

Delegated Report

Planning Application No: 20230760

Location: Former Football Field Site Grove Road Northfleet Gravesend

Description: EDC Consultation EDC/23/0111 - The erection of a temporary, new single storey warehouse and covered link to the adjacent W.E. Roberts Thames Works site, with a modified site entrance and associated hard standing and tree removal.

Applicant: Ebbsfleet Development Corporation

Site Visit Date: Desktop Assessment

Proposal

This submission is a consultation from an adjoining authority in regard to erection of a temporary warehouse and covered link to the W.E. Robert Thames Works site, with modified site entrance and associated hard standing and Tree removal.

The site is in the Urban Boundary. It is allocated as a Key Site for Residential Development on the Gravesham Local Plan Core Strategy and now falls within the Ebbsfleet Development Corporation Boundary.

Key constraints/points to note are as follows:

- Area of Archaeological Potential
- Air Quality Management Area
- Thames Estuary and Marshes Ramsar Buffer Zone
- Flood Zone 2 and 3
- Located Nearby Scheduled Ancient Monument – Aspdins Kiln
- Nearby Residential Properties
- Scheme would result in significant loss of trees.

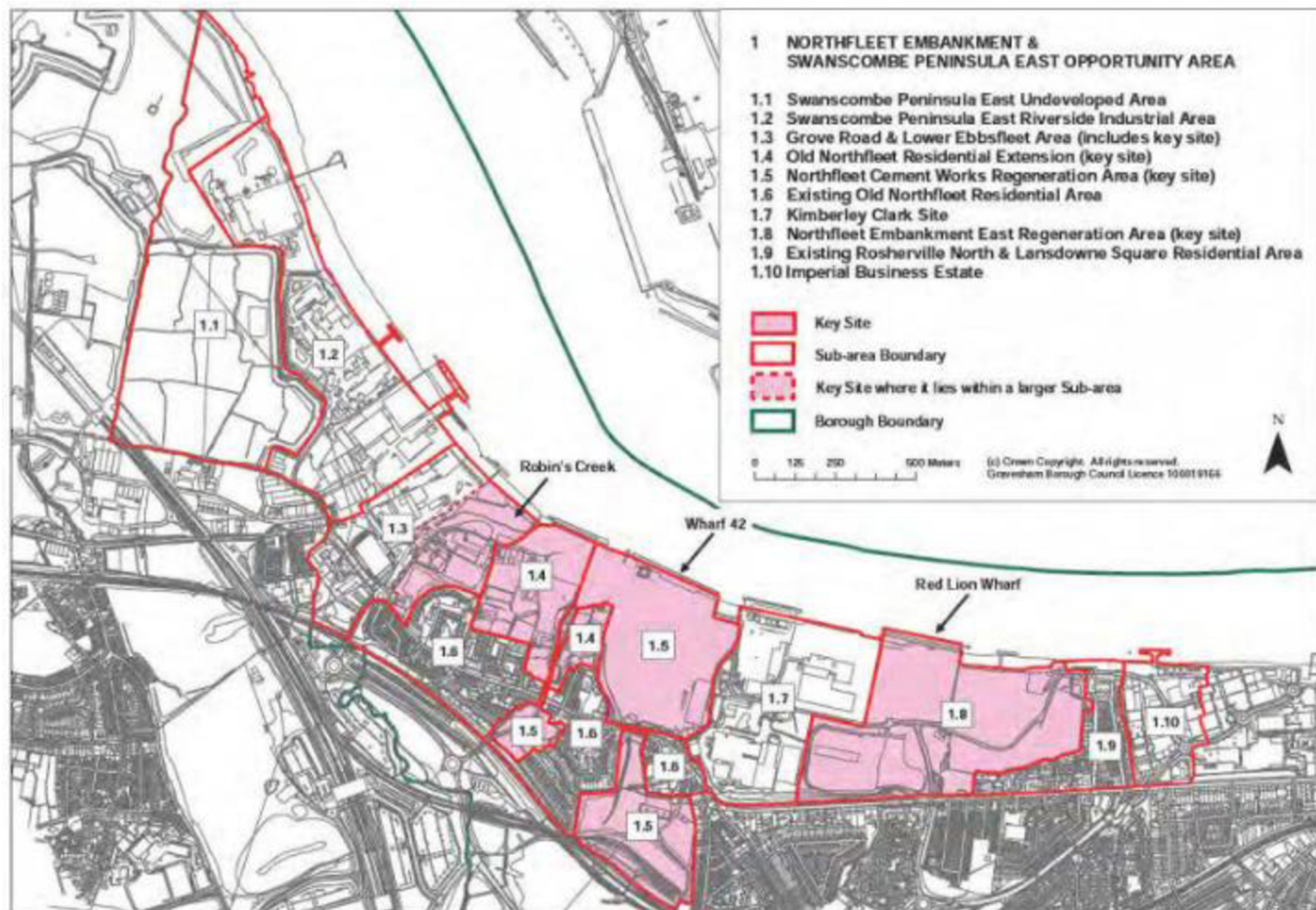
Planning Assessment

Under section 38 (6) of the Planning and Compulsory Purchase Act 2004, the application stands to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the adopted Gravesham Local Plan Core Strategy (2014); 'saved' policies from the Gravesham Local Plan First Review (1994); and the Kent Minerals and Waste Local Plan 2013 – 30 (adopted 2016 but subject to an early partial review in 2020).

Beyond the above, national policy and guidance as set out in the National Planning Policy Framework and Planning Practice Guidance are material considerations, although the development plan itself remains the starting point for the decision making process.

Policy CS03 of the Gravesham Core strategy (2014) sets aside this area for Residential use, to provide 200 dwellings. Concerns are raised that the construction of a warehouse, although temporary would obstruct the residential use of this site. Extended warehouse use could also prevent residential development on other nearby allocated noise by potentially intensifying environmental impacts from noise and dust etc.

The following map taken from the Core Strategy details the key sites in the area, it shows 1.3 as a key site set aside for residential development. Opportunity area 1.4 is also set aside as residential extension and 1.5 is set aside for employment space. The uses both in opportunity area 1.3 where the site is located and in the other nearby areas in this plan are potentially impacted by the proposed development.



Land East of Grove Road and Robin's Creek Key Site (within sub-area 1.3)

4.4.33 This will provide a residentially led mixed use development with the potential to create around 200 dwellings. Such development will be expected to: improve and enhance Robin's Creek and the Ebbsfleet stream; improve greenspace; and reduce heavy commercial traffic and parking on Grove Road.

The proposal is therefore considered to be inconsistent with Local Plan policy and Gravesham Borough Council raise concerns about this scheme, as a departure from the development plan.

Paragraphs 4.4.31 and 4.4.32 state:

4.4.31 The Council will support the regeneration for residential and employment uses of the Grove Road and Lower Ebbsfleet Area taking into account the ground conditions and existing uses.

4.4.32 Development of the Key Sites will lead to the provision of around 980 dwellings and around 133,500 sq m gross employment floorspace. Development on the Key Sites will be in accordance with the principles

set out below.

In determining the application, policy CS01: Sustainable Development is also relevant in that it embeds the 'presumption in favour of sustainable development' into the Local Plan where policies are considered to be 'out of date'. As the Council cannot currently demonstrate a 5-year housing land supply and is failing to meet the Housing Delivery Test at the current time, Footnote 7 to the National Planning Policy Framework (NPPF) is engaged which means that paragraph 11(d) on the 'presumption in favour of sustainable development' applies, as required by policy CS01. Policy CS01 also states that 'applications that accord with the policies in the development plan for Gravesham will be approved without delay, unless material considerations indicate otherwise.'

In addition, because the Council cannot identify sufficient land to meet local housing need, national policy requires that consideration be given to making more efficient use of land by increasing densities on well-located sites, unless there are strong reasons why this would be inappropriate and well-designed places providing acceptable living conditions are achieved.

In this instance, it is noted that the scheme will deliver no residential units rather than the indicative 200 residential units set out in policy CS03 at paragraph 4.4.3.

In the provided Design and Access Statement it is readily admitted that the scheme contradicts the designation of the local plan as it states:

'The site is currently designated in the local plan as being for residential and associated open space use. However, the problems with gaining planning permission have led to a rethink of this strategy. The proposed use is considered as a more suitable use for the site than housing due to its level in relation to the surrounding land and the river.'

However, it is not for the applicant to rethink the local plan strategy and despite the difficulties they may have found in gaining planning permission for residential development, the residential designation continues to apply. This land has been set aside as a sustainable location for residential development in principle and there is no justification provided to disregard adopted planning policy in the Local Plan.

Paragraph 12 of the NPPF (2021) states:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

The proposed scheme clearly conflicts with the development plan. There are no material consideration presented which would suggest that the plan should not be followed. In line with paragraph 12, the permission should not be granted.

In principle, the proposal would not be supported as it would not accord with the development plan in that it would introduce non-residential buildings on a land set aside for residential development, noting also that there is a presumption in favour of sustainable development. The residential site allocation for this site, is considered to be a sustainable development plan, which could be undermined by the proposed scheme, for both its position of built form and its wider impacts on future residential development in terms of noise, traffic, air pollution etc...

Whilst objecting to the proposal in principle, the following issues are drawn to the attention of the Development Corporation for consideration when determining the application:

- Beyond policies in the Kent Minerals and Waste Local Plan on safeguarding (including guidance set

out in the associated SPD), paragraph 182 of the NPPF introduced the 'agent of change' principle whereby existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

In this instance, aside from the building proposed, there are other businesses and uses that have the potential to cause nuisance and disturbance to residential development in close proximity due to traffic generation, noise and other factors.

In determining the application, it should be noted that if approved, it could impact future residential development as the residential development allocated for this area is yet to come forth.

- Core Strategy policy CS07 on Economy, Employment and Skills states that the loss of B class employment floorspace will not be supported unless otherwise allowed for by policies set out elsewhere in the Local Plan subject to a number of caveats.

In this instance, policy CS03 does identify the application site as a regeneration opportunity where business uses would inevitably be lost. However, given the pressure currently being placed on traditional employment floorspace in the area, the Development Corporation should clearly set out how it will address this either through the proposals themselves or other planned interventions.

- The area within which the proposal is located is of heritage significance and the location near the Aspdin's Kiln Scheduled Monument and other surviving industrial buildings are noted. The Council would defer to the expert opinion of Historic England and KCC Heritage on these matters.

Recommendation

Ebbsfleet Development Corporation is advised that Gravesham Borough Council raises objection to the proposed development on the basis that the proposed development would result in a departure from the development plan and would conflict with Core Policy CS01 and CS03 of the adopted Gravesham Local Plan Core Strategy (2014) and Paragraph 12 of the NPPF (2021).

It is recommended that Ebbsfleet Development Corporation consider the application against both Local and National Planning Policies. In particular, concerns are raised with regard to potential impact on nearby residential neighbours, the character of the area as a result of the loss of trees, potential impacts in terms of exacerbated flooding, air quality and migrating birds of the Thames Estuary and Marshes.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	25th August 2023	Dated:	25 th August 2023