

PLANNING COMMITTEE REPORT

Application Ref:	20220432
Site Address:	Former Police Station, 133 Windmill Street, Gravesend DA12 1DB
Application Description:	Demolition of existing structures on site and the erection of 75 Retirement Living apartments for older people (comprising 48 no. 1-bed and 27 no. 2-beds) including communal facilities, access, car parking and landscaping.
Applicant:	Churchill Retirement Living
Agent:	Mr Ziyad Thomas, Planning Issues Ltd.
Ward:	Pelham
Parish:	Non-Parish Area
Decision due date:	14 July 2022 – Applicant yet to agree extension of time
Publicity expiry date:	10 June 2022
Decision Level:	Planning Committee - Wednesday 28 September 2022
Reason for referral:	At the request of Ward Councillors
Recommendation:	PERMISSION subject to planning conditions and the completion of a section 106 legal agreement

SUMMARY OF REASONS FOR RECOMMENDATION

The proposal is for a development that would comprise the erection of 75 Retirement Living apartments for older people (48 x 1-bed and 27 x 2-beds) including communal facilities, access, car parking and landscaping. The development would be contained within a 5 storey (including roofspace) 'T' shaped building. The proposal includes parking for 24 cars with vehicle access located where the original police station access was in Woodville Place.

The site is within a highly sustainable location at the southern periphery of the town centre with access to a good range of shops and community facilities as well as public transport services.

The site has been the subject of a number of previous major planning applications for redevelopment that have been granted permission including a 4-6 storey height development of 86 flats plus ground floor commercial uses in 2009, and with that permission being renewed again in 2013, and a subsequent 7-storey development to provide a total of 99 self-contained flats and also including commercial floorspace at ground floor level, for which there was a resolution to grant permission in 2018, subject to a legal agreement that was never progressed.

Prior to the submission of the current planning application the applicants (Churchill Retirement Living, who are specialists in developing purpose-built retirement apartments) undertook pre-application consultations.

The application site falls within the Gravesend Town Centre Opportunity Area identified in the Gravesham Local Plan Core Strategy (Policy CS05), the preamble for the policy indicates that the site is suitable for a range of town centre uses including a significant component of residential development, and with active commercial uses occupying the ground floor to complement The Woodville to the north and existing business uses on the east side of Windmill Street.

The proposal is on a brownfield site and the development would accord with national planning advice in paragraphs 119 and 120(c) of the National Planning Policy Framework (NPPF) 2021 in making as much use as possible of previously developed land.

Development of this site is therefore well established in policy, and through the previous unimplemented planning permissions. However, the current application proposes residential development only with no commercial uses. There is not, according to the applicants, considered to be sufficient demand to bring forward new Use Class E (business) units on a speculative basis. The absence of any commercial units in this current scheme is accepted having regard to the supporting employment evidence presented by the applicant's consultants (Lichfields), that has examined market trends and signals in the retail and office sectors and that point to continuing lack of demand due to changing shopping patterns and expansion of online retail and the re-purposing of office spaces as a result of the pandemic and increasing home working.

There are nevertheless economic benefits from the proposed development during construction and operation and wider benefits including the generation of a significant amount of expenditure.

The development will bring forth much needed housing and go some way to meeting the critical need both nationally and locally for older persons housing as identified in the Homes for Later Living Report, September 2019. The provision of retirement housing has the benefit of releasing under occupied family homes back into the housing market.

The massing and scale of development is appropriate for the site although it should be recognised that previous permitted schemes have involved a higher number of residential units.

The design and layout provide a good standard and quality of accommodation on the site and a high-quality environment for future residents of the scheme in accordance with national and local planning policy. Whilst it is an island site and there are some reservations about the appropriateness of the site for retirement living, the applicants advise that the apartments will be occupied by the active elderly rather than vulnerable residents and there are benefits of town centre living for this demographic and there are controlled pedestrian crossings close to the site for connectivity to the town centre.

In terms of heritage impacts the applicant's submitted Heritage Assessment suggests that there will be no material harm to designated or non-designated heritage assets including adjacent listed buildings or the Upper Windmill Street conservation area in which the site is situated.

In respect of highway issues, the access to the development is via the existing access off Woodville Place which was used by the former police station and adequate visibility is available/achievable from this access. Whilst it is acknowledged that since the previous applications and the closure of the police station the volume of traffic using Woodville Place has significantly increased particularly as a result of the re-routing of the east to west one way town centre through route on to this road, an analysis of traffic generation including utilising data obtained from other similar development from the applicant's other similar facilities, reveals that the traffic generation expected is considerably lower than that of the previous use, or that of the other permitted schemes for this site.

An alternative location for the main vehicle access to the site to be from Zion Place has been considered but it would mean that the amenity space for residents would have to be located on the

north side of the site in a less suitable location and would bring more traffic on to a much quieter residential street.

The evidence presented sets out that the level of parking provision should be sufficient on site to meet the parking demand from the development at a ratio of 0.32 spaces per apartment. The scheme will include electric vehicle charging points and cycle parking as well as storage for mobility scooters.

There are no highway objections from the GBC Highways Development Management Officer or KCC Highways and Transportation, as the relevant highway authority

All other material planning considerations, including Ecology and Biodiversity, Archaeology, Construction and Contamination, Drainage/Flood Risk/Services, Sustainability, Energy Efficiency and Green Credentials, Waste & Refuse, Fire Access, Security - Secured by Design, etc., have been considered and fully assessed and can be addressed through planning conditions and informatives.

Notwithstanding the very wide publicity given to the application there have been only two neighbour representations to the development, and both are in general support.

In conclusion, and in balancing the various issues it is considered that the current proposals have the strong potential to deliver a high quality and much needed development and unlock a very important vacant development site on the edge of the town centre and where development has stalled for some 14 years. The proposed development of this sustainable site represents a carefully considered scheme that is broadly in accordance with local and national policy. It provides an acceptable use for this site and will bring forward positive social, economic, environmental and community benefits and can therefore be supported.

Planning permission is therefore recommended subject to planning conditions, reasons and informatives and is subject to the applicants entering into a s106 legal agreement, necessary to secure financial contributions, towards Borough Council leisure provision and affordable housing in addition to the ecological mitigation (SAMMS payment) to which there is a legal requirement on the applicants to fund.

Notwithstanding the applicant's viability report and which was subsequently independently reviewed and verified by a viability consultant on behalf of the Borough Council and who concluded that '*a viable scheme is one which contains 75 retirement homes for market sale and total s106 contributions of £18,000*', the applicants have indicated in a more recently submitted technical note on Planning Obligations that they are willing to offer a commercially expedient offer of £100,000 for all planning obligations subject to achieving a local consent.

CONTENTS OF THE MAIN REPORT

1. Site Description and Surroundings
 2. Relevant Planning History and Historical Context
 3. The Proposal
 4. Planning Policy, Development Plan and other Material Considerations
 5. Consultations, Publicity and Representations
 6. Planning Analysis and Service Manager (Planning) Comments
 - Introduction and Background
 - Recent Planning Background
 - Community and Pre-Application Consultation
 - The Key Issues
 - Principle of the Development and Conformity with Adopted Policy
 - Design, Character and Appearance of the Buildings and Associated Development
 - Heritage and Conservation Impacts
 - Residential Environment and Suitability/Quality of the Housing Accommodation
 - Impacts on Local Amenity/Other Environmental Issues
 - Highways, Access and Parking
 - Sustainability, Energy Strategy and Green Credentials; and Waste
 - Ecology and Biodiversity
 - Amenity Space, Trees and Landscaping
 - Archaeology
 - Flood Risk and Surface Water and Other Drainage
 - Other Material Planning Issues - Contamination, Fire Safety, Security
 - Development Viability, Deliverability and Other Financial Considerations
 7. Summary, Conclusions, Balancing Exercise and Recommendation
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MAIN REPORT

1. Site Description and Surroundings

- 1.1 The application site is located at the southern end of the Gravesend Town Centre on local and primary distributor routes into and out of the town centre.
- 1.2 It comprises an area of 0.36 hectares in total and is broadly square in shape, measuring approx. 57m north to south and 63m east to west. It is effectively an island site bordered by 4 different roads - Woodville Place to the north and which now forms part of the town centre one-way system, Zion Place to the south, Wrotham Road (the A227) to the west and Windmill Street to the east.



Above: Red Line Plan of the Application Site

- 1.3 The application site is currently vacant but was previously the former Gravesend town centre Police Station which closed in 2008 and which was demolished in 2016, save for the brick perimeter walls. The former Police Station was six storeys in height and was a tall and narrow width concrete flat roofed building located towards the southern (Zion Place) end of the site with a ramped access up towards podium parking as well as ramped access down towards underground parking, both from Woodville Place. There is a ramped and stepped access to the former police station public enquiry office in Windmill Street near to the corner with Zion Place.
- 1.4 The site is currently now covered mostly by hardstanding with some ephemeral planting. There is a parking layby area adjacent to Wrotham Road beyond the western perimeter wall. There are 3 London Plane trees adjacent to the eastern boundary of the site in Windmill Street and a further 8 trees on the site's western boundary on Wrotham Road, some of which are of more recent origin and these are located within the footway.



Above: Existing London Plane trees on the east side of the site in Windmill Street



Above: Existing Lime trees next to parking lay-by on west side of the site in Wrotham Road

- 1.5 There is a fall to the north of one metre across the site but this is more pronounced adjacent to the Woodville Place access into the site.
- 1.6 To the north of the application site is the Woodville theatre and the Gravesham Borough Council civic offices contained within a mid 1960's building rising to 5 storeys in height. There is a lay-by area on the south side of the Civic Centre used for loading and deliveries. To the south in Zion Place is a terrace of three storey dwellings some of which are converted to flats and there is also the Prince Albert Public House, a three storey building on the corner of Zion Place and Wrotham Road. Also facing the south east corner of the site is the flank (side) elevation of Cygnet House, a six storey brick and render panel building that was the former civic offices and the Gravesend Marriage Bureau, that was converted into 34 one and two bedroom residential flats in 2014.

- 1.7 To the west and opposite the site in Wrotham Road are detached/semi-detached two storey bay fronted dwellings/flats, some of which have been or still are in use as offices. Also on the west side of Wrotham Road opposite its junction with Zion Place is the Masonic Hall (25 Wrotham Road) and which includes banqueting and function rooms for hire and the Three Pillars micro bar. Opposite the site to the east on the east side of Windmill Street are three storey (plus basement), principally yellow stock, historic buildings mostly in commercial use (offices/restaurant) and including the Emmanuel Baptist Church, a rendered detached building dating from 1848 that faces towards Zion Place. Also opposite is North Street that provides vehicle and pedestrian access into the Council's Parrock Street surface car park.
- 1.8 The application site is within the Upper Windmill Street Conservation Area, designated in 1980. The A226 One Way System through the town centre is within an Air Quality Management Area (AQMA).
- 1.9 There is street lighting around the perimeter of the site and double yellow lines around all 4 road frontages of the site. Woodville Place has a controlled, signalised crossing with dropped kerbs and tactile paving approximately 10m east of its junction with Wrotham Road.
- 1.10 The commercial properties opposite the site in Windmill Street 38 to 50 (consec) (St George's Terrace), 51 to 54 (consec) and 55 to 59 (consec) are Grade II listed buildings.

2 Relevant Planning History and Historical Context

Planning Applications

- 2.1 The most relevant planning history relating to the application site is set out in the table below.

Ref No	Description and Site	Decision	Date
20080095	Demolition of police station and erection of four buildings, four-six storeys in height to provide a total of 86 self-contained flats, comprising 30 x one bedroom, 48 x two bedroom and 8 x three-bedroom flats with approximately 923 sq. metres of commercial floorspace at ground floor level in blocks B, C and D and laying out of 98 car parking spaces and cycle stores in basement.	Permission	30.04.2008
20080096	Application for Conservation Area consent for the demolition of the police station (<i>subject to retention of perimeter walls pending comprehensive redevelopment</i>)	Consent	27.03.2008
20090409	Demolition of police station and erection of four buildings, four-six storeys in height to provide a total of 86 self-contained flats, comprising 30 x one bedroom, 48 x two bedroom and 8 x three-bedroom flats with approximately 923 sq. metres of commercial floorspace at ground floor level in blocks B, C, D and laying out of 98 car parking	Permission	13.08.2009

	spaces and cycle stores in basement (<i>Note - The application was specifically for variation of condition 5 re contribution towards Kent Strategic Transport Tariff rather than a different scheme</i>)		
20090758	Application for variation of condition 5 of planning permission reference number 20090409 for erection of 86 flats, relating to the removal of the community infrastructure contribution requirement entirely.	Permission	18.01.2010
20101058	Application for removal of condition 2 attached to planning permission reference 20080096 to allow demolition of the perimeter walls and erection of a hoarding.	Withdrawn	22.12.2011
20120590	Application for renewal of planning permission reference number 20090409 for demolition of police station and erection of four buildings, four-six storeys in height to provide a total of 86 self-contained flats, with approximately 923 sq. metres of commercial floorspace at ground floor level and associated car parking.	Permission	13.11.2013
20130177	Application for Conservation Area Consent for the demolition of the buildings on site.	Approved	21.08.2013
20160331	Application for the approval of condition 9 attached to planning permission ref. no. 20120590 relating to the details of the erection of fencing for the protection of retained trees.	Approved	02.06.2016
20160333	Application for a non-material amendment to planning permission reference no. 20120590 to change the trigger for compliance with conditions 3, 4, 5, 6, 7 and 8 from prior to commencement of any works to prior to the commencement of any above ground works, which relate to the timing of approval for details relating to external facing materials, air quality mitigation, off-site highway works, landscaping and security measures.	Approval of Non-Material Amendment	02.06.2016
20161205	The proposed erection of a new four-six storey building with an additional seventh storey penthouse, to provide a total of 99 self-contained flats, comprising 41 x one bedroom flats, 50 x two bedroom flats and 8 x three bedroom flats with 816.5 sq. metres of commercial floorspace at ground floor level; the laying out of 86 parking spaces, 5 motorcycle spaces and 90 cycles spaces in the basement, and 6 additional parking spaces and a delivery	Resolution to grant permission by GBC Regulatory Board 11.04.2018 subject to s106 legal agreement	

	bay on the Wrotham Road frontage with an additional 22 street level cycle parking spaces.	but never signed and 'disposed of' on 22.07.2022	
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Pre-Application Enquiries

- 2.2 There has been one pre-application enquiry linked to the proposed development:

PRE20210440: Erection of retirement living apartments comprising of 75 apartments with associated communal facilities, car parking and landscaping.

Site Context

- 2.3 The former police station in the 'brutalist' architectural style was opened in 1975. It was six storeys in height and had an east-west orientation. It was constructed principally of reinforced concrete and with brick perimeter walls. There was a stepped and ramped entrance to a single storey building which was a police enquiry office for the public. The vehicle access into the site was from Woodville Place that included a ramped entrance up to a podium area for open parking as well as ramped access alongside it down to an underground car park for the police station. There were also basement cells.
- 2.4 It closed in 2008 when the new North Kent Police Headquarters opened in Thames Way and the building was demolished in 2016, leaving only the brick perimeter walls and elements of the podium/slabs internally as still remaining on the site.
- 2.5 Images of the former police station are shown below dating from 2008 as they appear in Google Earth at the time of closure of the building but prior to its demolition.

Google Earth images from 2008





- 2.6 The recent case officer photograph below shows the current state of the site internally and the podium level following demolition of the buildings in 2016.



3 The Proposal

- 3.1 The proposal, the subject of this planning application, comprises:

Demolition of existing structures on site and the erection of 75 Retirement Living apartments for older people (comprising 48 no. 1-bed and 27 no. 2-beds) including communal facilities, access, car parking and landscaping.

- 3.2 The development is being proposed by Churchill Retirement Living who are specialists in developing purpose-built retirement apartments. Churchill Retirement Living is a privately owned, family run company, operating from six regional offices and has more than 160 retirement properties in the UK.

Submitted Drawings and Documents, as revised

3.3 The submitted drawings and documents are as follows:

Form and Covering Letters

Planning Application Form and Certificates

Covering Letter from Planning Issues Town Planning and Architecture dated 14 April 2022

Drawings

The submitted drawings include:

Drawing No 20085GD_PL_001 Rev P2: Site Plan
Drawing No 20085GD_PL_002: Ground Floor Plan
Drawing No 20085GD_PL_003: First Floor Plan
Drawing No 20085GD_PL_004: Second Floor Plan
Drawing No 20085GD_PL_005: Third Floor Plan
Drawing No 20085GD_PL_006: Fourth Floor Plan
Drawing No 20085GD_PL_007: Roof Plan
Drawing No 20085GD_PL_008: Site Sections
Drawing No 20085GD_PL_009: East Elevation and Context Elevation (Windmill Street)
Drawing No 20085GD_PL_010: North and South Elevation
Drawing No 20085GD_PL_011: West Elevation
Drawing No 20085GD_PL_012: Site Location Plan
Drawing No 20085GD_PL_013 Rev P1: Context Elevations (Woodville Place, Wrotham Road and Zion Place)

Drawing No SU-01: Topographic Survey by D&H Surveys Ltd
Drawing No 01-PDL-1001-A: Preliminary Drainage Layout by Awcock Ward Partnership
Drawing No 21203-2: Tree Protection Plan by Barrell Tree Consultancy
Drawing No JBA 22-022-SK02: Landscape Strategy by James Blake Associates

Supporting Documents

The supporting documents comprise:

- Revised Planning Statement by Planning Issues Ltd, dated April 2022, received 13 May 2022
- Design and Access Statement by Planning Issues Ltd (Report Ref 20085GD_DAS_001 Rev P1, April 2022)
- Arboricultural Assessment and Method Statement by Barrell Tree Consultancy (Report Ref 21203-AA-DC, dated 22 February 2022); Manual for Managing Trees on development Sites by Barrell Tree Consultancy, 2020
- Preliminary Ecological Assessment (incorporating Biodiversity Net Gain Assessment) by Tyler Grange (Report No 14480_R02a dated 13th April 2022)
- Heritage Statement by Ecus Ltd (Report Ref 18582.1 Version V2.0, March 2022)
- Archaeological Desk Based Assessment by Ecus Ltd (Report Ref 18582.2 Version V1.0, March 2022)
- Transport Statement, by Awcock Ward Partnership (Project No 1305 Rev A dated 12 April 2022)
- Flood Risk and Drainage Technical Note by Awcock Ward Partnership (Project No 1305 Rev B dated 12 April 2022)

- Statement of Community Involvement by DevComms, April 2022
- Economic Benefits Infographic by Lichfields, April 2022
- Supporting Employment Evidence by Lichfields, April 2022
- Noise Impact Assessment by 24 Acoustics Technical Report: R9433-1 Rev 1, dated 14 April 2022
- Site Investigation Report by Crossfield Consulting (Report No. CCL03497.CO72, November 2021)
- Air Quality Assessment by Air Quality Consultants (Report Ref J10/13247A/10/1/F1, dated 11 April 2022)
- Financial Viability Assessment by Alder King Property Consultants (Report Ref: RJM / 96570 dated 06 May 2022)
- Sustainability Statement by JSP Ltd Sustainability April 2022
- Daylight and Sunlight Report (Within Development) by Right of Light Consulting Chartered Surveyors 11 May 2022
- Daylight and Sunlight Report (Neighbouring Properties) by Right of Light Consulting Chartered Surveyors 11 May 2022
- CGI's - Artistic Impression

Additional Supporting Documents

- Urban Design Analysis by Barton Willmore, August 2022
- Supporting Letter from Planning Issues re Consultee Responses dated 08.08.2022
- Technical Note on Waste & Recycling from Planning Issues, received 09.08.2022
- Technical Note on Electric Vehicle Charging from Planning Issues, received 09.08.2022
- Drawing No 1305 01-ATR-1001 Rev C: Swept Path Analysis - Part 1 of 2
- Drawing No 1305 01-ATR-1002 Rev C: Swept Path Analysis - Part 2 of 2
- Technical Note on Flooding by Awcock Ward Partnership dated 12 August 2022

Details of the Development

Residential Homes/Uses

- 3.4 The proposal is for retirement/sheltered market housing - 48 x 1 bedroom and 27 x 2 bedroom. It is indicated that the scheme is designed to meet the needs of independent retired people (the 'active' elderly) and provides self-contained apartments for sale. The scheme does not include any onsite affordable housing. The development is contained within a single 'T' shaped block indicated as being essential for control over access and with safety and security in mind.
- 3.5 It is stated that social interaction is enhanced by communal facilities including an owner's lounge, coffee bar and gardens. The communal facilities also include a lodge manager employed by a Management Company. Around 25% of the floor space is proposed for communal facilities.
- 3.6 Apartments are to be sold with a lease containing an age restriction to ensure only people 60 or over (and with a spouse or partner at least 55) can live in the development. The applicant would accept this is controlled through a planning condition. It is stated that the average age of purchasers is 78 years old. Typically, 70% of apartments are single occupancy, often occupied by a widow/widower.
- 3.7 At a ratio of 1.3 people per apartment, it is suggested that there will be around 97 occupants living within the scheme.

Commercial and Non-Residential Uses

- 3.8 No commercial units or other non-residential uses are proposed within the scheme. While historic proposals for the site have provided ground floor commercial units, there is not according to the applicants, considered to be sufficient demand to bring forward new Use Class E units (thus, retail, cafes and restaurants, offices etc.) on a speculative basis.

Design

- 3.9 It is stated that previous schemes have not come forward due to the cost of implementing a courtyard-led design and that the current design is deliverable utilising a more efficient 'T' block layout. The development has a mansard roof with dormers. The design philosophy is discussed within a later section of this report.

Storey Heights

- 3.10 The development would be contained within a 5 storey (including roofspace) building. The roofspace accommodation features a mansard style roof with dormer windows.
- 3.11 The development includes varying eaves heights to introduce elements of hierarchy and variation in roof profile.

External Materials

- 3.12 The materials for the scheme are:
- Mix of yellow brick (ET Clay Danehill and Funton Old Chelsea, or similar) and K-Rend white or Powder Blue render for walls
 - Marley Rivendale Fibre cement slates (colour blue/black) or similar for the roof
 - UPVC casement windows.
- 3.13 It is stated that windows are typically uPVC because of their low maintenance and high Green Guide rating. It is indicated that at the end of their life most development materials will be able to be reused or recycled.
- 3.14 A CGI (Artist impression) of proposed retirement living development is shown below, being a view looking northwest at the junction of Windmill Street with Zion Place.



Highways, Access and Car Parking

- 3.15 The proposal includes parking for 24 cars with vehicle access located where the original police station access was in Woodville Place. This was reduced from 25 parking spaces in the original plans due to the widening of the access and relocation/segregation of the pedestrian entrance. A few of the parking spaces will be undercroft parking.
- 3.16 The vehicular access into the site is a gated access utilising the same access point on to Woodville Place that was used for the vehicular entrance and exit into the former police station.
- 3.17 An internal mobility scooter store will be provided to the north of the building close to the Woodville Place access.
- 3.18 The submitted transport statement indicates the level of traffic generation from the development and how parking demand is being met.

Sustainable Development

- 3.19 Details of the sustainability measures are contained within the Sustainability Statement. The developer proposes to construct the development to an efficient fabric and building services specification. The measures include:
- A large photovoltaic array to be installed on the roof space of the building.
 - Each home to achieve a low internal water consumption.
 - Efficient electrical heating systems to each apartment and communal areas.

Heritage

- 3.20 Although buildings on the site have been demolished, the existing remaining boundary wall on the Windmill Street frontage still features the foundation stone of the earlier fire and police station and Civil Defence Control Centre that used to occupy this site. The Heritage Statement submitted with the application recommends that this is retained and reinstalled, where appropriate and if possible, on the site and since the submission of the application this has been agreed with the applicants at the vehicular entrance into the site.

Waste and Recycling

- 3.21 The development includes a communal refuse store at the northern end of that part of the building fronting Windmill Street, but which is accessed from the vehicle access to the site from Woodville Place. The store can be accessed internally. The store will include large shared wheeled bins.
- 3.22 Refuse collection is now designed to be undertaken within the site rather than on street.

Amenity Space, Trees and Landscaping

- 3.23 The development includes significant areas of amenity space to the south of the buildings next to the frontage of the site to Zion Place, including an attractive residents seating area. This takes advantage of the southerly aspect for sunlight.
- 3.24 There are significant landscaped amenity areas to the frontage of the site to Woodville Place and also next to the rear of the ground floor units facing towards Windmill Street.
- 3.25 Ground floor apartments will have their own private patios and where appropriate balconies are provided to upper floor apartments.
- 3.26 There are some existing trees around the site that have protection due to their location within a conservation area and although not directly within the application site they will

need to be protected if building works were to commence on the site. Some works are proposed to the London Plane trees because of their current uncontrolled spread.

- 3.27 A landscape strategy has been submitted. Native species will be used to enhance biodiversity and borders are included with species chosen to add visual interest but also to encourage pollinators.

Boundary Treatments, Surface Treatments

- 3.28 The boundaries of the site will be enclosed on all four sides by 1.2m high railings supplemented by a native evergreen hedge and with native boundary trees to provide visual mitigation and support local biodiversity.
- 3.29 The hard landscaping on the site includes the use of tarmac for the parking and vehicle access areas of the site and a mixture of paving slabs and gravel for the paths and patios.

Building Access

- 3.30 The proposal is accessible and easy to move around. The building itself has internal layouts, specifications and construction details that will allow a safe and convenient use by owners and visitors and will fully meet the requirements of Part M of the current Building Regulations. There will be step free access to the apartments, communal spaces and parking and garden areas, lift access to all floors and all communal corridors are a minimum of 1.5m wide to make them easily traversable by a wheelchair user.

Construction and Phasing

- 3.31 It is estimated that the construction will last 26 months as a single build phase commencing winter 2022/Spring 2023. It is indicated that in order to provide safe, level, internal access to communal facilities this necessitates a single build footprint.

Appeal Precedent

- 3.32 The applicant's agents suggest that the benefits of delivering older persons housing are considerable and should be afforded significant weight as established through several positive planning appeal decisions that Churchill Retirement Living has obtained.
- 3.33 The submitted ground floor layout of the development is as shown below;

- Remaining Saved Policies of the Local Plan First Review (1994), and
 - The Kent Minerals and Waste Local Plan 2013 - 2030 (2016, revised 2020)
- 4.4 There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance and where they exist neighbourhood plans. There are currently no relevant neighbourhood plans.
- 4.5 Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

- 4.6 The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.
- 4.7 The application site is shown as being within the **Gravesend Town Centre Opportunity Area** (Policy CS05 - sub area 3.3) and a **conservation area** (Policy CS20) but it is just outside of the Gravesend town centre boundary (policy CS08) in the Gravesham Local Plan Policies Map. The site fronts on to Wrotham Road and Zion Place, **primary distributors** on the highway network (Policies T1-T3) and fronting on to Windmill Street, a **local distributor** on the highway network (Policies T1-T5)
- 4.8 The most relevant planning policies from the adopted Core Strategy in relation to this development are as follows:
- Core Strategy Policy CS01: Sustainable Development
 - Core Strategy Policy CS02: Scale and Distribution of Development
 - Core Strategy Policy CS05: Gravesend Town Centre Opportunity Area
 - Core Strategy Policy CS07: Economy, Employment and Skills
 - Core Strategy Policy CS08: Retail, Leisure and the Hierarchy of Centres
 - Core Strategy Policy CS10: Physical and Social Infrastructure
 - Core Strategy Policy CS11: Transport
 - Core Strategy Policy CS12: Green Infrastructure
 - Core Strategy Policy CS13: Green Space, Sport and Recreation
 - Core Strategy Policy CS14: Housing Type and Size
 - Core Strategy Policy CS15: Housing Density
 - Core Strategy Policy CS16: Affordable Housing
 - Core Strategy Policy CS18: Climate Change
 - Core Strategy Policy CS19: Development and Design Principles
 - Core Strategy Policy CS20: Heritage and the Historic Environment

Discussion on how the development accords or otherwise with the above adopted policies is set out in the analysis section of this report

Gravesham Local Plan First Review 1994

- 4.9 The Gravesham Local Plan First Review was originally adopted in November 1994.
- 4.10 A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.
- 4.11 Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.
- 4.12 The following remaining saved policies are relevant to the consideration of this application:
- Policy TC2: Policy for Listed Buildings
 - Policy TC3: Development Affecting Conservation Areas
 - Policy TC7: Other Archaeological Sites
 - Policy T1: Impact of Development on the Highway Network
 - Policy T2: Channelling Traffic onto the Primary and District Distributor Network
 - Policy T3: Development not well related to the Primary and District Distributor Network
 - Policy T5: New Accesses onto Highway Network
 - Policy P3: Vehicle Parking Standards
 - Policy LT6: Additional Open Space in New Housing Development

Review of the Local Plan

- 4.13 Paragraph 33 of the NPPF (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.
- 4.14 The Council undertook such a review in September 2019, and it 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 adoption and the need to ensure a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan First Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these in due course.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

- 4.15 The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF, policies in this document may be accorded weight in the decision-making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework.

- 4.16 As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight.

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

- 4.17 The National Planning Policy Framework (NPPF), July 2021, is a material consideration.
- 4.18 At the heart of the NPPF is a presumption in favour of sustainable development (NPPF 2021 - paragraph 11) which means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development such as where land is designated as Green Belt or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.
- 4.19 The NPPF includes (in paragraph 8) three overarching objectives to achieving sustainable development:
- an economic objective
 - a social objective, and
 - an environmental objective.
- 4.20 The following paragraphs are specifically highlighted as being of importance to the consideration of the application proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered.
- Section 2, Paragraphs 7 - 14: Achieving Sustainable Development
 - Section 4, Paragraphs 38 - 59: Decision Making
 - Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes
 - Section 6, Paragraphs 81 - 85: Building a strong, competitive economy
 - Section 7, Paragraphs 86 - 91: Ensuring the Vitality of Town Centres
 - Section 8, Paragraphs 92 - 103: Promoting healthy and safe communities
 - Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport
 - Section 11, Paragraphs 119 - 125: Making effective use of land
 - Section 12, Paragraphs 126 - 136: Achieving well-designed places
 - Section 14, Paragraphs 152 - 173: Meeting the challenge of climate change, flooding and coastal change
 - Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment
 - Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

Discussion on how the development accords or otherwise with the above national planning policies in the NPPF is set out in the analysis section of this report.

The National Planning Practice Guidance (NPPG)

- 4.21 Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF. It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply,

wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things. The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

- 4.22 The NPPG also includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95).

The National Design Guide 01 October 2019

- 4.23 The National Design Guide (Planning practice guidance for beautiful, enduring and successful places) sets out ten characteristics of well-designed places based on planning policy expectations and are illustrated by projects that demonstrate good practice. It should be read alongside the separate planning practice guidance (NPPG) on design process and tools.

Supplementary Planning Guidance and other Documents

- 4.24 The Council has adopted a number of Supplementary Planning Documents and other guidance, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications. In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.
- 4.25 These are intended to build upon and do not carry the same weight as development plan policy itself. It should be noted that some of these documents are also dated and may not in themselves fully accord with more recent adopted Local Plan policy or national policy. Where there is conflict in this respect, greater weight should in any event be accorded the most recently adopted policy position.
- 4.26 The following supplementary and other documents are considered relevant to the evaluation and assessment of this application:
- Kent Design Guide (SPG 5 published December 2005, adopted July 2006) - *except Supplementary Planning Guidance on residential parking*
 - KCC Guide to Development Contributions and the Provision of Community Infrastructure (2007)
 - Adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
 - Vehicle Accesses on Classified Highways (SPG6 November 1992)
 - GBC Residential Layout Guidelines, SPG2, including Housing Standards Policy Statement October 2015, adopted February 1996 - amended June 2020 to combine the 2015 Statement
 - Technical Housing Standards: Nationally Described Space Standards, March 2015
 - Upper Windmill Street Conservation Area Character Appraisal 2009
 - Management Plan for the Gravesend Town Centre Conservation Areas (2009)
 - Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy by Footprint Ecology, July 2014

Other Relevant Legislation

Listed Buildings and Conservation Areas

- 4.27 Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architect or historic interest which it possesses.
- 4.28 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Human Rights Act 1998

- 4.29 In the analysis of the planning issues and if in the event of a recommendation for planning permission, consideration has been given to the Human Rights Act, and concluded that any breaches or interference to human rights are reasonable, proportionate, and fair.
- Article 6 (“fair public hearing”): provided by Town & Country Planning legislation, Regulatory Board consideration, planning appeal, legal challenge
 - Article 8 (“respect for private and family life, home and correspondence”): breach proportionate and justified, by reason of public safety/disorder or crime/health or morals/rights and freedoms of others
 - Article 9: (“freedom of thought, conscience and religion”) breach proportionate and justified, by reason of public order/health or morals/rights and freedoms of others
 - Article 1 of the First Protocol (“peaceful enjoyment of possessions”): breach proportionate and justified, by reason of the general interest.

Section 17 Crime & Disorder Act 1998

- 4.30 Section 17 Crime & Disorder Act 1998 requires the Council to seek to reduce crime and disorder. Consideration has been given to Community Safety, Secured by Design, and the avoidance of the undermining of crime prevention or the promotion of community safety.

Equality Act 2010

- 4.31 Where relevant, consideration has been given to the nine Protected Characteristics of the Equality Act 2010 under the Council’s public sector duty to have due regard to the desirability of exercising its strategic decision making in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. In this instance, the implications of the proposals in Equality Act terms are considered broadly neutral. However, because all the apartments have been designed to meet the part ‘M4(2) - Accessible and adaptable dwellings’ of the Building Regulations, it is considered that it is positive in relation to the protected characteristics of age and disability.

5. Consultations, Publicity and Representations

Consultations

- 5.1 The following section of this committee report provides a **summary** of the **internal and external consultation responses** that have been received in response to the statutory

and non-statutory consultation with various interested parties that was undertaken in May/June 2022

Internal Consultation Responses

GBC Regulatory Services - Environmental Protection Team

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Code of Practice on Construction and Demolition

Please apply

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical, and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Noise

No objection to this application to the residential care home however it is noted that there may be concerns about the potential for noise from the home's residents and request the following condition:

The development shall not take place until a comprehensive Noise Management Plan covering all potential noise from the new developments and its residents and how it will be controlled on an ongoing basis is provided by the applicant and submitted for approval to the LPA. No works shall commence until approval of this report has been given by the LPA.

Electric Vehicle Charging Point(s)

This Service would wish to see the inclusion of suitable electric vehicle charging facilities at the proposed dwellings in support of the Council's commitment to become carbon neutral by 2030.

GBC Regulatory Services - Commercial

No objection in principle. Detailed comments are provided in relation to health and safety and food safety.

GBC Assistant Director, Housing (Development & Enabling)

National Planning Policy and Older Persons Housing

Points out that paragraph 10 of the NPPF sets out a presumption in favour of sustainable development, and the provision of Retirement Living apartments fits with the social objective of ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Paragraph 62 of the NPPF also promotes the overarching housing choice. More particularly 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in local planning policies (this includes, but is not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.

The need to provide housing for older people is described in the NPPG as 'critical' as people are living longer lives and the proportion of older people in the population is increasing (paragraph 001).

Acknowledges that there are different types of specialist housing designed to meet the diverse needs of older people which can include age-restricted general market housing, retirement living or sheltered housing, extra care housing or housing-with-care and residential and nursing care homes, (paragraph 010 of NPPG).

Development Proposal

Churchill Retirement Living propose to redevelop the site by demolishing the existing structures on the site and constructing 75 Retirement Living Apartments (Use Class C3). This will not be a care home but falls within the definition of retirement/sheltered housing.

Notes a letter that the current agent for Churchill Retirement Homes sent to Maldon District Council in 2014 in which it states:

The term 'Nursing Home' is commonly referred to as a 'care home' and is a distinct form of development from Sheltered and Retirement housing. Pertinently, Nursing and Care homes fall within class C2: Residential Institution of the Town and Country Planning (Use Classes) Order whereas Retirement/ Sheltered housing are within class C3: Residential.

Also notes the permission that was allowed on appeal by a Planning Inspector in 2019 on a site in Orpington now developed by Churchill Retirement Homes included a planning condition that implies it is C3 use.

On this basis therefore there should be an obligation on Churchill Retirement Living to provide Affordable Housing within the development or payment in lieu under the Council's Affordable Housing Policies. To not do so would require the applicant putting forward a viability case.

In respect of viability, has looked at the applicants Viability Report and the report reviewing this from Pathfinder, on behalf of the Brough Council.

Considers that the figures given do bear scrutiny. The sales values are if anything a little high (£430-460/sq. ft.). The build cost is about right, though this is likely to rise in the current market. Apartments are being built in the area at c. £240/sq. ft. Professional fees are slightly high at circa 4% of GDV (could possibly be dropped by 1%) and the Sales and Marketing figures are high at 5% but then they are selling a niche product, so this looks like the industry norm for this. The only area to comment on would be the level of margin, but at 20% this is not unreasonable. On balance concurs with the conclusions from Pathfinder.

Questions whether the scheme could be made more viable with a different design?

Concludes on the basis of the information given that it would be hard for GBC to demand affordable housing from this scheme.

Notes that at a local level, the latest Gravesham Borough Council Strategic Housing Market Assessment, states that; "The most significant growth is forecast in the age bands over 65. Growth is particularly marked in the 85+ household age band, which is projected to increase by 2,030 householders (144%) over the 25 years from 2012 to 2037." 5.1.7 This change in the population profile results in a greater need for all forms of housing and care provision for older people.

At a policy level, Policy CS14 of the Council's Core Strategy similarly notes that there will be a growth in the older population in the Borough over the plan period and supports the provision of specialist and extra care housing.

Considers that the proposed Market homes for the Over 55 + market is meeting a local housing need.

GBC Private Housing

No comments to relay in relation to our housing legislations and regulations.

GBC Highways Development Management Officer - revised comments 11 August 2022

This is a large complex application and so the proposal has been considered under various headings for simplicity.

Traffic Generation

Given the site was previously a major police station, it is not unexpected that a development involving retirement flats will result in a reduction in peak time traffic generation. Indeed, the robust analysis undertaken by the developers consult suggests that this reduction could be approximately 50%, but it is admitted this is from a low base with the Police Station. When compared to the previous approved redevelopment proposals, the reduction increase is more significant and can be as much 90% or more.

Adequacy of Highway Network

Given the very low traffic generation and the restricted on-site parking, traffic volumes associated with the development are considered insignificant when compared to the volume of traffic using the local roads and the impact of the proposal would be minuscule and lost in daily variations of traffic flow

Access including sight lines, manoeuvring etc.

Sight Lines. Sight lines at the access do not conform to the requirements of a 30mph road, but they do not have to, the more important consideration and complying with guidance is to consider the actual speed of traffic, or more accurately the 85-percentile speed. (The speed which 85% of the traffic do not exceed). A sight line of 2.4m x 18m is appropriate for a measured speed of 16mph, as the road alignment, adjacent pelican crossing, and traffic flows at certain times of day will all have a controlling factor on vehicle speeds.

Manoeuvring. The applicant has submitted a selection of tracked/swept path drawings that demonstrate that the type of vehicles that are liable to access the site can turn within it and so enter and leave the highway in forward gear. The only issue would be if Gravesham Council use a refuse freighter longer than 10.5metres in length to serve the site.

Pedestrian Connectivity. Whilst this site is on the outside of the ring road, there is an adjacent Pelican Crossing on Woodville Place, which connects the development to the town. There are no pedestrian crossing facilities on Windmill Street, but this road has less traffic using it, but anyone using a public car park to visit the development is liable to have to cross this road or lengthen their walk and use the crossing facilities at the Lord Street junction. Wrotham Road also does not have any nearby dedicated pedestrian crossing facilities to the south, although it is possible to cross at the Rathmore Road junction. In both cases, the Windmill Street and Wrotham Road pedestrian crossing need is not liable to be significant enough to justify the provision of a dedicated crossing facility. However, Kent County Councils request for a footway alongside the west side of the development to replace the existing route through the layby is noted. Given the time the layby has existed there is every possibility there is presumed dedication and as such the path should be maintained.

Parking

Car. Both Gravesham Borough Council and Kent County Council have adopted maximum parking car parking requirements in town centre locations. 24 spaces are being provided for 75 retirement flats a ratio of some 1 space for every 3 flats or 33% provision. This is comparable to the provision at The Charter development where 75 spaces of the 186 spaces in the multi-storey car park were dedicated to the residents, the remainder being accessible by residents and the public on a chargeable basis. With 242 flats the car parking ratio is approximately one space for every 3 flats and similar to the proposal currently under consideration.

Cycle. The applicant has not provided cycle parking at the rate of one cycle per flat, instead an area is made available for the storage of mobility scooters, which could also serve adaptive cycles (Cycles that can take many forms and allow for tricycles and similar and those that can be peddled by hand). The important thing is demand is monitored and adjustments made as necessary to provide a suitable mix of cycle (in all forms) and mobility scooter parking spaces. There may be benefit in the developer providing suitable equipment so individual residents do not have to find secure parking for their own equipment.

EV charging

Following changes in the Building Regulations, the primary responsibility is now compliance with Building Regulations. The details submitted are deemed reasonable, appropriate and deliverable.

Travel Plan

Given the sites location, the restricted car parking, the age of the residents, no Travel Plan is considered necessary, as the possibility of generating significant peak time travel is non-existent.

Any other relevant highway matters.

It should be noted, that if this were a new site, it would be better to serve the development from an access on Zion Place. But the site had a previous use, and the traffic generation will be less than Police Station. There is therefore no justifiable reason that the existing access cannot be retained when considering the highway planning issues.

GBC Leisure Team - Communities Directorate

Policy CS13 and the NPPF recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. As also outlined by Sport England, consideration should be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Due to the constrained nature of this major development and the associated high-rise form, it would not be expected that the developer would provide types of formal and informal leisure provision at site, but it is reasonable to expect the applicant to offset the impact of its development on existing leisure facilities in the area.

Based on all the assessment data currently available including, the Open Space, Sport & Recreation Assessment compiled by Knight Kavanagh & Page in 2016, there is particular shortage in the provision of 3G artificial pitches, junior/youth grass pitches and ancillary buildings, swimming pool lanes and an overall ageing leisure centre facility stock at Cygnet and Cascades Leisure Centres (of which a new leisure centre is currently being designed and developed at Cascades). There is also the need for major capital improvements to play equipment across the borough, of which the number of total sites available within the borough is remarkably less when compared to other areas. A planned approach for future investment has been developed by Operational Services across a number of specific sites. Areas close to this particular development site include the Riverside Leisure area, which is anticipated to require further investment in the next 1-2 years.

<https://www.gravesham.gov.uk/home/community-and-leisure/sports-and-recreation/open-space,-sport-and-recreation-assessment>

Taking into consideration the development's location within the borough and real time need/deficiencies on the ground, the development would be expected to make a financial contribution towards upgrading and improving existing leisure provisions, which may include those facilities listed above. Using Sport England Sports Facility Calculator (SFC), and if we assume 97 residents within the new development (based on an average of 70% of the new residents being single occupancy and the rest of development providing a maximum of 2 residents per residential dwelling), the SFC gives an indicative contribution figure of approximately £43,910.

GBC Horticultural Services

The work the applicants tree consultants are recommending is minimal. They would be better to prune back some of the other laterals to keep the crown balance not a crown reduction just a cut back here and there.

GBC Waste and Recycling Manager

Has reviewed the above planning application and the bin store appears to be in a good location with easy access. In the design and access statement, it states,

Churchill Retirement have developed a detailed understanding of the typical waste requirements attributed to their schemes based on research carried out from operational Churchill Lodges across country.

Interested to see how this strategy has led to the waste collection provision for this development and in the number of bins for both refuse and recycling plus the expected frequency of collection. There does not appear to be a provision for food waste, which will become a legal requirement within the next two years so this needs to be added to the waste collection provision.

Developers are required to pay for the provision of all bins required for a development and these can be purchased through the Council. Developers are welcome to purchase their own 1,100 litre bins however the bins must be metal and comply with European Standard EN840.

Collections from sites will not occur until containers are in place. It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints in regard to non-collection due to the fault of the developer will be passed onto to the developer for response. The Council should be informed at least two weeks prior to the waste collections by the council taking place.

Note: Has advised that following submission of additional details has no objection

Ward Councillors (Pelham)

No specific written comments received but have requested committee determination

External Consultation Responses

KCC Highways and Transportation

The application is supported by what is considered to be a very robust Transport Statement dated 12th April 2022 and which covers all the key transport elements of the proposed development.

The site is located in a very sustainable location close to the town centre with easy access within walking distance to bus and train services. A comprehensive arrangement of footpaths is available to all nearby services so the use of the private car should be at a minimum.

Access to the development is via the existing access off Woodville Place which was used by the former police station. Adequate visibility is available from this access. Analysis of traffic generation, including utilising data obtained from other similar development from the applicant's other similar facilities, reveals that the traffic generation expected is

considerably lower than that of the previous use, so the access off a busy town centre road should not be questioned.

Parking is to be provided with a total of 25 spaces which is in accordance with the Kent Parking Standards for retirement flats which is a maximum for such a town centre location. Again, comparison with the applicant's other similar facilities demonstrates that this level of parking should be adequate, taking into account the availability of public car parks nearby which can be used by visitors. It is proposed that the parking spaces shall be unallocated which is acceptable, but it should be ensured that all spaces are a minimum of 5m x 2.5m except where adjacent to a wall etc. when they should be a minimum of 2.7m wide. Disabled parking should be identified in accordance with the requirements of SPG4. However, it is noted that no EV charging points are proposed within the car park, only ducting, which needs to be changed such that at least 10% of spaces i.e., 3, are provided with full EV charging provision. The remainder of spaces should have passive provision i.e., ducting / cabling, for future requirements if necessary.

Parking for mobility scooters is proposed which will also be available for cycle storage although given the type of accommodation, the number of cycle parking spaces can be low and can be adjusted depending upon demand.

There is concern that, if the existing lay-by fronting Wrotham Road is removed and incorporated in the site, that the existing narrow footway alongside is obstructed completely by a number of mature trees and that currently pedestrians utilise the layby area, albeit that it does not form part of the public highway. It must be requested that part of the development proposals would be to widen the existing footway alongside Wrotham Road, particularly around the trees. This would then make walking routes around the site much improved, and the applicant should be requested to provide such an improvement.

Overall, no objection on highway grounds is raised to this proposal provided the Conditions given below are applied to any consent granted:

1 Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

2 Provision of EV vehicle charging for at least 3 parking spaces and cabling / ducting provided for the remaining spaces.

3 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

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

5 The proposed flats shall only be occupied by residents aged 55 and over.

Requests that the standard KCC Highways Informative be imposed.

KCC Community Services and Facilities

Advises that the development will have an additional impact on the delivery of community services and gives rise to the following requirements:

	Per Dwelling (x75)	Total	Project
Community Learning	£16.42	£1,231.50	Towards additional, services, and resources to assist with the education and training of the new learners arising from this development locally
Youth Service	£65.50	£NIL	n/a as Retirement development
Library Service	£55.45	£4,158.75	Book stock and resources for Gravesend Library
Social Care	£146.88	£11,016.00	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the Borough
Waste	£183.67	£13,775.25	Ebbsfleet WTS

All Homes to be built as **Wheelchair Accessible & Adaptable Dwellings** in accordance with Building Regulations Part M 4 (2)

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 of the NPPF.

Note: There is no requirement for contributions towards primary education, primary land or secondary education

KCC Flood and Water Management - Sustainable Urban Drainage Systems (SuDS) - Revised Comments

Kent County Council as Lead Local Flood Authority (LLFA) have reviewed the additional document provided on 12th August 2022 with the requested updated FEH calculations and clarification provided regarding the topography of the site and surface SuDS features and as such raise no objections at this stage.

Should the Local Planning Authority be minded to grant planning permission for this development, the LLFA would advise the following conditions are attached:

Condition: Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk & Drainage Technical Note prepared by Awcock Ward Partnership dated 12 April 2022 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition: No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Note: The above comments supersede a previous holding objection from the LLFA

Summary - Sufficient Information Provided

Considers that sufficient ecological information has been submitted in support of this planning application.

If planning permission is granted, advises that a condition securing the implementation of ecological enhancements is attached.

Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

Thames Estuary and Marshes SPA and Ramsar

The development includes proposals for new dwellings within the zone of influence (6km) of The Thames Estuary and Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Gravesham Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS there is a need for an appropriate assessment to be carried out as part of this application.

Biodiversity Net Gain

The submitted Preliminary Ecological Appraisal (PEA) has assessed that the current demolition site has negligible biodiversity value. It includes an assessment of the predicted increase in biodiversity value if the submitted landscape scheme is implemented. We therefore advise that a suitably worded condition should be required to ensure the satisfactory delivery of that landscape scheme. Suggested condition wording is set out below:

Landscape and Ecological Management Plan

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the completion of site access works of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed*
- b) Ecological trends and constraints on site that might influence management*
- c) Aims and objectives of management*
- d) Appropriate management options for achieving aims and objectives*
- e) Prescriptions for management actions, together with a plan of management compartments*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)*
- g) Details of the body or organisation responsible for implementation of the plan*
- h) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long- term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: *Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features.*

Kent County Council Heritage and Conservation

Has read the Archaeological Desk Based Assessment and is not in full agreement with its conclusions that the site has negligible archaeological potential and that the 20th century use of the site has no heritage value.

Notes on other sites in Gravesend (e.g., The Charter) that significant evidence for post-medieval and modern development can survive below and between areas of 20th century impacts and the surviving archaeological evidence can sometimes challenge the historic map and documentary records and provide useful insights into how the site was developed and used. There is the potential for this site to contain such post-medieval and early modern remains which should be recorded before removal. It is also possible that pockets of earlier deposits, with pre-modern archaeological potential, above bedrock may also survive on the site.

Remains associated with the Civil Defence Control Centre would also be important to record as would surviving remains of the combined police and fire station.

Assumes that the site will be subject to remedial works (removal of concrete slab and other below-ground obstructions) to enable a development platform to be constructed and for subsequent piling. Assuming that this is the case, the most pragmatic way to make a record would be by means of a controlled archaeological watching brief on the remedial works. This would commence by monitoring the removal of the main slab followed by removal, cleaning and recording of below-ground structures.

The following condition could be applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure that features of archaeological interest are properly examined and recorded.*

The foundation stone will definitely need to be carefully removed and relocated on site so that it helps inform future residents and visitors about the history of the site.

National Highways

No objection

National Highways has reviewed the application, including the planning history of the site and the Transport Statement (TS). While they do not necessarily agree with the TS, for example with regards discounting against a long-ceased use, their own assessment has been sufficient to enable HE to conclude that they are content that the proposed development will not generate an unacceptable level of additional traffic on the SRN (*Strategic Road Network*) in Peak Hours. National Highways therefore considers that the development will not materially affect the safety, reliability and / or operation of the SRN.

Environment Agency (EA)

The EA has no comments to make on this planning application as it falls outside their remit as a statutory planning consultee.

Southern Water

Advises on the position of their existing foul sewer within the development site. Advises that

- The gravity foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Advises that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Notes that the applicant proposes to limit surface water flow to less than (72% betterment) the existing flows into the surface water system. This discharge can be permitted, if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system.

In respect of Sustainable Drainage Systems (SuDS) advises that under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

Requests that should this planning application receive planning approval, the following informative is attached to the consent:

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Southern Water advises that they can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

Natural England

DESIGNATED SITES [EUROPEAN] – FURTHER INFORMATION REQUIRED

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In

accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

NHS Kent and Medway Clinical Commissioning Group (CCG)

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

The CCG has applied the legal tests in the CIL Regulations in relation to this planning application and can confirm the following specific requirements.

	Total Chargeable Units	Total	Project
General Practice	75	£43,632	Towards refurbishment, reconfiguration and/or extension of Old Road West Surgery, Gravesend Medical Centre, Parrock Street Surgery and Rochester Road Surgery and/or towards new general practice premises development in the area

Justification for infrastructure development contributions request

This proposal will generate approximately 121 new patient registrations based on the dwelling mix. The proposed development falls within the current practice boundaries of Old Road West Surgery, Gravesend Medical Centre, Parrock Street Surgery and Rochester Road Surgery.

There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Whilst it is not possible at this time to set out a specific premises project for this contribution, we can confirm that based on the current practice boundaries we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

In addition to the above we request that any S106 agreement regarding a financial contribution recognises the following:

- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.
- Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practices detailed above.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.

General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate primary medical care service capacity is available as part of our commissioning responsibilities. Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future.

Kent Police Designing Out Crime Officer

Further to comments made in January 2022 for the Pre-App stage recommends the following be implemented into the design to design out crime.

1. 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.
2. 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.
3. 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.
4. The dignity of residents needs to be protected to avoid persons being able to see into bedrooms, especially those on ground floors. Window films are an example of how this can be achieved.
5. If cycle storage facilities are proposed, we advise on the use of ground/ wall SBD or sold secure anchors within a lockable shed or storage area.
6. CCTV is advised for all communal entry points (both commercial and residential buildings) and the mail delivery area to monitor who enters/ exits the buildings, especially if on-site facilities will be utilised by the public.
7. If there is to be a nurse's station/ drug storage area on site, we require this area to be securely lockable with access control and CCTV coverage of the entrance.

If approved, site security is required for the construction phase. There is a duty for the principal contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management)

Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

Kent Fire and Rescue Service

Confirm that the means of access for the fire and rescue service would be considered satisfactory subject to the details being designed and implemented as detailed.

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.

Network Rail

No objections

Note: No written comments have been received from the following external consultees that were consulted:

Historic England, UK Power Networks, National Grid UK, Southern Gas Networks Gravesend Historical Society, Gravesham Access Group, Arriva Southern Counties, or South East Coast Ambulance Service NHS Foundation Trust.

Publicity and Representations

5.2 This application was publicised by a site notice and a press notice. As such, it has been publicised on the following basis as a:

- Major Development
- Development affecting the setting of a Listed Building
- Development affecting the character or appearance of a Conservation Area

5.3 In addition, notification by a 'neighbour letter' was originally sent in to **106** surrounding residential and commercial properties and other interested parties. The expiry date for the receipt of any comments was 10 June 2022.

5.4 A total of just two representations only have been received and both are in **support** of the application. The first 'neighbour' comment says:

This is an excellent proposal for this site that has been an eyesore for years.

The second 'neighbour' comment says:

Supports this planning application, in general it has been well thought out and will offer older people the opportunity to move into a more manageable property, freeing up

housing stock that can be used for families and all also help rejuvenate the Town Centre economy.

The only concern is with vehicle access to and from the site during construction and post completion of the project. The vehicle access shown on the diagrams is from Woodville Place which is where the access point was when the site was used as a Police Station. That said, when the site was a Police Station Woodville Place was a side street with little traffic. Woodville Place with a length of approx. 100 metres with bends at either end is now a component part of the Gravesend Town Centre one way system with a far greater flow of traffic. Concerned that there is an increased risk of traffic collision or delay with traffic entering or leaving the site and suggests the vehicle access is moved either onto Zion Place or Windmill Street

6. Planning Analysis and Service Manager (Planning) Comments

Introduction and Background

Recent Planning Background

- 6.1 The former Police Station site, the subject of this current planning application, has already been the subject of previous major planning applications for redevelopment that have been permitted by this Council but have not progressed to full implementation.

Community and Pre-Application Consultation

- 6.2 Prior to the current submission of the planning application the applicants undertook pre-application submission consultations with the Borough Council planning officers in November 2021 and the officer formal written response, issued in March 2022, expressed support in principle for the redevelopment of the site for the elderly persons accommodation, notwithstanding the scheme no longer including any commercial floorspace.
- 6.3 However there were concerns as to whether the development offered the most optimum use of the site and whether the 'T' shaped layout of built development on the site was appropriate and that the previous courtyard design and layout perhaps ought to be considered.
- 6.4 The applicants then undertook pre-application consultations with stakeholders including emails and meetings in March 2022. This was followed by extensive neighbour consultation with an invitation to view an online exhibition via a project specific website, also in March 2022.
- 6.5 The extent of consultation including the community feedback is documented in the Statement of Community Involvement. It indicates that the proposals were advertised to 479 residential and business addresses and the dedicated website was viewed 98 times.
- 6.6 Since the submission of this current planning application, officers have worked with the applicant in a positive and proactive way to address any outstanding matters.

The Key Issues

- 6.7 The key issues to be considered in the assessment of this current planning application are suggested as being as follows:

- Principle of the Development and Conformity with Adopted Policy
- Design, Character and Appearance of the Buildings and Associated Development
- Heritage and Conservation Impacts
- Residential Environment and Suitability/Quality of the Housing Accommodation
- Environmental Impacts and Impacts on Local Amenity
- Highways, Access and Parking Impacts
- Sustainability, Energy Strategy and Green Credentials; and Waste
- Ecology and Biodiversity
- Open Space, Trees and Landscaping
- Archaeology
- Flood Risk and Surface Water and Other Drainage
- Other Material Planning Considerations - Contamination, Fire Safety, Security etc.
- Development Viability, Deliverability (Phasing) and Other Financial Considerations

Principle of the Development and Conformity with Adopted Policy

Sustainability, Planning Policy, and the Provision of Housing

- 6.8 A fundamental planning theme in Government Planning Policy in the National Planning Policy Framework (NPPF) is achieving sustainable development.
- 6.9 Policy CS01 (Sustainable Development) of the Gravesham Local Plan Core Strategy sets out that support will be given to proposals that accord with the development plan. A positive approach to new development will be taken that reflects the presumption in favour of sustainable development set out in the NPPF and the Local Plan Core Strategy.
- 6.10 In addition, Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. It seeks to achieve this by promoting regeneration by prioritising redevelopment and recycling of previously developed land.
- 6.11 The development as proposed would conform to national planning policy and local plan policy as sustainable development and clearly involves the reuse and recycling on a previously developed (brownfield) site. It is within a highly sustainable location, and it is within comfortable walking distance of the town centre and bus stops and close to the Gravesend main line railway station and a range of shops.
- 6.12 The application site is located within the Gravesend Town Centre Opportunity Area (Policy CS05) within the Gravesham Local Plan Core Strategy 2014 and within subarea 3.3 (South of the Town Centre area). Paragraph 4.6.28 states:

The former Police Station on Windmill Street is vacant. The Council considers that this site is suitable for a range of town centre uses including a significant component of residential development. Active commercial uses should occupy the ground floor to complement The Woodville to the north and existing business uses on the east side of Windmill Street. The site currently has an outstanding planning permission for redevelopment to provide residential uses on the upper floors and shops/financial and professional services/business/non-residential institutions (use classes A1/A2/B1/D1) on the ground floor. Cygnet House is currently being redeveloped for residential use.

- 6.13 The principle of this site being an acceptable location for high quality sustainable mixed-use development is therefore accepted, and through the previous unimplemented planning permissions.
- 6.14 In respect of housing delivery Local Plan Core Strategy Policy CS02 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 over 6,000 new dwellings in that time. Evidence now available shows that the Council is not able to currently demonstrate a five-year housing supply.
- 6.15 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 January 2021 https://www.gravesham.gov.uk/_data/assets/pdf_file/0009/189288/5-Year-Housing-Land-Supply-Statement-2020-2025.pdf) 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.
- 6.16 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.
- 6.17 In this case the development is proposed within a 'protected area' above.
- 6.18 Nevertheless, in determining applications for planning permission involving housing, the Council will 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.
- 6.19 Effectively the Government expects developments to make optimal use of the potential of each site where there is an existing shortage of land for meeting identified housing needs

- 6.20 The residential development of the site also supports the Government's greater emphasis on delivering and prioritising housing land as set out in the current version of the NPPF (section 5 - delivering a sufficient supply of homes).
- 6.21 The redevelopment of sites within the urban area to higher densities appropriate to context can help reduce the pressures for the release of fresh land in rural locations, which is of particular importance in a Local Authority constrained by environmental and Green Belt policies. This would be in conformity with paragraphs 120 and 141 of the NPPF. In terms of plan making, the starting point for determining the minimum need for housing in Gravesham is the Government's 'Standard Method'. This suggests a minimum housing need of around 10,500 units through to 2036. The Inspector in finding the adopted Local Core Strategy (2014) 'sound' only did so on the basis of a commitment to undertake a Green Belt review to address unmet need through to 2028, effectively accepting that the 'exceptional circumstances' to justify release already existed even over that shorter period. Whilst work is on-going to determine the most appropriate strategy to meet housing need (including discussions with neighbouring authorities under the duty to co-operate) it is considered likely that Green Belt release will still be required and optimising densities in locations like this site can only assist.
- 6.22 The development of the site for some 75 Retirement Living apartments for older people would offer a very significant contribution towards meeting this local need and, accordingly, weighs heavily in support of the development as proposed.
- 6.23 Nevertheless, this still has to be balanced against other requirements of the NPPF and in particular paragraph 130 and 134 of the NPPF which requires development to be added to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.
- 6.24 Notwithstanding the Council's shortages in housing delivery and the consequent significant weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole. There are a number of planning, highway and other material planning issues that need very careful consideration in the assessment of this development.

Density of Development

- 6.25 Development on this site should aim to meet the requirements of Policy CS14 (Housing Type and Size) of the Gravesham Local Plan Core Strategy 2014 where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area.
- 6.26 Policy CS15 (Housing Density) of the Gravesham Local Plan Core Strategy 2014 requires that all new housing will be developed at a density which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration, new residential development within the urban area will be expected to achieve a minimum density of 40 dwellings per hectare. It is clear that whilst Policy CS15 seeks to achieve this minimum density, this should not be at the expense of compromising the character of the surrounding area.
- 6.27 The adopted policy, Policy CS05 (Gravesend Town Centre Opportunity Area), of the Gravesham Local Plan Core Strategy 2014 in relation to this site does not set out a target quantum or density of development.

- 6.28 Based on the applicant's site area the density of the development would be circa 208 dwellings units per hectare thus significantly exceeding the target minimum density. This might suggest perhaps overdevelopment at variance with the overall character of the area. However, the Local Plan acknowledges that densities will be design led and will have regard to the accessibility of each site and that higher densities will be expected in town centre sites or transport hubs. The policy also stresses the need for development proposals to make efficient use of land for housing.
- 6.29 Historic permissions on the site have also been at a high density, and even higher than in this current scheme. However, these higher density schemes have not been delivered, due to the schemes being unviable in terms of delivery.

Residential Development Mix and Tenure

- 6.30 Gravesham Local Plan Core Strategy Policy CS14 indicates that:
- The Council will expect new housing development to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities. Sheltered housing and extra care housing for people with special needs will be supported on suitable sites in areas with access to a range of services that provides for the needs of future occupants.*
- 6.31 Paragraph 62 of the National Planning Policy Framework (NPPF) also promotes the overarching housing choice. More particularly 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in local planning policies (this includes, but is not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
- 6.32 Paragraph 010 Reference (ID: 63-010-20190626) of the National Planning Practice Guide (NPPG) acknowledges that there are different types of specialist housing designed to meet the diverse needs of older people which can include age-restricted general market housing, retirement living or sheltered housing, extra care housing or housing-with-care and residential and nursing care homes.
- 6.33 Churchill Retirement Living propose to redevelop the site for 75 Retirement Living Apartments (Use Class C3).
- 6.34 This will not be a care home or nursing home (Use Class C2) but falls within the definition of retirement/sheltered housing.

Affordable Housing

- 6.35 Policy CS16 (Affordable Housing) of the Gravesham Local Plan Core Strategy states that the Brough Council will seek 30% provision of affordable housing for schemes of 15 dwellings or more and on this basis and notwithstanding the fact that the units are for retirement apartments numerically the scheme ought to be meeting a requirement of 22 of the proposed units being affordable units.
- 6.36 Paragraph 64 of the National Planning Policy Framework (NPPF) indicates that where a need for affordable housing is identified planning policies should specify the type of affordable housing required and expect it to be met on site unless (a) off site provision or an appropriate financial contribution in lieu can be robustly justified and (b) the

approach contributes to the objective of creating mixed and balanced communities, while paragraph 65 of the NPPF expects where major development is proposed planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership.

- 6.37 On this basis therefore there is an obligation on Churchill Retirement Living to provide Affordable Housing within the development or payment in lieu, under the Council's adopted Local Plan. If the applicant is unable to make an onsite provision or a payment in lieu, they are required to demonstrate that this due to the proposed development not being viable.
- 6.38 As indicated earlier in this report the application is accompanied by a report on Affordable Housing and Viability and it is indicated that there are additional costs associated with delivering retirement housing as opposed to standard market housing and around 25% of floor space is communal facilities such as the owners lounge and guest accommodation which is indicated as being unsaleable floor area which therefore reduces income. It is also indicated that retirement accommodation has a reduced sales rate, due to the smaller section of the market that is eligible, increased borrowing and empty property costs.
- 6.39 The applicant's financial viability appraisal concludes that due to the nature of the development and site-specific factors, the proposal could not viably support any planning obligations. The applicant's viability report was subsequently independently reviewed and verified by a viability consultant Pathfinder, on behalf of the Brough Council and who concluded that '*a viable scheme is one which contains 75 retirement homes for market sale and total s106 contributions of £18,000*', the applicants have indicated in a more recently submitted technical note on Planning Obligations that they are willing to offer a commercially expedient offer of £100,000 for all planning obligations subject to achieving a local consent.
- 6.40 As the scheme is not viable the Council cannot seek on site affordable housing delivery or a payment in lieu, however, as noted the applicant has made a conditional commercially expedient offer of £100,000 towards s.106 contributions.

Older Persons Housing Need

- 6.41 The need to provide housing for older people is described in the National Planning Practice Guidance (NPPG) on Housing as 'critical' as people are living longer lives and the proportion of older people in the population is increasing (Paragraph 001 - ID: 63-001-20190626). It says:
- 6.42 *Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.*
- 6.43 At a policy level, Policy CS14 of the Council's Core Strategy similarly notes that there will be a growth in the older population in the Borough over the plan period and supports the provision of specialist and extra care housing.
- 6.44 The latest Gravesham Borough Council Strategic Housing Market Assessment, states that; "The most significant growth is forecast in the age bands over 65. Growth is particularly marked in the 85+ household age band, which is projected to increase by 2,030 householders (144%) over the 25 years from 2012 to 2037." 5.1.7

- 6.45 This change in the population profile results in a greater need for all forms of housing and care provision for older people.
- 6.46 The Council's Assistant Director, Housing (Development & Enabling) considers that the proposed Market homes for the Over 55 + market is meeting a local housing need and supports the proposal.
- 6.47 The provision of retirement housing has the benefit of releasing under occupied family homes back into the housing market.

Employment Provision and Economic Benefits

- 6.48 As referred to earlier, the preamble to the Policy CS05 (Gravesend Town Centre Opportunity Area) of the Gravesham Local Plan Core Strategy, 2014 indicates that the site is suitable for a range of town centre uses and that active commercial uses should occupy the ground floor
- 6.49 In addition Policy CS07 (Economy, Employment and Skills) seeks to enhance opportunities for all local people to access new jobs arising from the Council's employment policies which also lends support to the provision of employment on this site.
- 6.50 No commercial units or other non-residential uses are proposed within the current scheme whereas previous permitted proposals for the site have included ground floor commercial units.
- 6.51 Conversely there is not according to the applicants, considered to be sufficient demand to bring forward new Use Class E units (thus, retail, cafes and restaurants, offices etc.) on a speculative basis.
- 6.52 The absence of any commercial units in this current scheme is accepted having regard to the supporting employment evidence presented by the applicant's consultants (Lichfields) that has examined market trends and signals in the retail and office sectors that point to continuing lack of demand due to changing shopping patterns and expansion of online retail and the re-purposing of office spaces as a result of the pandemic and increasing home working.
- 6.53 The report suggests that the site is not ideally located for significant commercial floorspace or would benefit from a high level of footfall.
- 6.54 The NPPF in paragraph 122 points to the need to reflect on changing market demands for land that should be informed by regular reviews and that if there is no prospect of development coming forward in accordance with an allocation that applications for alternative uses on the land should be supported.
- 6.55 Notwithstanding the loss of employment development on this site, there are nevertheless substantial economic benefits from the proposed development during construction (estimated at 59 jobs per annum over the build period and 66 supply chain jobs) and once in operation (the equivalent of 6 full time job for the development) and with wider benefits including the generation of a significant amount of expenditure once operational that will enhance further the vitality of the town centre (estimated at £1.3 million within local shops and services supporting 12 jobs)
- 6.56 There are also other wider economic benefits relating to health provision (with each person living in a home for later living enjoying a reduced risk of health challenges

contributing to fiscal savings to the NHS and social care services) and in accommodating needs for elderly accommodation, in addition to local Council tax payments.

Conclusion

- 6.57 On balance it is considered that the development as proposed can be supported as the contribution the development can bring to meeting local housing need, to adding to the overall mix and supply of housing and in going some way to addressing the local and national shortfall in Older Persons Housing Need carries significant weight and its importance cannot be underplayed.
- 6.58 Whilst the scheme does not include any employment uses unlike previous permitted developments on this site, the evidence and analysis presented suggests that this is the right approach in all the circumstances and there are in any case substantial economic, social and environmental benefits from the development as proposed.

Design, Character and Appearance of the Buildings and Associated Development

Policy

- 6.59 A fundamental consideration in the assessment of the development proposals relates to the design, scale and massing of the development and how it impacts visually in its location and setting having regard to the wider visual impacts, how it relates to other adjoining uses and built form in the locality and the character and appearance of the area including the Upper Windmill Street Conservation Area and adjacent listed buildings.
- 6.60 Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy, 2014 states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. It requires 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, amongst other things.
- 6.61 At a national planning policy level the National Planning Policy Framework (NPPF) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development (paragraphs 126 and 130 of Part 12 - Achieving well designed places). Paragraph 130 of the NPPF also indicates that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation and change (such as increased densities); and establish a strong sense of place, using streetscapes, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Paragraph 134 of the NPPF advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 6.62 Paragraph 64 of the National Design Guide 01 October 2019, states:

Well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to an enhances the existing character and content.

Design Approach and Comparison with Previously Permitted Submitted Schemes

- 6.63 The design, scale and form of the development as proposed along with the likely visual impacts are fully explained and justified through the submitted Design and Access Statement and Planning Statement, the former setting out how the design has evolved.
- 6.64 The prevailing townscape character is predominantly characterised by modern 1960's office scale development to the north and south (GBC Civic Centre and Cygnet House), 5 and 6 storeys respectively, and with more historic buildings to the east and west ranging in height from 2 to 3 storeys and where the predominant material for the residential context is a mix of London stock/buff brick, darker stained buff brick, painted rendered façade, rusticated decorative render and which contrast with the brutalist concrete façade of the Civic Centre building.
- 6.65 The proposed built form comprises a 'T' shaped building footprint, which is described as being a response to site constraints and opportunities, with the development divided into two parts, the principal elevation facing Windmill Street to the east and with a secondary block connected and positioned at 90° to separate the site into two with car parking to the north and a resident's garden amenity space to the south utilising the south-facing aspect.
- 6.66 This is different from the pre-application stage and was a change in response to officer concerns that had two parking areas with one to the north off Woodville Place and a secondary car park to the south accessed from Zion Place, but the overriding concern was that the scheme was too car dominated.
- 6.67 The scale of development will be a 4 storey plus dormered mansard roof although this does mean that the roof effectively is a flat roof, but this is the same roof arrangement as the buildings to the north and south (GBC Civic Centre and Cygnet House).
- 6.68 The massing allows the development to sit between those buildings without being challenging to their scale. The scale and massing of the development in context are shown in the street elevation below.



- 6.69 The mansard roof has hipped ends and with varying eaves height to introduce elements of hierarchy and variation in roof profile. The dormers to the fifth/roof storey accommodation across all elevations have been aligned to the windows below to maintain classical symmetry and proportion.
- 6.70 The exterior facades include Juliette balconies on elevations where appropriate, and where separation distances permit on the south elevation and a section of the west

elevation located on the south side of the development that fronts the private garden amenity space full balconies are also proposed.

- 6.71 The overall design philosophy as proposed therefore is very much a 'pastiche' approach rather than anything of modern or contemporary proportions with traditional elevational treatment and the use of local materials. Further articulation is provided using contrasting materials such as different brick stocks and render. The design, detailing and materials as proposed do work in this context and will harmonise with surrounding buildings and are supported in general terms.
- 6.72 The massing and scale (height) of development are appropriate for the site although it should be recognised that previous permitted schemes have involved a higher number of residential units and greater scale and massing.
- 6.73 It is noted that the applicant's Planning Statement makes the point that as build costs increase markedly with additional height, the costs of delivering the additional storeys would not be covered by an uplift in sales value. They also point out that whilst the additional recessed upper storey in the previous permitted proposals might add variation to the roof heights, this would not be evident at street level.
- 6.74 Nevertheless there is some scepticism of the 'T' shaped building footprint with a preference for a courtyard style arrangement of buildings which might be considered to respond better to the surrounding street pattern.
- 6.75 Subsequent to the submission the applicant's agents have assessed the critique of the layout of the development and provided an additional **Urban Design Analysis** which reviews various site layouts (Perimeter Block, 'H' shape and 'T' shape) and concludes that the current 'T' shape layout offers the most balanced approach for residential development in what is increasingly a residential area. It is argued by the applicant's agents that the submitted layout also offers more scope for landscaping by pulling development away from the adjacent footway. It is indicated that *the architect's perspectives submitted with the application demonstrate that the proposed 'T' shape building will deliver the required building mass and volume to define the existing street pattern in a positive way.*
- 6.76 The Urban Design Analysis concludes that the proposed 'T' block layout results in the least amount of overshadowing with the perimeter block the greatest. The applicant's agents feel that the current layout will result in a high-quality landscaped amenity space in the southern portion of the site taking advantage of southerly aspect for sunlight resulting in a well-lit communal garden and increased urban greening. The applicant's agents also point out that in both the 2012 and 2016 planning applications the central courtyards were composed mostly of hardstanding.
- 6.77 Whilst there remain some reservations about the layout of the development on balance it is considered that there are no overriding policy or design grounds to reject the layout of the scheme as it stands.
- 6.78 The applicant's agents have also commented on the 'arrival experience':

The main entrance to the development is accessed from the private car park so as to be inclusive to all residents and their accessibility needs or lifestyle choices.

The main entrance is a 'porte cochere' and positioned in the centre of the wing of the development parallel to the eye-line on approach to the site by either the pedestrian or vehicular access points. A single secure entrance from the car park area is appropriate

to maintain passive security from the Lodge Manager over the parking area and ease entrance for residents.

Detailed Design Matters

- 6.79 There have been some discussions with the applicant's agents and their design team since the submission of the current application in relation to a number of detailed design issues in response to officer queries and those from the DSE Design Review, including in relation to the use of render, and extent and appearance of balconies, amongst other things.
- 6.80 The applicant's agents stress that the scheme uses low-maintenance, long lasting materials and the palette of materials chosen including render takes its reference from the surrounding conservation area as well as breaking up the appearance of the façade into terraced proportions. They advise:

Churchill Retirement Living retains management of the development following construction and occupation by residents and therefore a regular maintenance schedule is in place to ensure that the building, landscaped gardens and boundaries remain looking tidy, clean and in a good state of repair.

- 6.81 In respect of the rendering to the façade and boundary piers the applicant's agents have indicated that they use K-Rend, a coloured render that it does not require repainting and is water resistant. In respect of the balconies the applicant's agents have agreed to a toned-down colour of slate grey rather than black to soften their visual impact.

Conclusion

- 6.82 Overall, it is considered that the design and layout and impact on local character is not at variance with local or national policy and notably Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and Section 12, Paragraphs 126 - 136: Achieving well-designed places of the NPPF and subject to ensuring the submitted details are adhered to and planning conditions imposed that ensure that the quality of development as proposed is achieved.

Heritage and Conservation Impacts

- 6.83 In considering this proposal, the impact on heritage assets needs to be considered and assessed. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character and appearance conservation areas and sections 66(1) of the Act 1990 requires the Local Planning Authority amongst other things to have special regard to the setting of listed buildings. These duties are reflected in Section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2021 (NPPF) and in Policy CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy 2014 (LPCS), saved policies TC2 (Policy for Listed Buildings) and TC3 (Development Affecting Conservation Areas) of the Gravesham Local Plan First Review 1994 (LPFR) .
- 6.84 Paragraph 195 of the NPPF (2021) states '*Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this*

into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

- 6.85 Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
- 6.86 Paragraph 200 of the NPPF (2021) requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.87 This application is supported by a specific Heritage Statement by Ecus Ltd. Heritage issues are also set out in the applicant's Planning and Design and Access Statements.
- 6.88 The application site is located within the Upper Windmill Street Conservation Area and there are listed buildings opposite the site to the east in Windmill Street (38 to 50, consec - St George's Terrace, and 51 to 54, consec).
- 6.89 In terms of heritage impacts the applicant's submitted Heritage Assessment suggests that the application site does not preserve or enhance the special quality of the Conservation Area and in its current character and appearance provides a negative contribution to the Upper Windmill Street Conservation Area. It considers that there will be no material harm from the proposed redevelopment to designated or non-designated heritage assets including adjacent listed buildings or the conservation area in which the site is situated.
- 6.90 No specific comments have been made by any statutory consultee in respect of heritage impacts.
- 6.91 The currently retained boundary walls to the former police station are of no visual or architectural interest but the Windmill Street boundary wall does include a foundation stone that relates to the earlier fire and police station which operated from the Site from the 1940's and the Civil Defence Control Centre which operated in the basement of the former fire and police station during this period.



The foundation stone is inscribed with:

Borough Of Gravesend Police Fire Brigade and Civil War Defence Buildings. This Foundation Stone was laid by the Worshipful The Mayor Councillor Walter C. Fletcher J.P. on the 25th of July 1940 Chairman of the Watch Committee Councillor A.W. Howcroft J.P. It is also inscribed with the details of the contractors, (R. Hopkins & Sons), Borough Architect (J.G. Bennett F.R.I.B.A) and the town clerk (H.H. Brown B.A.).

- 6.92 The foundation stone was relocated here following the demolition of the former combined fire and police station and the redevelopment for the early 1970's police station.
- 6.93 The foundation stone is recorded in the KHER (Kent Historic Environment Record) noted to 'have a value as a possible point of interest on a defence heritage trail' and the Heritage Assessment suggests it is of some historic local interest and recommend it is retained and reinstalled where appropriate and if possible, on site. Following further discussions with the applicant's agents it is agreed that it can be relocated within a splayed wall at the vehicular entrance into the site in Woodville Place and with full details to come forward through the requirement of an appropriate planning condition.
- 6.94 Subject to the above it is concluded that the development as proposed accord with the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2021, Policy CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy 2014 and saved policies TC2 and TC3 of the Gravesham Local Plan First Review 1994 and the development would make a positive contribution to the Upper Windmill Street conservation area.

Residential Environment and Suitability/Quality of the Housing Accommodation

Policy and Guidance

- 6.95 Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the (SPG2) adopted GBC Residential Layout Guidelines'.
- 6.96 The Supplementary Planning Guidance Note 2 Residential Layout Guidelines referred to above sets out the Council's standards in relation to private garden areas and internal space standards, amongst other things.
- 6.97 The introduction of new housing technical standards on 1 October 2015 means that the Borough Council now interpret Tables 1 and 3 of the Residential Layout Guidelines July 1996 in accordance with the new standards. The National Technical Standards require bedroom sizes of 7.5m² for a single bedroom and 11.5m² for a double bedroom and minimum overall areas of 70m² for a 2-bedroom (4 person) unit and 86m² for a 3-bedroom (5 person) unit as well as overall sizes for dwellings and flats based on the number of storeys, bedrooms and bed spaces.
- 6.98 Government policy in the NPPF indicates in paragraph 123 that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards), while paragraph 127 indicates that planning policies and decisions should

ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

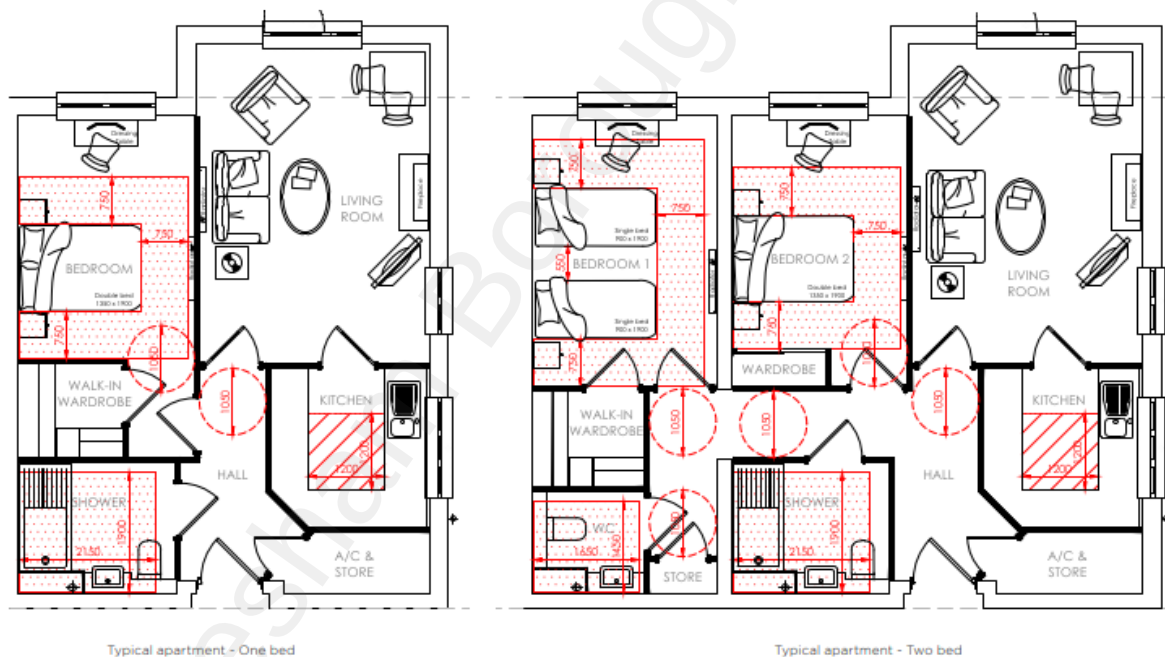
6.99 The National Design Guide in paragraph 120 states:

“Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them.”

6.100 The applicant's Design and Access Statement indicates that

All the apartments have been designed to meet the ‘Technical Housing Standards - Nationally described space standards’ and the space requirements of part ‘M4(2) - Accessible and adaptable dwellings’ of the Building Regulations. This provides features that accommodate a wide range of people, including older and disabled people. The internal apartment layouts have been designed to meet residents’ specific needs.

6.101 Below are the typical floor layouts for the proposed one and two bed apartments.



6.102 The submitted Design and Access Statement indicates that apartments are typically single aspect positioned along a central axis corridor. Where possible, secondary windows have been added to enhance dual aspect living spaces and to improve natural surveillance.

6.103 With regards to design, the applicant's agents have commented that:

Retirement Living apartments are typically single aspect due to the requirements for double-loaded corridors, necessitated by the needs to optimise the development potential of sites.

In the applicants experience there is a wide variety of preferences from customers in terms of aspect - sunny or shaded and thereof a range of choices is desirable. This

designed layout approach has been tried and tested on over 200 Churchill Retirement Living sites.

The corridor with designated front-doors to each apartment provides a warm, safe and protected environment for residents to access their homes as well as providing a community aspect where chance encounters and conversations can take place with your neighbour helping to mitigate the effects of loneliness which is common amongst this age demographic.

The corner flats used are proven standard CRL flats which have been carefully designed for the purposes of spanning the corner whilst providing adjoining residents good levels of privacy and eliminating any overlooking concerns between the two.

The flats have been laid out with living spaces (where habitation levels are higher) are at the extremities of each flat and at the furthest point to one another. The natural reflectivity of the glass helps limit any views into the opposing internal space and furniture layouts carefully considered to orient the natural direction of view from the apartments outwards and away from their neighbours. Bathrooms have also been internalised to make optimum use of the residual space inherent to the corner, so there is no privacy issue in this regard. Bedrooms have been carefully designed so to position the bed and walk in wardrobe are on opposing sides of the party wall to ensure overlooking is not possible.

- 6.104 The Design and Access Statement indicates that there will be 'progressive privacy' from the public realm to resident apartments with a video link from the entrance intercom to the owner's apartments to ensure a high level of safety and security.
- 6.105 It is also pointed out that the provision of retirement housing in this location will give rise to a number of social benefits including opportunity for residents to be independent but in a safe environment and providing security and reduced management and maintenance concerns and improved well-being for occupants of the scheme. Churchill development also offer formal coffee mornings and social gatherings and events for residents.
- 6.106 Overall, it is considered that the design and layout will provide a good standard and quality of accommodation on the site and a high-quality environment for future residents in accordance with national and local planning policy.

Impacts on Local Amenity and Adjoining Residents and other Environmental Issues

Policy and General Issues

- 6.107 In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions.
- 6.108 Gravesham Local Plan Core Strategy Policy CS19 (Development and Design Principles) indicates that new development will be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.
- 6.109 The Supplementary Planning Guidance Note 2 Residential Layout Guidelines also sets out requirements not to just protect future residents/occupants of new development but also those existing residents that might be affected by the development.

- 6.110 The guidelines include guidance on privacy distances and overshadowing including the minimum standard of a window-to-window distance of at least 21 metres and on the 25° rule.
- 6.111 The National Planning Policy Framework (NPPF) in paragraph 130 also assists and seeks to ensure developments will function well and add to the overall quality of the area and create attractive, welcoming and distinctive places to live, work and visit with a high standard of amenity for existing and future users.
- 6.112 Government policy in the NPPF also indicates in paragraph 125 (c) that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Residential Amenity including Sunlight and Daylight Impacts

- 6.113 The application is accompanied by the following documents that assess neighbour impacts:
- Daylight and Sunlight Report (Within Development)
 - Daylight and Sunlight Report (Neighbouring Properties)
- 6.114 The site is bounded on all sides by development with windows orientated towards the site from many of the neighbouring properties. While many of the properties are commercial in nature there are still some that are in residential use.
- 6.115 It is suggested in the applicants Planning Statement that the arrangement of the 'T' block allows for good separation distances from the boundaries on all sides. The submitted drawings show that the proposed building will be 19.6m to 21.5m from the properties to the west in Wrotham Road, 27.1m to 29.9m from the more historic buildings to the east in Windmill Street and 15.9m from the flank wall of Cygnet House and 33.6m from the residential dwellings to the south in Zion Place. This all represents in most cases a significant increase from the distances over historic permitted proposals or the former police station building that previously existed on the site.
- 6.116 The provision of significant landscaping around the perimeter will also help to increase screening and further mitigate any potential overlooking concerns and therefore not result in material impact on properties in terms of either privacy or outlook.

Air Quality

- 6.117 Gravesham Local Plan Core Strategy Generic Policy CS19 (Development and Design Principles) requires new development should avoid adverse environmental impacts from pollution, including air and odour amongst other things.
- 6.118 Paragraph 181 of the NPPF indicates that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.
- 6.119 The A226 Air Quality Management Area (AQMA) lies to the north following still the original route of the one-way system through the town centre and for which there is a local Air Quality Action Plan.

- 6.120 The application is supported by an Air Quality Assessment and the summary indicates:

The proposed development will generate additional traffic on the local road network, but the assessment has shown that there will be no significant effects at any existing, sensitive receptor. The assessment has demonstrated that future residents will likely experience acceptable air quality.

During the construction works, a range of best practice mitigation measures will be implemented to reduce dust emissions and the overall effect will be 'not significant'; appropriate measures have been set out in this report, to be included in the Dust Management Plan for the works.

Overall, the construction and operational air quality effects are judged to be 'not significant'.

Lighting

- 6.121 Core Strategy Policy CS19 requires new development to be located, designed and constructed to avoid adverse environmental impacts from light pollution.
- 6.122 Paragraph 180 of the NPPF indicates that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.123 Lighting impacts of the development include both construction lighting and post occupation lighting on buildings. No specific lighting report has been submitted with this application or any proposed details of external lighting. It is considered that the submission of a lighting strategy can be dealt with through an appropriate planning condition, and this is agreed by the applicants.

Noise

- 6.124 Gravesham Local Plan Core Strategy Thematic Policy CS19 (Development and Design Principles) requires, amongst other things, new development to be located, designed and constructed to avoid adverse environmental impacts from pollution including noise.
- 6.125 Paragraph 180 of the NPPF requires planning decisions to ensure that new development is appropriate for its location including taking into account the likely effects of pollution, including noise, on health, living conditions and the natural environment.
- 6.126 The application is supported by a Noise Impact Assessment. The summary states:

The site is potentially affected by noise from road traffic using the neighbouring road network. Noise levels in external amenity areas will be marginally greater than the guidance levels advocated in BS 8233. The provision of an acoustic barrier fence at the site boundaries would remedy this, however, this is understood not to be feasible on conservation grounds. Internal noise levels will be acceptable throughout (through the provision of alternative means of background ventilation and some acoustically rated glazing throughout).

On the above basis, it is considered that an appropriate acoustic environment can be provided to the proposed residential properties, both externally and internally, and there is considered no reason, on noise grounds, why planning consent should be refused.

- 6.127 GBC Regulatory Services - Environmental Protection Team, in their consultation comments, suggest that there may be concerns about the potential for noise from the home's residents and request as a condition the submission of a Noise Management Plan. However, the applicant's agents have advised that *the proposal is not for a 'residential care home' but for 'retirement living apartments.'* *There will be no deliveries or works associated with the day-to-day provision of on-site care. There is very little noise associated with retirement living apartments, which are generally considered 'good neighbour' uses accordingly. The request for a pre-commencement Noise Management Plan is highly unusual in our experience and presumably derives from a misunderstanding over the proposed land use.* It is therefore not considered necessary to impose such a planning condition in this case.

Conclusion

- 6.128 It is noted that there are no neighbour objections as such to the development and no comments made in respect of either overlooking or loss of sunlight.
- 6.129 Overall, it is considered that the scheme will not materially impact on local amenity or the environment, and it is considered that the development is in conformity with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 and section 12, Paragraphs 126 - 136: Achieving well-designed places, of the National Planning Policy Framework 2021. There are overall environmental benefits that weigh in the balance by providing shared facilities in a single building making more efficient use of materials and energy sources and reducing carbon emissions

Highways, Access and Parking Impacts

Local and National Policy

- 6.130 A crucial issue in the assessment of this planning application is the impact the scale and type of development will have on the local and strategic highway network, what off site highway works might be necessary, how highway impacts can be mitigated, what role can sustainable methods of transport provision play and connectivity be improved and what levels of parking provision should be made and are appropriate to the type of development and having regard to the urban location of the site in relation to its proximity to the town centre.
- 6.131 The proposed development therefore needs to be considered and assessed against local and national highway policies. At a local level Gravesham Local Plan Core Strategy Policy CS11 (Transport) states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards, which will reflect the availability of alternative means of transport accessibility to services and facilities.
- 6.132 This approach to development is also supported by saved policies in the Gravesham Local Plan First Review Policy T1 (Impact of Development on the Highway Network), Policy T5 (New Accesses onto the Highway Network) and Policy P3 (Policy for Vehicle Parking Standards) and in supplementary guidance in the adopted KCC vehicle parking standards (SPG4).
- 6.133 Saved Policy T1 requires that all proposed developments are adequately served by the highway network identified on the Proposals Map. Saved Policy T5 requires that the

formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map, will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.

- 6.134 Saved Policy P3 requires development to make provision for vehicle parking, in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, (SPG 4 published in 2003 and adopted in 2006) and endorsed as supplementary guidance by GBC on 6 July 2009, unless justified as an exception. These are set out as maximum standards although it should be noted that the government abolished national maximum parking standards in 2011 and the ministerial statement in March 2015 indicated that the imposition of maximum parking standards leads to blocked and congested streets and pavement parking and arbitrarily restricting new off-street parking spaces does not reduce car use. The adopted standards therefore would normally seek to be met in full, and all vehicle parking provision should normally be made on the development site.
- 6.135 At a national level the National Planning Policy Framework (NPPF) 2021 recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. It indicates that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment and development should only be prevented or refused on transport grounds where there is an unacceptable impact on highway safety, or the residual cumulative impact of development is severe (paragraph 111).
- 6.136 In this instance the nature and scale of the development does not require a full transport statement or transport assessment (indicative threshold of Use Class C3 - Residential developments with 100 dwellings) in Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006)
- 6.137 The NPPF advocates sustainable transport methods (Paragraph 110). The reduction of pollution and use of public transport, walking and cycling are at the heart of the policy document as part of the core planning principles.

Traffic Generation and Distribution

- 6.138 Whilst the scale of development is just below the local threshold the application is nevertheless still accompanied by a Transport Statement (TS) by Awcock Ward Partnership and subsequently there has been some updated swept path analysis and a Technical Note provided on Electric Vehicle Charging.
- 6.139 The TS suggests that it is anticipated that prior to closure, the Police Station could have been expected to generate approximately 100 two-way trips across the local road network in each of the AM and PM peak periods, with ten arrivals and eight departures in the morning peak hour, and ten arrivals and 17 departures in the pm peak to/from the on-site parking facilities.
- 6.140 The traffic impact assessment shows that there is expected to be between eight and nine trips generated by the site during the AM and PM peak periods, equating to a trip every six to seven minutes.
- 6.141 When compared to the previous use of the site as a police station, it was found that there would be 90 fewer trips during the AM peak, and 93 fewer trips during the PM

peak. Additionally, there would be 10 and 19 fewer trips during the AM and PM peaks respectively at the Woodville Place site access. This demonstrates that the development proposals will generate significantly fewer vehicular trips during peak hours than the former police station.

- 6.142 Similarly, it was found that the development proposals will generate significantly fewer trips than either of two consented mixed-use developments submitted in 2013 and 2016, with 96 and 79 fewer trips in the morning peak hour, and 122 and 111 fewer trips in the PM peak hour, respectively. The TS suggests that the proposed development will have a much lighter impact on the surrounding network than either of these consented schemes.
- 6.143 Given the minimal trip generation from the proposed development it is concluded that the existing highway network would satisfactorily accommodate the additional traffic arising from the proposed residential development without resulting in any severe highway impacts. Therefore, the traffic impact of the scheme is considered to be acceptable in light of the requirements of the NPPF.
- 6.144 These conclusions on traffic generation are accepted by the GBC Highways Development Management Officer and KCC Highways.

Vehicle and Pedestrian Access/Footways

- 6.145 The only vehicular access to the site that will serve the development is a proposed gated access utilising the same access point on to Woodville Place that was used for the vehicular entrance and exit into the former police station.
- 6.146 The access arrangements are also considered to be acceptable to the Highway Authority as is the vehicle visibility splay of 2.4m by 18m to the east, based on a speed survey. These will need to be safeguarded by a planning condition. The 1.2m railings surrounding the site will be aligned such that they do not impinge on vehicular or pedestrian visibility splays. The width of the access has been increased from 4.3m to 4.8m as requested by officers.
- 6.147 There are to be two gated accesses on Windmill Street and one on Wrotham Road reserved for fire and emergency access and egress only. The existing parking lay-by on Wrotham Road is to be closed and the footway is to be reinstated so that there will be continuous footway coverage around the perimeter of the site, and this also will need to be secured by a planning condition. Servicing and deliveries will occur within the parking and turning area in the site. Dedicated parking provision for an ambulance / delivery vehicle is not considered necessary.

Vehicle Parking

- 6.148 The scheme includes provision of unallocated parking for 24 cars. This was marginally reduced from 25 parking spaces in the original plans due to the marginal widening of the access and relocation/segregation of the pedestrian entrance into the site. A few of the parking spaces will be undercroft parking.
- 6.149 Adopted parking standards are referenced in Gravesham Local Plan First Review Policy P3 (Vehicle Parking Standards) and contained within Kent SPG4: Vehicle Parking Standards (2006) which sets maximum parking requirements of 1 space per resident warden and 1 space per 2 units, although there is in this case no resident warden, only a Lodge Manager on site. The level of parking as proposed for this development is below the maximum standard in the adopted guidelines.

- 6.150 However, the evidence presented suggests that the level of parking provision should be sufficient on site to meet the parking demand from the development at a ratio of 0.32 spaces per apartment. Parking surveys undertaken by the developers show a demand on their other retirement sites for 0.28 spaces per unit. The submitted Planning Statement says:

Residents often move into a retirement development so that they are closer to local services and facilities and so can give up reliance on their cars. The typical pattern is that residents move in and then give up their car within 6 months as they no longer need it. Many no longer wish to drive and others find the cost of taxing, insuring and maintaining a car unnecessary for the occasional trip, especially given public transport is available.

From a sales perspective Churchill would not want to provide a development with insufficient parking as it would upset residents and deter future purchasers. As such a thorough understanding has been obtained from existing schemes.

- 6.151 All parking spaces are to be a minimum of 5m x 2.5m except where adjacent to a wall etc. when they should be a minimum of 2.7m wide and this will need to be secured via a planning condition. The revised parking layout now shows dedicated disabled parking spaces in accordance with SPG4.

Electric Vehicle Charging

- 6.152 Paragraph 112 (e) of the NPPF requires applications to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.153 Suitable electric vehicle charging facilities are required on developments in support of the Council's commitment to become carbon neutral by 2030.
- 6.154 The applicants TA originally stated that ducting will be provided for electric vehicle charging and will be implemented as the demand arises and with no EV charging points. However, the applicants have responded to comments from KCC Highways such that at least 10% of spaces i.e., 3 spaces are provided with full EV charging provision. The remainder of spaces should have passive provision i.e., ducting / cabling, for future requirements if necessary. It is proposed that this level of provision is secured through a planning condition. A Technical Note on Electric Vehicle Charging has also subsequently been submitted.

Cycle Parking

- 6.155 In terms of cycle parking, SPG4 states that a minimum of 1 space per 5 units would be expected for sheltered accommodation (Use Class C3), thus 15 spaces.
- 6.156 The applicants TA indicates that in septuagenarians and older (the demographic expected to occupy the apartments), close to zero use a bicycle, but provision for cycle parking can be accommodated within the mobility scooter store if required. It has subsequently been agreed, following KCC highway comments, that 3 Sheffield cycle stands to accommodate 6 bicycles for visitors will be positioned within the parking area. It is considered that this can be secured through an appropriate planning condition.
- 6.157 An internal mobility scooter store will be provided to the north of the building close to the Woodville Place access for at least 11 mobility scooters each equipped with a charging point, accessible from the parking area.

Summary

- 6.158 There are now no highway objections from the GBC Highways Development Management Officer or KCC Highways and Transportation, as the relevant highway authority, subject to the imposition of appropriate planning conditions.
- 6.159 On balance it is considered that the proposals will satisfy the objectives of Gravesham Local Plan Core Strategy Policy CS11 (Transport) as well as saved policies T1, T5 and P3 of the Gravesham Local Plan First Review 1994, and which seek to prioritize sustainable modes of transport, and which assesses car parking in accordance with the adopted Kent Parking Standards. The development is also in accordance with Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport of the National Planning Policy Framework (NPPF), 2021.

Sustainability, Energy Strategy and Green Credentials; and Waste

- 6.160 Adopted Gravesham Local Plan Core Strategy (LCPS) Policy CS18 (Climate Change) and the accompanying written text requires all development to support the transition to a low carbon future and ensure that they address issues relating to flood risk, sustainable drainage and water run-off, water demand and carbon reduction through building construction and energy supply systems. Policy CS19 (LPCS) requires (where relevant) that new development will provide carbon reduction and provision for low carbon and renewable imagery, minimising energy consumption and water use.
- 6.161 It is also a key environmental objective in the NPPF (paragraph 8) and with policies set out in section 14 (Meeting the challenge of climate change, flooding and coastal change).
- 6.162 The application is accompanied by a Sustainability Statement and a summary of the sustainability measures are:
- Energy efficient construction specification
 - Efficient electric heating systems to each apartment and communal areas
 - Naturally ventilated accommodation
 - Fabric Energy Efficiency Betterment (EEB) of 10.3% over Building Regulations Part L.
 - A PV array capable of generating 36,771.15kWh/year of electricity and offsetting 19,084.23kg/year of CO2 to be installed on the roof of the building
 - Each home will achieve a water consumption rate less than 110 litres per person per day or less, and
 - An ethical timber procurement policy.
- 6.163 It is considered that the proposals in respect of energy and sustainability will conform to national and local planning policy, including policies CS18 (Climate Change) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014.
- 6.164 Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 indicates that new development will incorporate appropriate facilities for storage and recycling of waste. It is a key environmental objective under paragraph 8 of the NPPF in respect of minimising waste. There is also separate Government planning policy for waste (PPS10 - Planning for Sustainable Waste Management).

- 6.165 Subsequent to the consultation comments on waste and refuse from the GBC Assistant Director (Waste Operations) the applicants have issued a Technical Note on Waste & Recycling. The note indicates that typical waste requirements at operational Churchill Lodges have indicated that the average usage for waste and recycling is 130L /apartment. This figure which is lower than the provision set out by GBC in the planning guidance is a result of the demographic CRL sites are designed to cater for. At CRL schemes and sheltered housing schemes in general, the occupancy rates are typically 50% lower than open market housing. It is also pointed out that elderly residents are typically basket shoppers with low carbon footprints, purchasing little and often which in turn generates less waste as produce purchased is likely to be consumed on the day before perishing.
- 6.166 The technical note indicates the refuse store location and its design and how a refuse vehicle can access the site and turn around, rather than as originally indicated as waiting within the adjoining highway. There is now no objection from the GBC Assistant Director (Waste Operations).

Ecology and Biodiversity

Policy and Background

- 6.167 Paragraph 177 of the National Planning Policy Framework (NPPF) 2021 requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity.
- 6.168 Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.

Appropriate Assessment

- 6.169 The Habitats Directive protects certain species of plants and animals that are particularly vulnerable and requires a Habitats Regulations Assessment (HRA) to be undertaken by a competent public body, such as a local planning authority where any development has the potential to have an impact on a European protected site. The process of HRA involves an initial 'Screening' stage followed by an Appropriate Assessment (AA) if proposals are likely to have a significant (adverse) impact on a protected site - in this case the Thames Estuary and Marshes Special Protection Area of SPA (termed Natura 2000 site).
- 6.170 In the light of any such assessment, the Borough Council may only grant planning permission if it has been ascertained that the proposed development will not, either on its own or in-combination with other plans and projects, have an Adverse Effect on the Integrity (AEIOI) of such a site, unless there is no feasible alternative or imperative reasons of overriding public interest apply.

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

- 6.171 The Thames Estuary and Marshes Special Protection Area (SPA) is classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically

important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

- 6.172 The Local Planning Authority has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £275.88 per dwelling). This approach is approved by Natural England for all new residential developments. For every planning application for a new dwelling (including new flats), the tariff contributions are secured through a Section 106 legal agreement or unilateral undertaking or if there are no other financial contributions this is secured through a contribution agreement. Where a developer is unwilling to make the SAMMS payment, sufficient evidence is required to be supplied to enable the Council to undertake an Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.

- 6.173 The tariff has previously been accepted effectively in lieu of an Appropriate Assessment (AA). However, in a recent Court of Justice European Union (CJEU) ruling this approach was not considered to be valid, as the CJEU considered the first stage to be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. In this respect, the CJEU judgement made a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an Appropriate Assessment and that mitigation measures cannot be taken into account at the screening stage.

- 6.174 The applicants accept in their submitted Preliminary Ecological Appraisal that a Strategic Access Management and Monitoring Strategy (SAMMS) mitigation contribution would be required to offset any potential recreational impacts, and that with the adoption of this payment then the scheme will prevent any likely significant impact occurring, but that further adverse impacts from the proposed development on designated sites are not anticipated. The Local Planning Authority is therefore satisfied that the proposals would put in place adequate measures to mitigate potential significant adverse impacts on the Thames Estuary and Marshes SPA/Ramsar sites and to protect their integrity in accordance with their conservation objectives. On this basis, the proposal is considered to comply with Paragraphs 180 and 181 of the NPPF and policy CS12 (LPCS), and the requirements of the Conservation of Habitats and Species Regulations 2017. Potential impacts on the European Sites do not therefore impose an impediment on the grant of planning permission in this instance.

Biodiversity Net Gains

- 6.175 The Preliminary Ecological Appraisal submitted with the application indicates that no protected species are considered likely to be within the site or likely to be affected by the development. Enhancements such as tree planting would increase the invertebrate provision of foraging bats, and the inclusion of bat boxes on site would enhance the site for roosting bats, and it is suggested that the proposed development would enhance the site

for bats, in line with policy CS12 of the Gravesham Local Plan Core Strategy and the NPPF.

6.176 The Ecological Appraisal concludes:

The habitats of hardstanding, walls, and ephemeral/ruderal vegetation are of negligible ecological importance, and no specific mitigation is required. Habitat creation will compensate for the loss of the row of trees and enhance the site overall for biodiversity. The development will therefore result in a net gain of 4843 habitat units and 0.6031 hedgerow units. This is a 2201.22% gain in habitat units and a 430.79% gain in hedgerow units. Habitats should be managed under a LEMP for a minimum of a 30-year period to ensure that the conditions are met.

6.177 The KCC Ecological Advice Service response to the planning consultation on the application confirmed they were satisfied that the information submitted had demonstrated the site was of relatively little ecological interest (including protected species) but requested a planning condition requiring the submission of a Landscape and Ecological Management Plan (LEMP), which is agreed by the applicants.

6.178 Subject to appropriate conditions, it is considered that the development is policy compliant (Core Strategy Policy CS11 and the NPPF) in terms of biodiversity net gains.

Open Space, Trees and Landscaping

Policy and Background

6.179 Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy requires a multifunctional linked network of green spaces, footpaths, cycle routes and wildlife steppingstones and corridors to be created, protected, enhanced and maintained to improve access within the urban area, from the urban area to the rural area and along the River Thames. Policy CS13 (Green Space, Sport and Recreation) indicates that the Council will seek to make adequate provision for and to protect and enhance the quantity, quality and accessibility of green space, playing pitches and other sports facilities, in accordance with an adequate, up to date and relevant evidence base, with such provision normally made onsite.

6.180 Saved Policy LT6 of the Gravesham Local Plan First Review requires new housing development to make provision for open space and play space appropriate to the scale of development and type of housing proposed, having regard to the provision of and proximity to existing open space.

6.181 At a national level, Paragraph 98 of the NPPF confirms access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and indicates the need for up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision.

Open Space Provision

6.182 The development includes significant areas of amenity space to the south of the buildings next to the frontage of the site to Zion Place, including an attractive residents seating area, that in itself occupies circa 19% of the site, as well as other significant amenity areas to the east and west of the buildings. The applicant's Planning Statement says:

The applicant has considerable experience in delivering retirement living developments nationally and a subsequent clear understanding of the use and need for amenity space.

The experience of the applicant is that high quality amenity space is far more important than quantity. Residents use the space in a passive way. Active use of external amenity space tends to be relatively limited and mainly involves sitting out. Large, lawned areas are just not required.

- 6.183 The amenity open space shown in the submitted drawings will provide a significant level of visual enhancement to the proposed development and open space for the benefit of the future residents and is supported. Notwithstanding this the GBC Leisure Team indicate that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and provide opportunities for people to lead healthy lifestyles and create healthy communities, and that due to the constrained nature of the development it would not be expected that the developer would provide types of formal and informal leisure provision at site, but it is reasonable to expect the applicant to offset the impact of its development on existing leisure facilities in the area and therefore seeks an off-site financial contribution. This is considered in a later section of the report.

Trees and Landscaping

- 6.184 Paragraph 5.7.18 of the Gravesham Local Plan Core Strategy indicates that landscape features such as trees and hedgerows within the urban area are also important as they help to raise the quality of the environment and the quality of people's lives as well as providing steppingstones and habitats for wildlife, while Policy CS19 (Development and Design Principles) stresses the need for details of appropriate hard and soft landscaping in new developments.
- 6.185 Paragraph 130 (b) of the NPPF indicates that planning policies and decisions should ensure that developments are visually attractive through good architecture, layout and appropriate and effective landscaping.
- 6.186 The application is supported by an Arboricultural Assessment and Method Statement and a Tree Protection Plan along with a more generic manual for managing trees on development sites and in addition a comprehensive Landscape Strategy Plan for the site post construction. No trees will be removed by the development, and it is indicated that the works to trees whilst directly outside the site fall within the bounds of normal management and justified irrespective of any development, and that the pruning works to overhanging highway trees that are proposed would have no long-term detrimental impact on tree health and, because the profile from public viewpoints would remain largely unchanged, it will have no significant impact on local character. In respect of new planting, native species will be used to enhance biodiversity and borders are included with species chosen to add visual interest but also to encourage pollinators. There will be additional tree planting on the northern and southern boundaries of the site.
- 6.187 It is considered that the tree and landscape proposals will enhance the character and appearance of the area and will contribute to 'Urban Greening' and can be supported but subject to planning conditions to ensure tree protection including necessary works to the adjacent trees, and the delivery of the landscape proposals as well as a planning condition requiring details of surfacing treatments, as suggested by the Arboricultural Assessment at the interface with the trees and their root protection areas (RPA's).

Archaeology

- 6.188 Gravesham Local Plan Core Strategy Policy CS20 (Heritage and the Historic Environment) gives high protection towards the preservation, protection and enhancement of the Borough's heritage and historic environment. Proposals will be supported which preserve and, where appropriate, enhance heritage assets and their interpretation including surviving built features and archaeology relating to the Borough's maritime, military, industrial and transport history.
- 6.189 Saved Policy TC7 of the Gravesham Local Plan First Review indicates that planning permission may be refused without adequate assessment of the archaeological implications in areas of archaeological potential.
- 6.190 At a national level paragraph 194 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest (evidence of past human activity), local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.191 KCC Heritage and Conservation nevertheless considers that the site still has some heritage value and archaeological potential and recommend a planning condition for a watching brief which is accepted by the applicant's agents.
- 6.192 It is considered that the proposals in respect of archaeology will conform to national and local planning policy, subject to the recommended planning condition for a watching brief.

Flood Risk and Surface Water and Other Drainage

Flood Risk

- 6.193 Gravesham Local Plan Core Strategy Policy CS18 (Climate Change) indicates that the Council will prioritise the maintenance, improvement or replacement of flood defence infrastructure over other land uses where relevant. In addition to meeting their own flood defence and management needs, the Council will expect new development to take advantage of opportunities to reduce the causes and impacts of flooding from all sources where it is technically and financially feasible.
- 6.194 Section 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF indicates that the planning system needs to take full account of and the long-term implication for flood risk and coastal change because of climate change. Paragraph 159 of the NPPF advises that:
- Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*
- 6.195 Paragraph 167 of the NPPF points out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 6.196 The application is supported by a Flood Risk and Drainage Technical Note. The development is located within Flood Zone 1 and is not susceptible to flooding. The

surface/storm water run-off should be significantly reduced from the current position as the extent of impermeable surfaces will be substantially less.

Drainage and Sustainable Urban Drainage (SUDS)

- 6.197 KCC Flood and Water Management as the Lead Local Flood Authority did seek additional technical information and sought to integrate full SuDS design by utilising the open space with an above ground attenuation feature, to allow greater enhancement to the local environment and increase biodiversity and had placed a holding objection on the development. A subsequent further technical note has responded to KCC Flood and Water Management concerns. The technical note does however make it clear that it would not be practical or desirable, in terms of function of the open space, to include an open drainage feature, such as a pond, as a SuDS feature in the open spaces but nevertheless the developer has added some surface SuDS features where they offer particular benefit at source, and permeable paving has been included to provide at source treatment to vehicle accesses and parking that contribute most to degradation of water quality.
- 6.198 KCC Flood and Water Management now raise no objection subject to planning conditions requiring submission of a detailed sustainable surface water drainage scheme for the site and submission of a verification and maintenance scheme. There are no adverse comments from the Environment Agency or Southern Water.
- 6.199 In summary, the proposed development, including mitigation and enhancement measures for flood risk, the management and enhancement of surface water drainage, and foul water drainage, will therefore be in accordance with the requirements of Gravesham Local Plan Core Strategy Policy CS18 and section 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF.

Other Material Planning Considerations

Construction and Contamination

- 6.200 Gravesham Local Plan Core Strategy Policy CS19 (Development and Design Principles) requires that new development will be located, designed and constructed to avoid adverse environmental impacts from land contamination.
- 6.201 Paragraph 178 of the NPPF indicates that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and land is properly remediated prior to development.
- 6.202 The application is accompanied by a Phase 1 Land Contamination Desk Study Report. This has recommendations for a supplementary phase of ground investigation to include additional bore holes and the use of trial pits designed to provide additional data for a more detailed environmental assessment and to obtain additional data for foundation design and to confirm that all contaminants are at negligible concentrations, together with verification testing for piled foundations, and this will be included within a planning condition.

Fire Safety

- 6.203 It is indicated in the applicants Design and Access Statement that a fire tender is able to get within 45m of all the proposed apartments and cottages in accordance with Manual for Streets requirements. Dry Riser inlets located within 18m of boundary and as such Fire

tender does not need to enter site. Vehicle tracking drawings have been undertaken to demonstrate this manoeuvre. An informative is recommended in relation to fire safety.

Security - Secured by Design

- 6.204 Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 indicates that the layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism. There is national guidance in the ODPM document titled "Safer Places; The Planning System and Crime Prevention" and statutory duties under Section 17 of the Crime and Disorder Act 1998.
- 6.205 The application has been reviewed by Kent Police who make a number of recommendations in relation to perimeter, boundary and divisional treatments, lighting, doorsets and windows, cycle storage and CCTV, and it is considered that these can be set out in an informative

Development Viability, Deliverability and Other Financial Considerations

Development Viability

- 6.206 Policy CS10 (Physical and Social Infrastructure) of the adopted Gravesham Local Plan Core Strategy 2014 indicates that where new development leads to the need for new or improved physical or social infrastructure, developers will be required to provide or contribute towards this subject to viability considerations, through planning obligations in s106 legal agreements.
- 6.207 Gravesham Local Plan Core Strategy Policy CS10 also indicates that such social infrastructure should be put in place in a timely manner to support new development.
- 6.208 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that (a) they are 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. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 (Regulations 122 and 123) and as policy tests in the NPPF (Paragraph 57).
- 6.209 The application is accompanied by a Financial Viability Assessment. The assessment concludes:
- Our Financial Viability Assessment and review of the proposed CRL (Churchill Retirement Living) development leads us to conclude the scheme is viable and provides a small surplus available for planning obligations, after accounting for the anticipated gross sales receipts and all reasonable aspects of the outlay necessary.*
- 6.210 The applicant's viability report was subsequently independently reviewed and verified by a viability consultant (Pathfinder) on behalf of the Borough Council and who concluded that 'a viable scheme is one which contains 75 retirement homes for market sale and total s106 contributions of £18,000'. This level of money available for contributions was more than indicated as a surplus/deficit in the original viability report.

6.211 In response to the consultations on the application there have been requests for planning obligations for financial contributions that can be summarised as follows:

- NHS Health Provision - request totalling £43,632
- KCC Community Services - request totalling £35,094
- Borough Council Leisure Provision - request totalling £43,910

These are in addition to the ecological mitigation (SAMMS payment) to which there is a legal requirement on the applicants to fund (total - £20,691).

6.212 The applicants have submitted a subsequent technical note on Planning Obligations (received 15 August 2022) wherein they indicate that in their view in respect of the NHS Health Provision obligation that the development would actually provide savings to the NHS of approx. £3,500 per year per person due to the reduced risks of health challenges and therefore cannot meet the test that they are necessary to make the development acceptable in planning terms (thus contrary to Regulation 122(2) (a)) and in any event they suggest that the NHS occupancy rates are too high and with an anticipated 97.5 persons the required contribution should fall to £35,100, and is thus not reasonably related in scale and kind (contrary to Regulation 122(2) (c)).

6.213 In respect of the KCC Community Services contributions the applicants point out that the contributions are not based proportionately on occupancy and query whether it is appropriate to seek a social care contribution as the development would deliver savings to social care services by providing older people with more appropriate accommodation. They do not suggest that the KCC contributions sought are necessarily not in compliance with the statutory tests in the CIL Regulations, only if a contribution to youth services was sought which would fail Regulation 122(2) (b), but the KCC Community Services and Facilities response indicates that no such planning obligation is sought.

6.214 It is noted that while the planning obligation sought from KCC Community Services and Facilities includes a request for a financial contribution towards waste, the current Borough Council approach has been that this is considered as not being specific enough and not necessarily locally related - being stated as being towards a new Waste Transfer Station and capacity works to Pepper Hill - or has any definite time frame for implementation.

6.215 In respect of the GBC sports contribution request, the applicant's agents suggest that it is not directly relevant to the development as the development will be occupied by less active persons and is age restrictive and occupants would not participate in active outdoor use of sports pitches (contrary to Regulation 122(2) (b) and (c)).

6.216 Notwithstanding the applicant's viability report and which was subsequently independently reviewed and verified by a viability consultant on behalf of the Borough Council and who concluded that *'a viable scheme is one which contains 75 retirement homes for market sale and total s106 contributions of £18,000'*, the applicants have indicated in a more recently submitted technical note on Planning Obligations that they are willing to offer a commercially expedient offer of £100,000 for all planning obligations subject to achieving a local consent. Whilst the applicant is of the view that some of the financial obligations requested fail to fully meet the statutory tests, this is disputed by the Borough Council. This offer is in addition to the legal requirement of the applicant to fund the ecological mitigation (SAMMS payment).

6.217 Given that the offer of £100,000 will not cover all of the planning obligations sought, officers are of the view that obligations should be sought for Borough Council Leisure Provision - request totalling £43,910, with the remainder (£56,090) of the offer being utilised as a contribution towards meeting much needed affordable housing within the Borough. Studies

have shown that encouraging exercise and physical activity amongst older people, is a preventive measure that assists with reducing pressures on the health service and social care.

Deliverability

- 6.218 The applicants Planning Statement indicates that Churchill Retirement Living's business model is such that they do not landbank and only receive funding from its lenders if a site is under construction or if construction is imminent, and land banking would accrue significant interest costs accordingly.
- 6.219 In addition, the fact that the development would be delivered as a single build footprint and not in several phases means it has more prospect of delivery.
- 6.220 The applicant's agents also indicate that the developer has a track record that demonstrates expedient delivery of planning permissions, usually within 6 months of a permission being granted, and this has been demonstrated by reference to a number of schemes permitted elsewhere in Kent and the surrounding area.

Other Financial Considerations

- 6.221 In terms of other financial benefits, it is noted that these will accrue to the area as and when permissions are granted. The Government wishes to ensure that the decision-making process for planning applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this instance, the proposed new residential units would generate the New Homes Bonus and Council Tax receipts.
- 6.222 Other financial benefits would accrue to the local economy throughout the construction phase, potentially generating local employment and consumption and during the operational phase with new employment and support to the local economy from future residents of the scheme.

7 Summary, Conclusions, Balancing Exercise and Recommendation

- 7.1 The proposal is for a development that would comprise the erection of 75 Retirement Living apartments for older people (48 x 1-bed and 27 x 2-beds) including communal facilities, access, car parking and landscaping. The development would be contained within a 5 storey (including roofspace) 'T' shaped building. The proposal includes parking for 24 cars with vehicle access located where the original police station access was in Woodville Place.
- 7.2 The site is within a highly sustainable location at the southern periphery of the town centre with access to a good range of shops and community facilities as well as public transport services.
- 7.3 The site has been the subject of a number of previous major planning applications for redevelopment that have been granted permission but never built out.
- 7.4 This officer report has examined and assessed the current proposed development in relation to a number of key planning issues.
- 7.5 The application site forms part of the preamble to Policy CS05 in the Gravesham Local Plan Core Strategy wherein it is indicated that the site is suitable for a range of town centre uses including a significant component of residential development, and with active commercial uses occupying the ground floor.

- 7.6 The proposal is on a brownfield site and the development would accord with national planning advice in paragraphs 119 and 120(c) of the National Planning Policy Framework (NPPF) 2021 in making as much use as possible of previously developed land.
- 7.7 Development of this site is therefore well established in policy, and through the previous unimplemented planning permissions. However, the current application proposes residential development only with no commercial uses. There is not, according to the applicants, considered to be sufficient demand to bring forward new Use Class E (business) units on a speculative basis.
- 7.8 The absence of any commercial units in this current scheme, notwithstanding the adopted policy, is nevertheless accepted having regard to the supporting employment evidence presented by the applicant's consultants (Lichfields).
- 7.9 There are also economic benefits from the proposed development during construction and operation and wider benefits including the generation of a significant amount of expenditure.
- 7.10 The development will bring forth much needed housing and go some way to meeting the critical need both nationally and locally for older persons housing as identified in the Homes for Later Living Report, September 2019. The provision of retirement housing has the benefit of releasing under occupied family homes back into the housing market.
- 7.11 The massing and scale of development is appropriate for the site although it should be recognised that previous permitted schemes have involved a higher number of residential units and it could be argued that the current scheme does not necessarily fully optimise the use of the site.
- 7.12 The design and layout will provide a good standard and quality of accommodation on the site and a high-quality environment for future residents of the scheme in accordance with national and local planning policy. Whilst it is an island site and there are some reservations about the appropriateness of the site for retirement living the applicants advise that the apartments will be occupied by the active elderly rather than vulnerable residents and there are benefits of town centre living for this demographic and there are controlled pedestrian crossings close to the site for connectivity to the town centre. General residential development has already been granted previously on this site and when perhaps similar considerations would have come into play.
- 7.13 In terms of heritage impacts the applicant's submitted Heritage Assessment suggests that there will be no material harm to designated or non-designated heritage assets including adjacent listed buildings or the Upper Windmill Street conservation area in which the site is situated.
- 7.14 In respect of highway issues, the access to the development is via the existing access off Woodville Place which was used by the former police station and adequate visibility is available/achievable from this access. Whilst it is acknowledged that since the previous applications and the closure of the police station the volume of traffic using Woodville Place has significantly increased, particularly as a result of the re-routing of the east to west one way town centre through route on to this road, an analysis of traffic generation, including utilising data obtained from other similar development from the applicant's other similar facilities, reveals that the traffic generation expected is considerably lower than that of the previous use, or that of the other permitted schemes for this site.
- 7.15 An alternative location for the main vehicle access to the site to be from Zion Place has been considered but it would mean that the amenity space for residents would have to be

located on the north side of the site in a less suitable location and would bring more traffic on to a much quieter residential street.

- 7.16 The evidence presented suggests that the level of parking provision should be sufficient on site to meet the parking demand from the development at a ratio of 0.32 spaces per apartment. The scheme will include electric vehicle charging points and cycle parking as well as storage for mobility scooters.
- 7.17 There are no highway objections from the GBC Highways Development Management Officer or KCC Highways and Transportation, as the relevant highway authority
- 7.18 All other material planning considerations, including Ecology and Biodiversity, Archaeology; Construction and Contamination, Drainage/Flood Risk/Services, Sustainability, Energy Efficiency and Green Credentials, Waste & Refuse, Fire Access, Security - Secured by Design, etc., have been considered and fully assessed and can be addressed through planning conditions and informatives.
- 7.19 Notwithstanding the very wide publicity given to the application there have been only two neighbour representations to the development, and both are in general support.
- 7.20 In conclusion, and in balancing the various issues it is considered that the current proposals have the strong potential to deliver a high quality and much needed development and unlock a very important vacant development site on the edge of the town centre and where development has stalled for some 14 years. The proposed development of this sustainable site represents a carefully considered scheme that is broadly in accordance with local and national policy. It provides an acceptable use for this site and will bring forward positive social, economic, environmental and community benefits and can therefore be supported.
- 7.21 Planning permission is therefore recommended subject to planning conditions, reasons and informatives and is subject to the applicants entering into a s106 legal agreement, necessary to secure financial contributions based on consultee responses, towards NHS health provision, KCC community services and Borough Council leisure provision in addition to the ecological mitigation (SAMMS payment) to which there is a legal requirement on the applicants to fund.
- 7.22 Notwithstanding the applicant's viability report and which was subsequently independently reviewed and verified by a viability consultant on behalf of the Borough Council and who concluded that '*a viable scheme is one which contains 75 retirement homes for market sale and total s106 contributions of £18,000*', the applicants have indicated in a more recently submitted technical note on Planning Obligations that they are willing to offer a commercially expedient offer of £100,000 for all planning obligations subject to achieving a local consent. This offer is in addition to the legal requirement of the applicant to fund the ecological mitigation (SAMMS payment). Whilst the applicant is of the view that some of the financial obligations requested fail to fully meet the statutory tests, this is disputed by the Borough Council.
- 7.23 Given that the offer of £100,000 will not cover all of the planning obligations sought, officers are of the view that obligations should be sought for Borough Council Leisure Provision - request totalling £43,910, with the remainder (£56,090) of the offer being utilised as a contribution towards meeting much needed affordable housing within the Borough. Studies have shown that encouraging exercise and physical activity amongst older people, is a preventive measure that assists with reducing pressures on the health service and social care.

RECOMMENDATION

Subject to the applicants entering into a s106 legal agreement, necessary to secure financial contributions, towards

- Borough Council leisure provision (£43,910)
- Affordable Housing contribution (£56,090)

in addition to the ecological mitigation (SAMMS payment) to which there is a legal requirement on the applicants to fund.

and the Council's Shared Legal Service team be instructed accordingly

PERMISSION subject to conditions, reasons and informatives

CONDITIONS AND REASONS

Time Limit Condition

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans and Particulars

2. The development hereby permitted shall be carried out only in precise accordance with the following approved details, plans and specifications:

Application Form and Certificates

Form and Covering Letters

Planning Application Form and Certificates

Covering Letter from Planning Issues Town Planning and Architecture dated 14 April 2022

Drawings

Drawing No 20085GD_PL_001 Rev P2: Site Plan

Drawing No 20085GD_PL_002: Ground Floor Plan

Drawing No 20085GD_PL_003: First Floor Plan

Drawing No 20085GD_PL_004: Second Floor Plan

Drawing No 20085GD_PL_005: Third Floor Plan

Drawing No 20085GD_PL_006: Fourth Floor Plan

Drawing No 20085GD_PL_007: Roof Plan

Drawing No 20085GD_PL_008: Site Sections

Drawing No 20085GD_PL_009: East Elevation and Context Elevation (Windmill Street)

Drawing No 20085GD_PL_010: North and South Elevation

Drawing No 20085GD_PL_011: West Elevation
Drawing No 20085GD_PL_012: Site Location Plan
Drawing No 20085GD_PL_013 Rev P1: Context Elevations (Woodville Place, Wrotham Road and Zion Place)

Drawing No SU-01: Topographic Survey by D&H Surveys Ltd
Drawing No 01-PDL-1001-A: Preliminary Drainage Layout by Awcock Ward Partnership
Drawing No 21203-2: Tree Protection Plan by Barrell Tree Consultancy
Drawing No JBA 22-022-SK02: Landscape Strategy by James Blake Associates

Supporting Documents

- Revised Planning Statement by Planning Issues Ltd, dated April 2022, received 13 May 2022
- Design and Access Statement by Planning Issues Ltd (Report Ref 20085GD_DAS_001 Rev P1, April 2022)
- Arboricultural Assessment and Method Statement by Barrell Tree Consultancy (Report Ref 21203-AA-DC, dated 22 February 2022); Manual for Managing Trees on development Sites by Barrell Tree Consultancy, 2020
- Preliminary Ecological Assessment (incorporating Biodiversity Net Gain Assessment) by Tyler Grange (Report No 14480_R02a dated 13th April 2022)
- Heritage Statement by Ecus Ltd (Report Ref 18582.1 Version V2.0, March 2022)
- Archaeological Desk Based Assessment by Ecus Ltd (Report Ref 18582.2 Version V1.0, March 2022)
- Transport Statement, by Awcock Ward Partnership (Project No 1305 Rev A dated 12 April 2022)
- *Note: Appendix A Drawings are For Information Only*
- Flood Risk and Drainage Technical Note by Awcock Ward Partnership (Project No 1305 Rev B dated 12 April 2022)
- Statement of Community Involvement by DevComms, April 2022
- Economic Benefits Infographic by Lichfields, April 2022
- Supporting Employment Evidence by Lichfields, April 2022
- Noise Impact Assessment by 24 Acoustics Technical Report: R9433-1 Rev 1, dated 14 April 2022
- Site Investigation Report by Crossfield Consulting (Report No. CCL03497.CO72, November 2021)
- Air Quality Assessment by Air Quality Consultants (Report Ref J10/13247A/10/1/F1, dated 11 April 2022)
- Financial Viability Assessment by Alder King Property Consultants (Report Ref: RJM / 96570 dated 06 May 2022)
- Sustainability Statement by JSP Ltd Sustainability April 2022
- Daylight and Sunlight Report (Within Development) by Right of Light Consulting Chartered Surveyors 11 May 2022
- Daylight and Sunlight Report (Neighbouring Properties) by Right of Light Consulting Chartered Surveyors 11 May 2022
- CGI's - Artistic Impression

Additional Supporting Documents

- Urban Design Analysis by Barton Willmore, August 2022
- Supporting Letter from Planning Issues re Consultee Responses dated 08.08.2022
- Technical Note on Waste & Recycling from Planning Issues, received 09.08.2022
- Technical Note on Electric Vehicle Charging from Planning Issues, received 09.08.2022
- Drawing No 1305 01-ATR-1001 Rev C: Swept Path Analysis - Part 1 of 2
- Drawing No 1305 01-ATR-1002 Rev C: Swept Path Analysis - Part 2 of 2
- Technical Note on Flooding by Awcock Ward Partnership dated 12 August 2022

and those approved pursuant to any conditions contained herein after and there shall be no deviation therefrom.

For the avoidance of doubt the revised plans will take precedence over any original plans that have not been revised or superseded in any of the supporting documents.

Reason: In order to ensure the development is implemented on the basis of the scheme as submitted and assessed in the interests of proper planning and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Construction and Contamination

Code of Construction Practice (CoCP)

3. No works shall commence on site until a comprehensive Code of Construction Practice/Construction Management Plan covering all environmental impacts of this development has been submitted to and approved in writing by the Local Planning Authority.

The Code of Construction Practice/Construction Management Plan shall include details, where relevant, of the following, including any other measures deemed reasonably necessary:

- (a) Suitable mitigation measures to minimise noise pollution and vibration during the construction phase including the insulation of fixed plant and the silencing of vehicles and mobile machinery
- (b) A Dust Management Plan to minimise emissions to air and to prevent nuisance from wind-blown dust including fencing and the dampening down with water of excavated construction and cover materials on site, and other areas traversed by plant vehicles and machinery
- (c) A Construction Traffic Management Plan covering:
 - Means of direct access to the site from the adjoining maintainable public highway
 - Surface treatment of the access to avoid spill of migratory material on to the maintainable public highway
 - Details of numbers and routeing of construction and delivery vehicles to / from site
 - Timing of deliveries and waste movement
 - Loading and unloading of plant and materials away from the maintainable public highway
 - Parking and turning areas for construction and delivery vehicles and site personnel
 - Type and location of wheel washing and chassis cleaning facilities
 - Temporary traffic management / signage
- (d) Details of the location of the proposed construction compound
- (e) Details of security fencing and other site security measures
- (f) Details of stockpile areas for building materials or for fill or removed topsoil
- (g) A Construction Drainage Design Plan to identify the required devices to prevent construction run off from flowing into existing drainage
- (h) Ecological mitigation measures
- (i) Measures to be undertaken to protect any public sewers and water apparatus
- (j) Details of vibration monitoring and mitigation during any necessary piling works
- (k) Details of the location, form and visual appearance of any site hoardings along road frontages and footpaths including decorative displays and facilities for public viewing, where appropriate
- (l) Details of temporary construction or security lighting; and
- (m) Monitoring and review provisions with the Local Planning Authority

The construction of the development shall adhere at all times and be carried out in full accordance with the relevant approved document or any subsequent variations that may be approved in writing by the Local Planning Authority.

Reason: To ensure that construction of the development does not result in avoidable congestion

on the local highway network, and to protect the amenity of local residents and businesses and protected species and to mitigate the risks to groundwater, in accordance with adopted Gravesham Local Plan Core Strategy Policies CS11 (Transport), CS12 (Green Infrastructure) and CS19 (Development and Design Principles).

Times of Construction

4. No construction activities in connection with the development of the site including any preparatory earthworks or demolition works shall take place on site except between the following times:

07.30 a.m. and 6.00 p.m. on Weekdays
08.00 a.m. and 1.00 p.m. on Saturdays

No construction activities shall take place at any other time including Sundays, Bank or Public Holidays, without the prior approval of the Local Planning Authority having first been obtained.

Reason: In the interests of residential and local amenity and pursuant to Policy CS19 (Development and Design Principles) of the Gravesham Local Core Strategy, September 2014

Contaminated Land - Site Investigation Report

5. The development of the site as hereby permitted shall be carried out in full accordance with the findings and recommendations of the Site Investigation Report by Crossfield Consulting (Report No. CCL03497.CO72, November 2021), accompanying this application, and therefore no construction development shall be undertaken on the site until the recommendations for a supplementary phase of ground investigation to include additional bore holes and the use of trial pits designed to provide additional data for a more detailed environmental assessment and to obtain additional data for foundation design and to confirm that all contaminants are at negligible concentrations, together with verification testing for piled foundations have been implemented and such confirmation provided to the Local Planning Authority as to the extent of those investigations, if subsequently deemed necessary.

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 (2021) and to accord with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy, September 2014.

Unsuspected Contamination - Watching Brief

6. If during construction/demolition works, evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to, and approved in writing by, Local Planning Authority. The closure report shall include:

A) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

B) Details of any post-remedial sampling and analysis to show the site has reached the required

clean-up criteria, together with the necessary documentation detailing what waste materials have been removed from the site.

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 from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (NPPF) and to ensure suitable material is imported to site and appropriate measures for disposal of site waste are employed and pursuant to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy, September 2014.

Archaeology

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with adopted Gravesham Local Plan Core Strategy Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment), saved Gravesham Local Plan First Review Policy TC7 and section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF), 2021.

Drainage

Sustainable Surface Water Drainage Scheme

8. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the Flood Risk & Drainage Technical Note prepared by Awcock Ward Partnership dated 12 April 2022 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development, pursuant to the requirements of paragraph 169 of the National Planning Policy Framework (NPPF), 2021.

Sustainable Surface Water Drainage Scheme - Verification Report

9. No building on any phase of the development hereby permitted shall be occupied, or within an agreed implementation schedule as agreed by the Local Planning Authority, until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework (NPPF), 2021.

Restrictions and Limitations on the Use of and Operation of the Development

Restrictions on Use

10. The apartments within the development hereby permitted shall, unless otherwise agreed by the Local Planning Authority in writing, be used solely for the designed purpose of providing self-contained independent living units of accommodation for person or persons who, for the purpose of acquiring purchase or lease of any of the approved apartments will have a minimum age of not less than 60 years old (or a spouse/or partner, who is themselves over 55 years old, living as part of a single household with such a person or persons). The building shall not be used or occupied for any other purpose (including equivalent provision in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, as amended, or any equivalent provision in any statutory instrument revoking and re-enacting that Order, with or without modification, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015) no permitted changes of use shall occur, unless express written permission of the Local Planning Authority has been obtained.

Reason: In order that any other uses of the building hereby permitted may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to traffic generation and safety, parking demand, the amenity of the site and the prevailing planning policies and in particular pursuant to policies CS02 (Scale and Distribution of Development), CS05 (Gravesend Town Centre Opportunity Area), CS11 (Transport), CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 and saved policies T1 (Impact of Development on the Highway Network), P3 (Vehicle Parking Standards) and T5 (New Accesses onto Highway Network) of the Gravesham Local Plan First Review (1994).

Design and Detailed External Appearance

Submission of Details of Ground Levels, Finished Floor Levels and Earthworks

11. Notwithstanding the details shown in the approved drawings, topographical survey or other

supporting documents, no works in connection with the development, other than demolition works, shall commence until full details including section drawings of the existing and proposed ground levels/floor levels of the development, together with all proposed earthworks or changes to ground levels on the site or re-profiling including details of any earth retention measures, have been submitted to and approved in writing by the Local Planning Authority; the details shall include any import or export of materials, the depth, direction, and method of the cut and fill, the drainage arrangements during the earth moving operations and the method of movement of materials by vehicles. Unless otherwise agreed in writing, only dry, clean, non-putrescible waste materials (comprising inter alia topsoil, subsoil, chalk, brickwork, concrete, cement, stone, clay, plaster, sand and silica or mixtures of the above materials) shall be brought on to or deposited on the site. No sludges or slurries may be used. The development shall be carried out in accordance with the approved details before the commencement of any above ground development.

Reason: No such details have been submitted and to ensure the development contributes to local character and local visual amenity and protects the privacy and amenity of adjoining premises and pursuant to Policy CS19: Development and Design Principles of the Gravesham Local Core Strategy, September 2014 and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF).

Materials

12. Notwithstanding the details relating to the materials and finishes as set in the application form, Design and Access Statement and approved drawings, before any works above ground floor slab level commence, additional details (and samples, where requested by the Local Planning Authority) of all the external facing materials, colours, textures and finishes to be used in the construction of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the apartments hereby permitted are first occupied and thereafter maintained in accordance with the details so approved.

Reason: To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents in accordance with Policy CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy, September 2014 and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF), 2021.

Details of Plant and Equipment

13. Notwithstanding the details in the approved detailed drawings, no development above ground level, shall take place until full details of the installation of any external plant and servicing equipment on the building including roof top plant, lift overruns, solar PV or solar thermal equipment and kitchen extraction equipment or other ventilation, and the sound properties and any such plant and equipment, have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include the siting, external appearance and any proposed screening. Those works shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building and retained and maintained thereafter.

Reason: In the interest of the amenities of residential properties and the area generally and in accordance with Policy CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy, September 2014 and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF), 2021.

Boundary Treatments

14. Notwithstanding the details relating to the boundary treatments as set in the application form, Design and Access Statement and approved drawings, within 6 months of the commencement of the development, full details of all boundary treatments, including their design, height and materials, to the development as hereby permitted, including the screening and enclosure of the proposed substation within the southwest corner of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before any of the apartments hereby permitted are first occupied. Thereafter and notwithstanding the provisions of Article 3 of and Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any provision equivalent to that Class in any statutory instrument replacing, revoking or re-enacting that Order, with or without modification, no additional gates, fences, walls or other means of enclosure shall be erected on the site without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for future residents in accordance with Policy CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy (September 2014).

External Lighting

15. Prior to the first occupation of the development hereby permitted and notwithstanding the details shown on the approved plans full details of all proposed external lighting set out in a lighting management plan shall be submitted to and approved, in writing, by the Local Planning Authority. The external lighting as approved shall be carried out in accordance with the approved details before the first occupation of the development and no additional external lighting shall thereafter be provided on the site without the prior written permission of the Local Planning Authority.

Reason: In order to ensure the development does not cause harm to local amenity by reason of the installation of intrusive lighting and in accordance with Policy CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy (September 2014).

Sustainable Design Measures

16. The development hereby permitted shall be undertaken in full accordance with the sustainable design measures as indicated in the Sustainability Statement by JSP Ltd Sustainability April 2022, including the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water, before the first occupation of any part of the development, and thereafter the sustainable design measures shall be maintained at all times.

Reason: In pursuit of sustainable development principles and ensuring the development fully incorporates renewable energy and low carbon technologies pursuant to Policy CS18: Climate Change and Policy CS19: Development and Design Principles, of the Gravesham Local Plan Core Strategy (September 2014).

Preservation and Relocation of the Foundation Stone

17. Before the commencement of any development, including prior to any demolition works,

details of the careful removal and storage of the foundation stone to commemorate the building of the Civil Defence Control Centre that use to occupy the site and which is currently located within the eastern exterior brick boundary wall and for its proposed relocation within a splayed wall at the vehicular entrance into the site in Woodville Place, shall be submitted for the approval of the Local Planning Authority; the details as approved for relocation including the method for its cleaning and enhancement shall be implemented prior to the development being first occupied.

Reason: To ensure that historic building features are properly examined and recorded and as necessary preserved in situ having regard to the local historical interest of the site and is compliant with the adopted Gravesham Local Plan Core Strategy, September 2014 and notably Policy CS20: Heritage and the Historic Environment, and compliant with the National Planning Policy Framework (NPPF) 2021.

Broadband Provision

18. Before any works above ground floor slab level commence details shall be submitted for the approval of the Local Planning Authority 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 of the National Planning Policy Framework (NPPF), 2021.

Details of Telecommunication Equipment

19. No satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the site or upon any roof or wall of any of the buildings hereby approved unless details have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the development and in accordance with adopted Local Plan Core Strategy Policy CS19: Development and Design Principles of the Gravesham Local Plan Core Strategy (September 2014).

Highways Access and Parking

Parking Provision

20. Prior to the first occupation of the development hereby permitted the vehicle parking and turning areas, shall be formed, surfaced, drained and marked out in accordance with the layout details as shown in Drawing No 20085GD_PL_001 Rev P2: Site Plan; thereafter, and notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to it in any statutory instrument revoking and re-enacting that Order, with or without modification, no development shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking and turning areas. For the avoidance of doubt all standard car parking spaces, other than disabled spaces, are to be a minimum of 5m x 2.5m except where adjacent to a wall etc. when they should be a minimum of 2.7m wide.

Reason: To ensure sufficient off-street car parking provision is available to serve the development, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014), saved Policy P3 of Gravesham Local Plan First Review (1994) and the adopted vehicle parking standards (SPG 4).

Cycle Parking Provision and Retention

21. Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans and other submitted documents, full details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the storage facilities shall include sufficient space to accommodate 6 bicycles and should be secure, weatherproof and well-lit. The approved cycle facilities shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times.

Reason: To encourage the use of a sustainable and environmentally acceptable mode of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, Policy CS19: Development and Design Principles and the adopted vehicle parking standards (SPG 4).

Electric Vehicle (EV) Charging Points

22. The development hereby permitted shall ensure that at least 3 of the parking spaces are provided with Electric Vehicle (EV) charging points and the remainder provided with passive provision i.e., cabling / ducting. Each charging point should be able to accommodate a useable supply of 7kW. Such provision shall be implemented prior to the first occupation of the development hereby permitted, and thereafter permanently retained and maintained.

Reason: To encourage the use of sustainable and more environmentally acceptable modes of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, Policy CS18: Climate Change and Policy CS19: Development and Design Principles.

Access and Visibility

23. Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015, as amended (or any provision equivalent to that Order in any statutory instrument replacing, revoking or re-enacting that Order with or without modification), the vehicle visibility splay to the east of the reconfigured vehicular access to the site on to Woodville Place of 2.4m by 18m as shown in drawing no 1305 01-PHL-101 Rev A: Proposed Site Access Plan, submitted for information only as Appendix A to the Transport Statement, and also including 2m by 2m pedestrian visibility splays on either side of the access shall be cleared of all obstructions over 1.05m above the level of the adjoining highway, including the reduction in level of the land if necessary. Nothing over that height shall be permitted to remain, be placed, built, planted or grown within the approved vehicle and pedestrian visibility splays at any time.

Reason: To ensure the safety of pedestrian and highway users in accordance with Policy CS11: Transport, of Gravesham Local Plan Core Strategy (September 2014) and saved policy T5: Access to the Identified Highway Network of the Gravesham Local Plan First Review (November 1994).

Footway Reinstatement/Provision

24. Within 12 months of the commencement of the development,, and notwithstanding the details as shown in the approved plans and documents, full details shall be submitted for the approval of the Local Planning Authority showing all adjustments to access and dropped kerbs and all footways to be re-instated/re-established around the perimeter of the whole site including to the western side of the site to Wrotham Road, the removal of the parking lay-by and including any level changes and proposals to remove/replace any associated street furniture and signage. The details shall include any new proposed hard surfaces. Such details as may be approved shall be implemented prior to the first occupation of the development hereby permitted, and thereafter permanently retained.

Reason: In the interests of highway and pedestrian safety and in accordance with Policy CS11: Transport of the adopted Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 (Access to the Identified Highway Network) of the Gravesham Local Plan First Review (November 1994).

Gates

25. Any gates / barriers to the vehicular access to the site shall open away from the highway and shall at all times be set back a minimum of 6.0 metres from the edge of the adjoining carriageway.

Reason: In the interests of highway and pedestrian safety and in accordance with Policy CS11: Transport of the adopted Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 (Access to the Identified Highway Network) of the Gravesham Local Plan First Review (November 1994).

Hard and Soft Landscaping and Trees

Soft Landscaping

26. Prior to the first occupation of the development hereby approved the proposed soft landscaping for the site shall be carried out in full accordance with the details as shown in Drawing No JBA 22-022-SK02: Landscape Strategy by James Blake Associates, unless a different implementation date for the soft landscaping is agreed in writing by the Local Planning Authority. The developers shall ensure that proper arrangements are put in place for the maintenance and aftercare of the proposed soft landscaping and any retained and remediated trees through a site-wide arboricultural maintenance strategy that shall be submitted for approval of the Local Planning Authority before the first occupation of the development.

Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and species during the next available planting season.

Reason: To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development, in accordance with adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

Hard Landscaping

27. Notwithstanding the details as shown in the submitted plans and supporting documents including Drawing No JBA 22-022-SK02: Landscape Strategy by James Blake Associates, and

prior to the first occupation of the development hereby permitted and unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscaping and surface treatments for the development shall be 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 any part of the development hereby permitted. For the avoidance of doubt, the details shall include the surfacing treatments, as suggested by the Arboricultural Assessment, at the interface with the trees and their root protection areas (RPA's). In addition, the hard surfacing shall ensure that extensive use is made of permeable surfaces whilst ensuring that materials for the vehicle access and near to the carriageway are constructed of non-migratory materials. The developers shall ensure that proper arrangements are put in place for the maintenance and aftercare of the hard landscaping.

Reason: To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity and highway safety in accordance with Policy CS11 (Transport) and Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5: Access to the Identified Highway Network, of the Gravesham Local Plan First Review (November 1994).

Tree Protection and Tree Works/Removal

28. All retained trees on/around the site and other vegetation shall be protected during construction in accordance with the tree protection measures as detailed in the submitted Arboricultural Assessment and Method Statement and a Tree Protection Plan. No vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s). Upon completion of the construction works and before the first occupation of the development on the site the trees shall be inspected by a competent tree surgeon and any necessary works to tidy the trees and maintain their health shall be undertaken.

Reason: To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

Ecology/Biodiversity Provision

Landscape and Ecological Management Plan

29. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority within 12 months of the commencement of the development hereby permitted.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions, together with a plan of management compartments
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details before the first occupation of the development.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features in accordance with and pursuant to the requirements of Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014 and the NPPF 2021.

INFORMATIVES: -

1 DEVIATION FROM THE APPROVED PLANS

Deviation from or amendment to the approved plans could require a further application and permission/consent. In the event that any change is proposed, applicants and builders are advised to seek advice from the Local Planning Authority. Proceeding without the necessary permissions or consents could result in enforcement action.

2 BUILDING REGULATIONS AND PARTY WALL ACT 1996

This decision **DOES NOT** imply any consent which may be required under the Building Regulations or under any enactment or provision other than Section 57 of the Town and Country Planning Act 1990. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996. This legislation is not taken into account when determining a planning application and independent advice should be taken in this regard.

3 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

This has involved extensive discussions and negotiations during the processing of the planning application in a collaborative manner in order to address the various consultation responses and neighbour concerns.

The proposals were also the subject of a pre-application enquiry that enabled issues and concerns to be identified at an early stage prior to the submission of a planning application.

4 ENVIRONMENTAL REQUIREMENTS - REFUSE ARRANGEMENTS

The applicants are advised of the following standard refuse guidance of the Borough Council:

Flats are generally serviced by communal bin stores. Bin stores should be large enough to accommodate and manoeuvre sufficient 1,100-litre refuse and recycling Eurobins for the number of dwellings in each block.

Developers are required to pay for the provision of all bins required for a development and these can be purchased through the Council. Developers are welcome to purchase their own 1,100 litre bins however, the bins must be metal and comply with European Standard EN840.

The following provision is normally required, although in this case a reduced level of provision has been agreed:

Refuse - 1 x 1,100ltr bin per 6 flats

Recycling – 1 x 1,100ltr bin per 6 flats with special recycling lid

Food Waste – 1 x 140ltr bin per 10 flats with an individual 5ltr caddy per flat

The immediate area outside the bin store should be level with the road, should not include an incline and the installation of a drop kerb where necessary is mandatory. Car parking spaces should not be allocated immediately in front of the access to the bin store.

The maximum distance bins will be moved by collection crews should be no more than 15 metres.

It is recommended that bin stores are fitted with a lock which is accessed via a key or a key code pad.

Collections from sites will not occur until containers are in place. It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints concerning non-collection due to the fault of the developer will be passed onto to the developer for response.

The Council should be informed at least two weeks prior to the waste collections by the Council taking place.

5 ENVIRONMENTAL REQUIREMENTS - COMMERCIAL

The applicants are advised of the following comments from GBC Environmental Health Commercial Team:

Health and Safety

In these premises Gravesham Borough Council (GBC) Environmental Health will be the enforcing authority. The applicant must ensure that these premises comply fully with the Health and Safety at Work (etc) Act 1974 and all relevant regulations made there under. For information and advice on health and safety matters check out the HSE website www.hse.gov.uk or contact the Environmental Health team on commercialhealth.admin@gravesham.gov.uk or 01474 337 000.

Food Safety Comments

Unable to fully comment on the structure of the coffee shop as the plans do not provide us with a detailed layout. However, the applicant must ensure that the kitchen fully complies with current food safety legislation to the satisfaction of the Regulatory Services Manager. Structural and operational requirements are covered by the legislation notably EC Regulation 852/2004.

It is a requirement under Article 6(2) of Regulation 852/2004 that food business operators must register their establishments with the appropriate competent authority (in this case GBC Environmental Health) at least 28 days before food operations commence. Registration is via the Gravesham Borough Council website www.gravesham.gov.uk/food-safety

The provision and location of sinks and wash hand basins is an important consideration in the design and planning of a kitchen. A minimum of 1 wash hand basin and a double sink unit must be installed. A dish washer is also recommended.

For further advice on starting a food business please visit the FSA website <https://www.food.gov.uk/business-guidance>

6 BREEDING BIRD INFORMATIVE

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

7 LIGHTING ADVICE

The applicants are advised of the following advice from Gravesham Borough Council Environmental Protection:

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

8 KENT COUNTY COUNCIL (KCC) HIGHWAYS AND TRANSPORTATION

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

9 UTILITIES

It should not be automatically assumed that permission will be given for utility services to be placed within the public highway, and early contact should be made with Kent County Council at roadworkswest@kent.gov.uk. This will enable a proper consideration of available options in order that the optimum solution can be determined.

10 KENT POLICE CRIME PREVENTION DESIGN ADVICE

The applicants are encouraged to incorporate or address all the matters raised in the design advice from Kent Police Designing Out Crime Team (ref 20220432/EH/G-253 dated 25 May 2022) with regard to Crime Prevention Through Environmental Design (CPTED) and are recommended to ensure the use of Secured by Design (SBD) Homes 2019.

11 SOUTHERN WATER ADVICE

Southern Water advise:

- The public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: <https://www.southernwater.co.uk/media/3011/stand-off-distances.pdf>

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

<https://developerservices.southernwater.co.uk/> and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

<https://www.water.org.uk/sewerage-sector-guidance-approved-documents/>

https://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: <https://www.southernwater.co.uk/> by email at:

SouthernWaterPlanning@southernwater.co.uk

12 SMOKE CONTROL AREA

The proposed development is situated in a Smoke Control Area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions, and they can only be used for the fuel for which they are designed.

When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services by emailing: air.quality@gravesham.gov.uk

13 KENT FIRE AND RESCUE SERVICE

Kent Fire and Rescue Service advise that 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.

14 PRE-COMMENCEMENT CONDITIONS

Pursuant to the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 introduced on 1 October 2018 the following planning conditions (conditions 3, 5, 7, 8, 11 and 17) attached to this permission are pre-commencement conditions and have been agreed as such by the applicants.

It is agreed that the requirements of those planning conditions (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site.

15 NAMING AND NUMBERING

As a result of the changes to this land/property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council, and the schedule of charges is enclosed, which should be used for your application. Please submit the application and

the requisite fee in accordance with the guidance on the form. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.local.gravesham.gov.uk/>

16 HUMAN RIGHTS

The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation, is compatible with the Act.

17 ADVERTISEMENTS

For the avoidance of doubt the applicants are advised that this permission does not grant consent for or give approval to the display of and the locations for the display of advertisements and signage, for which a separate express consent will be required pursuant to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended.

18 SECTION 106 AGREEMENT

This planning permission has been accompanied by a legal agreement under the provisions of s.106 of the Town and Country Planning Act 1990. The terms of this legal agreement should be considered in conjunction with the planning conditions imposed by this decision notice.