



Planning Department
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
DA12 1AU

Our ref: EAH/15203

14 October 2021

Dear Sir/Madam,

LOMER FARM, WROTHAM ROAD, MEOPHAM, DA13 0AN

I am writing on behalf of Hawkspare Ltd in support of an application under S73 of the Town and Country Planning Act 1990 to vary conditions (4), (5) and (14) attached to planning permission 20170999 which exists for the redevelopment of Lomer Farm, Wrotham Road, Meopham.

The Council will be aware that Hawkspare Ltd are currently undertaking pre-application discussions regarding the merits of an alternative scheme. However, owing to the protracted time that this is taken to conclude that process, it is important that the existing consent is protected. This application seeks to vary the triggers so that a material start can be made on site without excessive or abortive works.

Site Context

The Lomer Farm Estate is located within the village of Meopham near Gravesend, immediately to the south of the Meopham Secondary School and served via an access fronting Wrotham Road (A227) opposite the Meopham Village Hall. The estate is surrounded by open fields.

The site comprises a mix of former agricultural and stable buildings, which are now in a commercial use. The site is currently divided into 11 units for a mixture of office and small workshop uses and the units vary in size from approximately 17 sq.m to 150 sq.m, let on a flexible basis.

Existing Consent

Planning permission was granted by Gravesham Borough Council in February 2019 (ref 20170999) subject to conditions, for the following at Lomer Farm:

[planning](#) [transport](#) [design](#) [environment](#) [infrastructure](#)

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"The conversion of existing commercial buildings and other existing buildings and stables to 10 no. commercial units in a flexible B1/B8 use and 4 no. residential dwellings with associated access and parking arrangements".



Figure 1: Site Location (Google Earth)

Background

By way of context, the redevelopment of the site to create a mix of commercial, live work and residential uses was first permitted under application 20110352. However this permission was never implemented due to it being financially unviable and the landowner was unable to secure finance for it due to bank resistance to lend on live work units.

A further application 20160884 was submitted in 2016 to secure the residential aspect of the previous scheme and this comprised the proposed conversion of the existing stable buildings to form 2 no. residential dwellings. This scheme was discussed with Council Officers at several pre-application meetings, during which a number of enforcement issues were raised relating to the wider site and concerns regarding the longevity of the site as a valued commercial enterprise in the Borough given the documented viability issues.

In order to keep the site functioning as a commercial enterprise, the redevelopment of the wider site was discussed and as such the application for the conversion of the stable building was withdrawn. Application 20170999 was instead submitted to provide a rationale and strategy for the redevelopment of the wider site as a more viable alternative. The application was accompanied by a comprehensive viability statement which demonstrated why it was essential for residential uses to come forward to cross-subsidise the significant upgrades that the rural business site required. This was permitted in February 2019 and provided additional B1/B8 floorspace above that currently existing on site, as well as 4 no. residential units.

However the current situation is that the landowner is still failing to attract prospective tenants to the site and that there may be distinct benefits in seeking new purpose built, modern business units (should the Council wish to retain the land as an employment generating use). For this reason, the applicant is using the Council's pre-app service to test the suitability of such an approach.

In the interim, the existing planning permission is due to expire in February 2022 and so it is necessary to discharge and vary the pre-commencement conditions so that a lawful start can be made on site to keep the existing permission extant, but without abortive work should an alternative consent be forthcoming.

Proposed Variations

Condition (4)

Condition (4) of planning permission 20170999 states:

4. Within two months of the commencement of the development a scheme of hard landscaping shall be submitted to the Local Planning Authority for its approval in writing. The landscaping works shall be completed in accordance with the approved details prior to the completion of the development or the first occupation of any of the residential units whichever is sooner. The scheme shall include:

- *proposed boundary treatments;*
- *proposed finished levels and contours;*
- *hard surface finishes to the vehicle parking areas, pedestrian accesses, private gardens and amenity areas;*
- *details of any retaining walls, steps, railings, walls, fencing, gates or other supporting structures;*
- *details of the pedestrian access and circulation areas*
- *minor structures such as refuse storage units.*

This application seeks to vary the condition to read:

4. Prior to above ground works a scheme of hard landscaping shall be submitted to the Local Planning Authority for its approval in writing. The landscaping works shall be completed in accordance with the approved details prior to the completion of the development or the first occupation of any of the residential units whichever is sooner. The scheme shall include:

- proposed boundary treatments;*
- proposed finished levels and contours;*
- hard surface finishes to the vehicle parking areas, pedestrian accesses, private gardens and amenity areas;*
- details of any retaining walls, steps, railings, walls, fencing, gates or other supporting structures;*
- details of the pedestrian access and circulation areas*
- minor structures such as refuse storage units.*

Condition 5

Condition 5 states:

'5. Within two months of the commencement of the development a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications, schedules of plants - noting species (which should be indigenous and wildlife friendly) planting sizes, growth rates and proposed density. All new planting, seeding, turfing and other works comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the development or occupation of the first residential unit whichever is the sooner. Following the implementation of the landscaping scheme any trees or plants which within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation'.

This application seeks to vary the condition to read:

'5. Prior to above ground works a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications, schedules of plants - noting species (which should be indigenous and wildlife friendly) planting sizes, growth rates and proposed density. All new planting, seeding, turfing and other works comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the development or occupation of the first residential unit whichever is the sooner. Following the implementation

of the landscaping scheme any trees or plants which within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation'.

Condition (14)

Condition (14) requires:

'14. Within one month of the commencement of the development hereby permitted a scheme for mitigating noise and disturbance between the approved flexible B1/B8 uses and the approved adjacent residential accommodation (laterally and vertically) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the approved residential units'.

This application seeks to vary the wording to read:

'14. Prior to above ground works a scheme for mitigating noise and disturbance between the approved flexible B1/B8 uses and the approved adjacent residential accommodation (laterally and vertically) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the approved residential units'.

Approach and Conclusions

This Section 73 application seeks to vary the trigger in which additional details are required under conditions (4), (5) and (14) of planning permission 20170999. The amendments would ensure that the Council retains the required controls, whilst ensuring that abortive work is not carried out whilst the pre-application process is concluded.

The basis for seeking the variations is the protracted length of time for the Council to consider and respond on the pre-application submission. Given this context, we respectfully requested that variations be supported.

Yours faithfully,



Emily Hadden MRTPI

Associate

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