

Delegated Report

Application No:	20230155
Location:	Clifton Slipways West Street Gravesend Kent
Description:	Application for a non-material amendment to planning permission reference number 20191122 to allow change of description of development and changes to wording of condition 4 (Code of Construction Practice) to allow for phased approval.
Applicant:	Mr Ben Geering

Proposal

Application for a non-material amendment to planning permission reference 20191122 to allow the following changes.

Description Change

The erection of two buildings to provide a total of 227no. dwellings with associated vehicle parking, cycle storage, highway works, and landscaping. Building 1 comprises the erection of a 23 storey tower on the north side of West Street to provide 121no. dwellings with 1no business Unit (B1a) comprising 90 sqm of floor space at ground floor level; and Building 2 from four storeys to 12 storeys on the south side of West Street which will provide 106no. dwellings. The proposal includes the restoration and adaptation of the existing pier structure to provide public and private amenity space to include the erection of 16no. Business(B1a) units comprising a total of 510 sqm of floor space; and a cafe (A1/A3) comprising up to 60 sqm of floor space.

To

The erection of two buildings to provide residential units (Use Class C3) with associated vehicle parking, cycle storage, highway works, and landscaping. Building 1 comprises the erection of a 23 storey tower on the north side of West Street to provide residential dwellings with B1a floor space at ground floor level; and Building 2 from four storeys to 12 storeys on the south side of West Street which will provide residential dwellings. The proposal includes the restoration and adaptation of the existing pier structure to provide public and private amenity space to include the erection of Business units (Class B1a) and a cafe (Class A1/A3).

Rewording Condition 4

From

A comprehensive Code of Construction Practice Strategy, covering the environmental impacts from the clearance/construction phase of this development, shall be submitted to and approved, in writing, by the Local Planning Authority prior to commencement of the development of each phase or sub-phase. The development hereby permitted shall thereafter be carried out in accordance with the approved Code of Construction Practice Strategy. For the avoidance of doubt Code of

Construction Practice Strategy shall include the following:

- a) Construction Logistics Plan (CLP);*
- b) Parking of vehicles of site personnel and visitors;*
- c) Storage of plant and materials;*
- d) Dust management controls;*
- e) Location and height of cranes and scaffolding;*
- f) Measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities;*
- g) Predicted noise and, if appropriate, vibration levels for construction using methodologies and at locations agreed with the Local Planning Authority;*
- h) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;*
- i) Scheme for location and appearance security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;*
- j) Details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded);*
- k) Hours of operation*
- l) Smoke management controls;*
- m) Odour controls;*
- n) Road cleaning and wheel washing facilities;*
- o) An aspiration to utilise the River Thames for the transport of construction and waste materials to and from the site; and*
- p) Any other matters relevant to this particular site.*

To

For each phase or subphase of the development, a comprehensive Code of Construction Practice Strategy, covering the environmental impacts from the relevant clearance/construction phase of the development, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development of each phase or sub-phase. The development hereby permitted shall thereafter be carried out in accordance with the approved Code of Construction Practice Strategy for each relevant phase or subphase. For the avoidance of doubt Code of Construction Practice Strategy shall include the following (where relevant):

- a) Construction Logistics Plan (CLP);*
- b) Parking of vehicles of site personnel and visitors;*
- c) Storage of plant and materials;*
- d) Dust management controls;*
- e) Location and height of cranes and scaffolding;*
- f) Measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities;*
- g) Predicted noise and, if appropriate, vibration levels for construction using methodologies and at locations agreed with the Local Planning Authority;*
- h) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;*
- i) Scheme for location and appearance security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;*
- j) Details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded);*
- k) Hours of operation*
- l) Smoke management controls;*
- m) Odour controls;*
- n) Road cleaning and wheel washing facilities;*
- o) An aspiration to utilise the River Thames for the transport of construction and*

waste materials to and from the site; and
p) Any other matters relevant to this particular site.

Submitted Plans/Documents

The application consists of the following
Application Form;
Covering Letter;
Drawing No.18.137

Relevant Planning History

20191122 – The erection of two buildings to provide a total of 227no. dwellings with associated vehicle parking, cycle storage, highway works, and landscaping. Building 1 comprises the erection of a 23 storey tower on the north side of West Street to provide 121no. dwellings with 1no business Unit (B1a) comprising 90 sqm of floor space at ground floor level; and Building 2 from four storeys to 12 storeys on the south side of West Street which will provide 106no. dwellings. The proposal includes the restoration and adaptation of the existing pier structure to provide public and private amenity space to include the erection of 16no. Business(B1a) units comprising a total of 510 sqm of floor space; and a cafe (A1/A3) comprising up to 60 sqm of floor space. **Permitted 04.12.2020**

Development plan

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

Analysis

As set out in [paragraph 002](#) of Flexible Options for Planning Permissions (Options for amending proposals that have planning permission), in determining a non-material amendment, the Local Planning Authority (LPA) must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990. In this regard the Council's attention is drawn to the Town and Country Planning Act 1990 where it provides LPA with the power to 'remove or alter exiting conditions' [\(s96A\(3\)\(b\)\)](#) under a non-material change to planning approval.

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The LPA must be satisfied that the amendment sought is non-material in order to grant an application under s.96A.

The reasoning for this application is to amend the description of the planning permission to allow for potential flexibility within the precise mix and level of residential accommodation within the development. Any further changes sought by the applicant, will need to be considered on their own merits, in line with the adopted Development Plan and material considerations that may exist at the time. It is considered the change in description is deemed to be non-material as shown below:

The erection of two buildings to provide residential units (Use Class C3) with associated vehicle parking, cycle storage, highway works, and landscaping. Building 1 comprises the erection of a 23 storey tower on the north side of West Street to provide residential dwellings with B1a floor space at ground floor level; and Building 2 from four storeys to 12 storeys on the south side of West

Street which will provide residential dwellings. The proposal includes the restoration and adaptation of the existing pier structure to provide public and private amenity space to include the erection of Business units (Class B1a) and a cafe (Class A1/A3).

The second element of this proposal seeks to amend condition 4 trigger point from

A comprehensive Code of Construction Practice Strategy, covering the environmental impacts from the clearance/construction phase of this development, shall be submitted to and approved, in writing, by the Local Planning Authority prior to commencement of the development of each phase or sub-phase. The development hereby permitted shall thereafter be carried out in accordance with the approved Code of Construction Practice Strategy. For the avoidance of doubt Code of Construction Practice Strategy shall include the following:

To

For each phase or subphase of the development, a comprehensive Code of Construction Practice Strategy, covering the environmental impacts from the relevant clearance/construction phase of the development, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development of each phase or sub-phase. The development hereby permitted shall thereafter be carried out in accordance with the approved Code of Construction Practice Strategy for each relevant phase or subphase of the development. For the avoidance of doubt Code of Construction Practice Strategy shall include the following (where relevant):

The above wording is inline with the NMA (20200544) agreed for 20160046 for Code of Construction Practice Strategy where the LPA agreed the following on the same site.

A comprehensive Code of Construction Practice Strategy, covering the environmental impacts from the clearance/construction phase of this development, shall be submitted to and approved, in writing, by the Local Planning Authority prior to commencement of the development of each phase or sub-phase which shall include the following:

Paragraph 11 of the NPPG is clear that a Non-material only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. **The two documents should be read together.**

As such an informative will be included which will state:

Effective of this Decision Notice

The effect of this decision amends the description of the development and condition 4 (Code of Construction Practice) which shall hereafter read:

The erection of two buildings to provide residential units (Use Class C3) with associated vehicle parking, cycle storage, highway works, and landscaping. Building 1 comprises the erection of a 23 storey tower on the north side of West Street to provide residential dwellings with B1a floor space at ground floor level; and Building 2 from four storeys to 12 storeys on the south side of West Street which will provide residential dwellings. The proposal includes the restoration and adaptation of the existing pier structure to provide public and private amenity space to include the erection of Business units (Class B1a) and a cafe (Class A1/A3).

Condition 4 (Code of Construction Practice)

For each phase or subphase of the development, a comprehensive Code of Construction Practice Strategy, covering the environmental impacts from the relevant clearance/construction phase of the development, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development of each phase or sub-phase. The development

hereby permitted shall thereafter be carried out in accordance with the approved Code of Construction Practice Strategy for each relevant phase or subphase of the development. For the avoidance of doubt Code of Construction Practice Strategy shall include the following (where relevant):

- a) Construction Logistics Plan (CLP);
- b) Parking of vehicles of site personnel and visitors;
- c) Storage of plant and materials;
- d) Dust management controls;
- e) Location and height of cranes and scaffolding;
- f) Measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- g) Predicted noise and, if appropriate, vibration levels for construction using methodologies and at locations agreed with the Local Planning Authority;
- h) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- i) Scheme for location and appearance security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- j) Details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded);
- k) Hours of operation
- l) Smoke management controls;
- m) Odour controls;
- n) Road cleaning and wheel washing facilities;
- o) An aspiration to utilise the River Thames for the transport of construction and waste materials to and from the site; and
- p) Any other matters relevant to this particular site.

Recommendation:

Approval

See draft Decision

Case Officer:	Mr Richard Hart	Team Leader:	Mr Shazad Ghani
Signed:	<i>R Hart</i>	Signed:	<i>S Ghani</i>
Dated:	6 th March 2023	Dated:	6 March 2023