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways/ side entrances must have secure gates, which are lockable from both sides, located flush to the front building line to optimise surveillance.

2. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or sold secure ground or wall anchors can help provide this. To minimise the opportunity for crime, vehicle should be parked in areas with natural surveillance, where they can be seen from an "active" window i.e. lounge or kitchen. We strongly advise access controlled gates be installed to parking areas where possible to prevent unauthorised access, nuisance parking, misuse and conflict.

3. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:

“18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.” Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

4. Play areas must have a self-closing gate to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime. The examples of equipment used withing the plans are recommended, as long as the mound does not prevent children being overseen. We recommend the sales team advice potential buyers of the plots close to the play area of it's location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints.

5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including internal flat entrance and individual bedroom doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

6. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

7. We recommend “A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019” for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place

8. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

9. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children

10. For cycle storage, we advise on the use of ground/ wall SBD or sold secure anchors within a lockable shed or storage area. Bin storage must also be secure with access control.

11. CCTV is advised for all communal entry points and the mail delivery area to monitor who enters/ exits the buildings.

12. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access-controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

We welcome a discussion with the applicant/agent about site specific designing out crime.

If the points above are not addressed, they can affect the development and local policing. Current levels of reported crime have been taken into account.

KCC Highways

Generally this proposal is found to be acceptable in highway terms, the majority of issues being resolved in the previous application - GBC/20190727.

It is therefore recommended that no objection is made to the proposal on highway grounds provided that the following Conditions are applied to any consent granted:

1 Provision and maintenance of the visibility splays shown on the submitted plans (7985-PD-01A) with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.

2 Provision and permanent retention of the cycle parking facilities shown on the submitted plans

prior to the use of the site commencing.

3 Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

4 Active EV charging is provided for a minimum of 10% of the parking spaces together with passive facilities (cabling / ducting) for a further 10% of the parking spaces.

5 Any gates to open away from the highway and to be set back a minimum of 6.0 metres from the edge of the carriageway.

6 Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

Please advise the applicant that they will require the separate consent of KCC Highways for any access works on the existing public highway.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by

telephone: 03000 418181

Natural England

No objection providing the appropriate mitigation measures are secured.

GBC - Environmental Protection Team (Regulatory Services)

No comments received for this application. The comments provided on the previous application reference 20180023 stated that the vibration from the railway does not appear to be an issue on the development site. The report from Clover Acoustics Ltd. submitted with that application also concluded that noise from the existing road and railway can be mitigated by installing suitable glazing though continuous mechanical ventilation is necessary to be installed so residents can receive suitable ventilation by closing windows and turning on mechanical ventilation when they are affected by external traffic noise.

GBC - Highways Officer

The highway layout reflects many previous proposals for this site. I note the sight lines which have been agreed with K.C.C. and indeed there is some scope to accept a reduced distance from the standard 43 metres due to the uphill gradient on much of the approach from the south.

I have no objections

Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to 33 properties. One neutral letter of representation has been received raising the following concerns:

- Loss of on road parking due to the location of the entry/exit
- Height of building will block light
- Noise from future residents

Analysis

Proposal

The proposal for this application is to develop 0.18 hectares of the wider site known as Hardy's Corner for residential development and consists of a development of 14 flats in a three storey building with accommodation in the roof running parallel with Vale Road and then a new vehicular and pedestrian access to the site to the north and beyond that a play area for use by the residents. The parking for the development will be to the rear (west) of the site and will provide 18no. car parking spaces (four of which are for visitors) and 18no. cycle spaces.

The building will have two main entrances leading to a communal lobby space and stair case with direct access to all levels. The ground floor, first floor and second floor each have 4no. flats and the third floor has 2no. flats. The ground floor flats have bay windows to the front. The entrances have a triple height gable.

Each ground floor flat will have a small patio area to the rear of the building.

The main elevations are proposed to be white render, sash windows with brown/grey roof tiles.

There are two dedicated bin stores on site, one used by flats 1-7 and another for flats 8-14.

All units have secure dedicated cycle storage located within 2no. communal sheds, 18no. cycle spaces have been provided, located directly outside both main entrances.

The plans below show the elevations:



Background

20180023 for 9 2 bed houses and 2 2 bed flats was refused on the following grounds:

1. *The Local Planning Authority considers that the introduction of a noise sensitive use adjacent to an established industrial estate is likely to result in future residents being adversely affected by the activities at the adjoining industrial premises and future restrictions being placed on those adjacent and future businesses in the form of noise controls contrary to Policy CS07 and CS19 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and Paragraphs 109 and 123 of the NPPF.*
2. *The proposed development would result in units 10 and 11 which are single family dwellings having no private rear gardens which would be to the detriment of the amenity of future occupants of the proposed dwellings and contrary to policy CS19 Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and the adopted residential layout guidelines.*
3. *This application stands to be evaluated in accordance with Policy CS19 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and paragraph 120 The National Planning Policy Framework which seeks to ensure developments provides a good standard of amenity for all existing and future occupants of land and buildings. The proposed development would provide an unacceptable outlook for future occupiers due to the existing industrial estate directly to the west and north of the application site. The proposal is contrary to contrary to Borough Council's*

adopted Gravesham Local Plan Core Strategy (September 2014) and paragraph 120 The National Planning Policy Framework.

4. *The proposed development would not provide satisfactory and safe layout for future occupiers due to the car parking space to the rear of unit 9 being undersized and providing unsatisfactory visibility splays for future drivers. In addition there is unsatisfactory visibility splays for the parking spaces under units 10 and 11. As such the overall layout of the scheme would be detrimental to the safe and free flow of traffic within the development site. As such the development is contrary to saved policy T1 and P3 of Gravesham Local Plan First Review 1994 and CS11 of Gravesham Core Strategy (2014).*
5. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided*
6. *The proposed layout of the scheme would not provide future occupier's with a safe, secure and well-designed environment. The scheme as submitted results in block parking in the North West corner which is in an isolated location with limited natural surveillance. Secondly the communal bin collection point is in excess of 30 metres from a number of dwellings which would be unacceptable distances for future occupiers to take their wheelie bins each week. Thirdly the proposed rear access would not provide a secure and safe environment for future occupiers. Fourthly the extremely large area of hardstanding proposed to the west of the alleyway is an unacceptably large expanse of hard paving which does not relate to the proposed residential development. Finally the introduction of gates across the car park would result in a development which does not integrate well with the surrounding community. The proposal is therefore contrary to contrary to policy CS19 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and Section 7 of The National Planning Policy Framework.*

The appeal was dismissed.

20181113 for 10 2 bed flats was refused on the following grounds:

1. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and paragraphs 175 and 176 of the National Planning Policy Framework 2018 which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided.*
2. *The application site, due to its former use as a landfill, garage and coach depot, presents a high/medium risk of contamination that could be mobilised during construction to pollute controlled water and the applicant has failed to provide assurances that the risks of pollution to controlled waters are acceptable or can be appropriately managed. The application therefore conflicts with Policy CS18 and 19 of the Core Strategy 2014 and paragraph 170 and 178 of the National Planning Policy Framework 2018.*

Following on from this refusal an application (20190727) was received for the construction of 10 flats on the site. This scheme can be seen below and was approved:

Flats (Units 1-10)



Proposed Front Elevation 1 (South-East Facing)
SCALE 1:100



Proposed Front Elevation 2 (North-East Facing)
SCALE 1:100



Proposed Rear Elevation 1 (South-West Facing)
SCALE 1:100



Proposed Rear Elevation 2 (North-West Facing)
SCALE 1:100

- Roof lights
- Brown/gray concrete roof tiles
- White/gray damer window
- Black UPVC gutters and down pipes
- UPVC windows and doors
- Rendered facade
- Feature render band
- Circular paths to covered entrance porch
- Low level railings and planting

Housing Need

In regard to housing need, Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 8 of the National Planning Policy Framework and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the National Planning Policy Framework Para 11(d) unless:

- i. the application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposed development for a net increase of '14' no. dwellings would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded minimal weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) and in particular paragraph 130 and 134 - of the NPPF (2021) which requires development to be add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers. The proposed development is considered unacceptable as discussed below.

Principle

Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. The principle of development in this location has already been established as being acceptable by approval of 20190727. The difference between the previous application and this is an additional storey to provide 4 more flats. The application therefore needs to meet the criteria of the policies below.

Loss of employment

The application site was formally used for the sale and rental of cars and lorries but has since been cleared. The site use class is Sui generis. As such this scheme does not conflict with paragraph 5.1.34 of Policy CS07 which states:

Development resulting in the loss of B class (now Class E) employment floorspace will not be supported unless otherwise allowed for by policies set out in the Core Strategy or where:

- the proposal will deliver at least an equivalent number of new jobs on-site or elsewhere within the Borough and the proposed use is consistent with other policies set out in this plan; or
- the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5); or
- the existing premises have an unacceptable environmental impact on the area within which they are situated and this is incapable of reasonable mitigation or the environmental benefit that would arise from the existing use stopping would outweigh the potential loss in employment.

The impact on the existing employment surround the development site is covered in the impact on surrounding properties section within this report.

Character and Appearance

The application site is known as Thomaz Trucks. It is located on the west side of Vale Road near to its junction with Dover Road and forms part of a wider employment site which was formerly known as Hardy's Corner.

The application site was used for the sale and rental of cars and lorries and covers an area of 0.18 hectares. It has now been mostly cleared of buildings:





The wider site is in commercial use with a number of separate occupiers but principally motor related. These include car repairs, MOT test centre, car parts, van hire, coach works and skip hire.

There is a 15m high telecommunication mast within the site along with some lighting columns and telegraph poles.

The site is enclosed by a mixture of chain link, close boarded fencing and picket fencing. The site slopes down from north to south falling by approx. 2.5m overall.

Opposite the site on the east side of Vale Road is a two storey terrace of early 20th century dwellings.

To the north is a commercial use of garaging, and residential properties of late 19th century origin on the west side of Dover Road including a converted commercial building (Dover Mews).

To the west of the site the site adjoins Shepherd Street which includes early Victorian terraced two storey dwellings and the entrance to the car park to St Joseph's RC primary school, also dating from the 19th century, (which has its main access from Springhead Road). It is now an Academy style school.

The site adjoins the North Kent railway line on its southern boundary which is in a deep cutting about 7m below the site.

There are a few trees and general greenery on the southern, western and eastern boundaries of the site and some flint walling on the eastern boundary.

The surrounding area is characterised by low rise principally two to three storey development, the only exception being the 14 storey block of flats at Carl Ekman House at the junction of Shepherd Street with Tooley Street, to the north west of the site, which sits rather uncomfortably with the general scale and massing of development locally.

Vale Road is a classified highway (C363) and a local distributor route. There is no footway where the site adjoins Vale Road. There is just one vehicular access from Vale Road to serve the site and all the uses but also a secondary access on to Shepherd Street which is gated and not in general use.

There are double yellow lines on the east side of Vale Road and properties have constructed vehicular accesses with front garden parking. The highway outside the site is unrestricted in terms of parking and is subject to parallel parking but it is constrained by overhanging trees and mud on the highway.

Vale Road is not on a bus route with the nearest route being to the south in Thames Way (Arriva Fastrack route) which is 350m distance and an approx. 4-5 minute walk away or to the north in London Road, about 560m distance and therefore a 7-8 minute walk away. There is no bus route

along Dover Road.

When evaluating the design of this proposal it needs to be considered against the design principles of Policy CS19 of Gravesham Core Strategy (2014) which require development to conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. At a national level the NPPF in section 12 provides guidance on providing good design.

The application site forms part of a wider employment site but is not allocated within Gravesham Core Strategy (2014) as an employment site so a refusal on piecemeal development would not be valid grounds of refusal. It is noted that this proposal will result in the loss of a number of trees fronting onto Vale Road and a flint wall. The trees which are to be lost are not protected and the flint wall is not considered to be a non-designated heritage asset. If the scheme was to be supported conditions could be used to ensure sufficient tree replanting is included along with appropriate boundary treatment onto Vale Road.

The design concerns raised in the previous application (20181113) included block parking to the north of the site and consequent limited natural surveillance from the wider development, one isolated parking space that blocked the rear garden of unit 9, the site was proposed to be gated, therefore creating a development that did not integrate well with the surrounding properties. There was also a large amount of hardstanding that did not appear to serve a purpose and would be landlocked between the development and the existing employment site. Unit 1 had no access from the rear and side garden and was essentially landlocked. It also had no rear access unlike other dwellings on the site therefore indicating overdevelopment of the site. The location of the car parking to the northeast corner resulted in a large area of hardstanding and poor layout as well as poor outlook from units 10 and 11 which overlooked the car park and the existing employment site. The cycle store was some distance from units 10 and 11.

The subsequent scheme (20190727) removed the large area of hardstanding, relocated the parking to the southwest, introduced a play area to the north where units 10 and 11 were planned previously and changed the houses to flats with private amenity space for ground floor flats and shared amenity space for the whole development. In terms of design, it was felt that the block of flats gave the appearance of a terrace of houses and picked up on elements of the Victorian properties to the east. The proposed materials were white render and brown/grey roof tiles. The surrounding properties are also finished in render with brown roof tiles and therefore no objection was raised to this approach. The proposed dormer windows were modest in size and aligned with fenestration below. They had hipped roofs which picked up on the hipped bays at ground floor.

The layout with the parking to the southwest was an improvement on the previous application and offered better surveillance than before. There was also an amenity area to the north containing a playground.

The location of the bin stores and cycle stores to the front of the building was not ideal in visual terms however, it was a practical solution that reflected elements of the design of the main building and was screened by boundary treatment. On balance, it was felt that they did not have a detrimental impact on the appearance of the street scene.

This current application increases the number of flats to 14 by increasing the height of the building to add another storey. The increase in flats also gives rise to an increase in the number of parking spaces and subsequently hardstanding:

20190727 (approved)	20211582 (current application)
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The proposed increase in the bulk and massing due to the additional flats will be highly visible from the long views of Vale Road due to the change in gradients. The approved flats were designed to appear as a Victorian terrace to integrate well with the houses opposite, however, this development, due to its height, does not relate well and appears as a block of flats that it is. The proposed scale and height are considered an overdevelopment on a tight narrow site together with the additional parking that infringes on the quality of the play spaces and circulation.

The Victorian properties opposite have a variation in roof profile (with chimneys) and bay windows that break the continuous façade creating an interesting composition of design features:





This fine detailed articulation and architectural rhythm is currently not reflected on the proposed façade. The façade appears distorted in relation to the existing Vale Road architecture and character. The proposal exacerbates the character with the three-storey dominant façade and results in a poor relation to its context. Whilst the white render was appropriate for the approved scheme, the increase in height juxtaposes strongly with the building overall and may weather poorly.

The proposed block of flats, due to its height and bulk and increased amount of hardstanding for parking, will result in an overdevelopment of the site out of character with the surrounding area that is characterised by two storey Victorian terraces contrary to policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.

Amenity of Future Occupiers

	GIA	National Residential Space Standards	Double bedroom 11.5sqm	Single Bedroom 7.5sqm
Unit 1 (2B/3P)	62.3sqm	61sqm	N - Bedroom 1 – 11.1sqm	Y - Bedroom 2 – 9.7sqm
Unit 2 (2B/4P)	88.6sqm	70	Y	n/a
Unit 8 (2B/3P)	69sqm	61	Y	Y
Unit 9 (2B/4P)	70sqm	70	Y	n/a
Unit 3 (2B/3P)	65sqm	61	Y	Y
Unit 4 (2B/4P)	85sqm	70	Y	Y
Unit 10 (2B/4P)	73.8sqm	70	Y	n/a
Unit 11 (2B/4P)	68.7sqm	70	Y	n/a
Unit 5	65.5sqm	61	Y	Y

(2B/3P)				
Unit 6 (2B/4P)	84.5sqm	70	Y	n/a
Unit 12 (2B/4P)	74.2sqm	70	Y	n/a
Unit 13 (2B/4P)	68.7sqm	70	Y	n/a
Unit 7 (2B/3P)	92.3sqm	61	Y	Y
Unit 14 (2B/3P)	87.8sqm	61	Y	Y

As can be seen above Units 11 and 13 fall short of the expected internal floor area. Such a shortfall of internal space and a lack of storage space further demonstrates an overdevelopment of the site. Each habitable room is provided with sufficient outlook and daylight and there is private amenity space for the ground floor flats and shared amenity space for the remaining flats.

Neighbouring Amenity

The concerns raised by the previous applications in terms of residential development on the site being incompatible with the existing employment use has been overcome in this current application as the units to the north have been removed. The location of the proposed block of flats are now approx. 30m away from the access to the employment site and approx. 18m from the rear of the building to the western boundary with the employment site. It is not considered that the proposed development is incompatible with the surrounding use and would not undermine or restrict the future employment opportunities for the site.

Residential properties to the east of the site are approx. 21m away. This is the minimum distance that is required between habitable room windows by the Gravesham Residential Standards. Due to these distances, there will be no detrimental impact on any neighbouring property in terms of loss privacy, outlook, sunlight or daylight.

The proposed development, due to the shortfall in the internal space of some of the units and lack of storage space indicates an overdevelopment of the site contrary to Policy CS19 of the Core Strategy 2014 and para. 130f of the NPPF.

Waste Storage

Policy CS19 of Gravesham Core Strategy requires new development to incorporate appropriate facilities for the storage and recycling of waste. Gravesham Waste Management has been consulted on the previous application and raised no objection to the scheme however they have advised that the immediate area outside the bin store should be level with the road, should not include an incline and a dropped kerb shall be provided. They have also advised that the bin store is fitted with a lock which is accessed via a key or a key code pad. These items can be conditioned in the event of the application being allowed at appeal.

Climate Change

Policy CS18 of Gravesham Core Strategy (2014) sets out the requirements for dealing with sustainable drainage and surface water run-off. Sustainable Urban Drainage Strategy (SUDS) for the site which should include the following details:

- Pervious pavements/road surface to allow water to drain through the surface;
- outlet to pipes or infiltration to ground;
- rain gardens for each dwelling (simple and small basins for roof water)

drainage); and
- Filter Drains.

KCC as the lead local flood authority initially objected to the original proposal on the grounds that no SUDS information had been submitted with the application. On 17 January 2019 a Desk Study Assessment was submitted in support of application 20181113 which KCC were consulted on. They responded raising no objection but requesting conditions regarding surface water management. A condition can be imposed for the same if this application is allowed at appeal.

Ecology and Biodiversity

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £275.88 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have not paid towards the mitigation.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Planning Obligations and Viability

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism often used to secure financial contributions or other forms of mitigation such as affordable housing from developers, make a development proposal acceptable in planning terms.

In order for the Local Planning Authority to request financial contributions on behalf of the Kent County Council any contributions will need to meet all of the tests relating to paragraph 57 of the NPPF which are as follows:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Kent County Council financial contributions are collected via a section 106 agreement and they have requested the following:

Request Summary

	Per Flat (x 14)	Total	Project
Primary Education	£1700.00	£23,800.00	Contribution towards the new Rosherville School, Northfleet
Special Education	£262.96	£3,681.44	Towards either Ifield Special School expansion or a new build special school
Secondary Education	£1,135.00	£15,890.00	Toward expansion of Mayfield Grammar

	Per dwelling (x 14)	Total	Project
Community Learning	£16.42	£229.88	Towards additional resources for Adult Education "Victoria Centre", Darnley Rd, Gravesend DA11 0RX
Youth Service	£65.50	£917.00	Towards additional resources for Northfleet Youth Centre, Hall Road, Northfleet, Gravesend, Kent DA11 8AJ
Library Bookstock	£55.45	£776.30	Towards additional services, resources and stock required to mitigate the impact of the new borrowers from this development at Coldharbour Library, Coldharbour Road, Northfleet, Gravesend, Kent, DA11 8AE
Social Care	£146.88	£2,056.32	Towards Age UK, Fleming Resource Centre, Clarence Row, Gravesend DA12 1HJ
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£2,571.38	Towards new WTS and capacity works to Pepper Hill HWRC
Broadband:	Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details. Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.		
Highways	Kent Highway Services will respond separately		

Total: £49,922.32

It is considered that, with the exception of the Social Care and Waste requests, the KCC planning obligations meet the statutory tests of paragraph 57 of the NPPF that requires planning obligations to be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

The Social Care request of £2,056.32 is towards a project that is no longer running and therefore this request cannot be made.

With regard the Waste request Policy CS06 (LPCS) states 'facilities will be provided to support

development of the Springhead Quarter and Northfleet Rise Quarter Key Sites and will be accessible to both existing and future communities. These will include the provision of educational, health, social care, sports and community facilities, open space to meet a variety of needs and recycling and waste transfer facilities. These will be provided in accordance with the phasing schedule set out in the Infrastructure Delivery Schedule’.

In summary no site specific schemes and combined with a lack of supporting information the KCC financial requests for Waste and Social Care. As such, these requests do not meet the requirements of paragraph 57 of the NPPF (2021) and cannot be lawfully requested. The applicant has not agreed to pay these sums and has submitted a Viability Report written by S106 Management that surmises the site is not viable if such requests are required.

The report was subject to an assessment by BPS who found that the scheme is viable. They have identified a small surplus of £125,000 which means that the scheme can viably support the s106 contribution and could provide additional contribution if required. This is based on the £49,922.32; the scheme would increase its viability further with the loss of the request for Social and Waste contributions of £4,627.70

CS01 states:

Planning applications that accord with the policies in the development plan for Gravesham will be approved without delay, unless material considerations indicate otherwise.

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in this Core Strategy. It will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Para. 58 of the National Planning Policy Framework 2021 states:

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

The pre-amble to Policy CS10 of the Gravesham Local Plan Core Strategy 2014 states that:

It is important that sufficient infrastructure is provided to meet the needs of existing and new residents, employees and businesses within the Borough. Facilities such as GP surgeries, schools and libraries play an important role in providing for the health, welfare, social, educational and spiritual needs of the community. Such facilities can add vibrancy to communities, provide a focus for activities, foster community spirit and contribute to the quality of life for many residents. They can also provide an essential service to communities. The loss of such facilities can have adverse consequences in terms of accessibility to services locally, and can lead to unsustainable travel patterns. It is also important to address existing deficiencies in services. At the same time, planning for infrastructure is being carried out when there are uncertainties over future service delivery models and future funding decisions by national government.

To ensure that infrastructure is provided to meet the needs arising from new development, the

Council will require developers to provide or make contributions towards the timely provision of infrastructure taking into account the viability of development.

The proposed development, without the contributions above, will not improve the economic, social and environmental conditions in the area. It will increase the number of residents which in turn will add pressure to public services. The proposed, without the contributions above, therefore does not meet the objectives of Policies CS01 and CS10 and para. 58 of the National Planning Policy Framework 2021.

Parking and Highways

Conclusion

The proposed block of flats, due to its height and bulk and increased amount of hardstanding for parking, together with substandard accommodation within some of the flats, will result in an overdevelopment of the site out of character with the surrounding area that is characterised by two storey Victorian terraces contrary to policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

In the absence of a completed legal agreement, the applicant has failed to secure the necessary infrastructure that would mitigate the impacts of the developments on the local area. The proposed development, without contributions towards the delivery of the community services of Kent County Council, will result in a detrimental impact on the economic, social and environmental conditions in the area by increasing the number of residents which, in turn, will add pressure to public services. The proposal, which has shown to be viable with the contributions, therefore does not meet the objectives of Policy CS01 and para. 58 of the National Planning Policy Framework 2021.

Recommendation:

Refuse

See draft Decision

Case Officer: AW	Team Leader: Richard Hart
Signed: 	Signed: <i>R Hart</i>
Dated: 25 May 2022	Dated: 25 th May 2022