

Delegated Report

Planning Application

Application no: 20230202

Location: Ascot Arms Central Avenue Gravesend Kent

Description: Application for the approval of condition 12 attached to planning permission 20220207 relating to full details of any proposed earthworks or changes to ground levels on the site including details of any earth retention measures have been submitted to and approved.

Applicant: Mr Adrian Doyle

Site Visit Date: N/A

Planning permission was granted for 'Demolition of the existing former public house building and redevelopment to provide a new 62 bed care home (Use Class C2) in a three-storey building together with associated access, car and cycle parking, structural landscaping and amenity space provision' on 13 July 2022 under planning application reference number 20220207. This was subject to a number of planning conditions including no. 12 which this application seeks to discharge.

Analysis

Condition 12

12. Notwithstanding the details shown in the approved drawings or other supporting documents no works in connection with the development, other than demolition works, shall commence until full details of any proposed earthworks or changes to ground levels on the site including details of any earth retention measures have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details before the first occupation of the 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 and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF).*

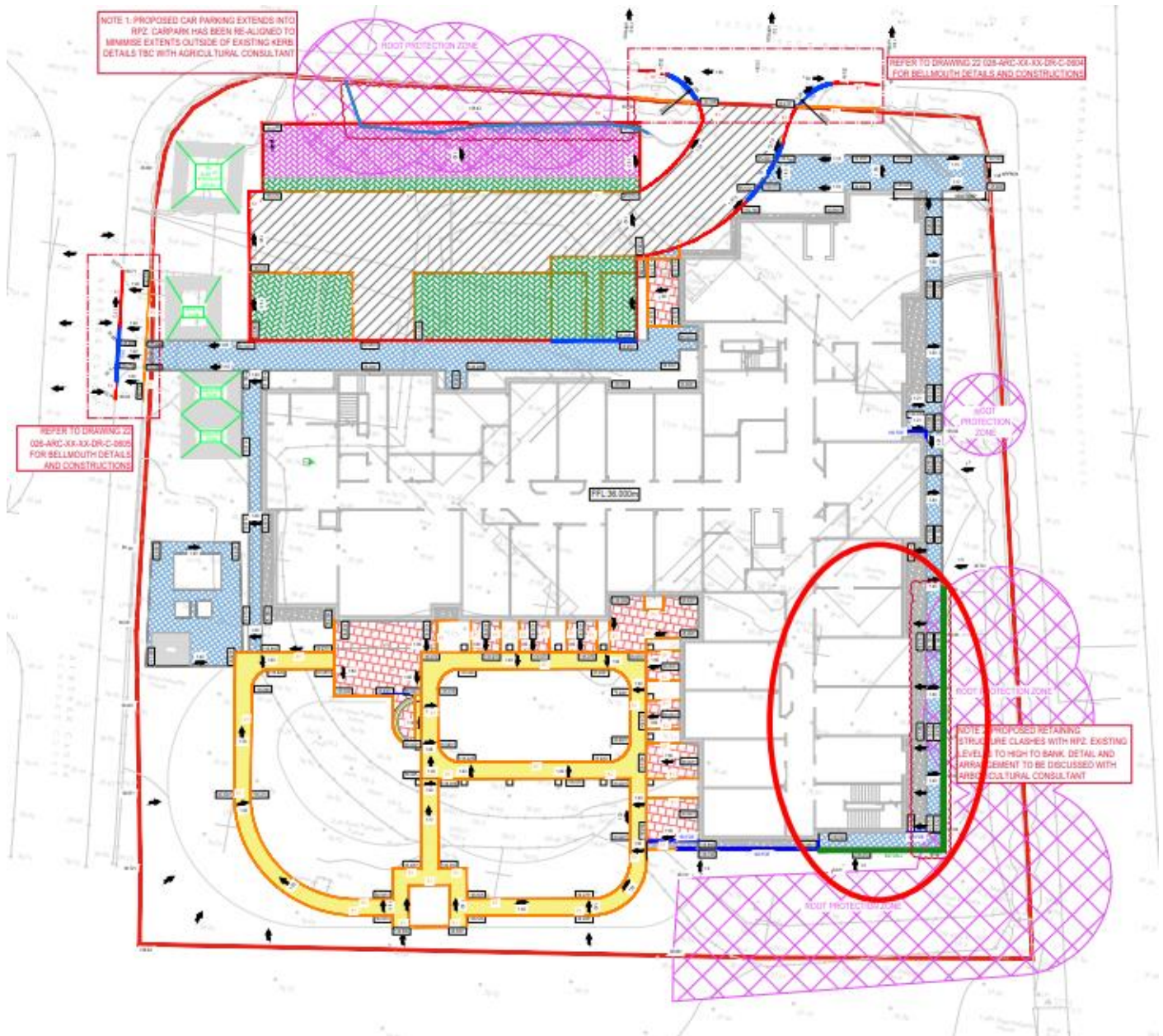
The information which has been submitted in pursuance to this condition is as follows:

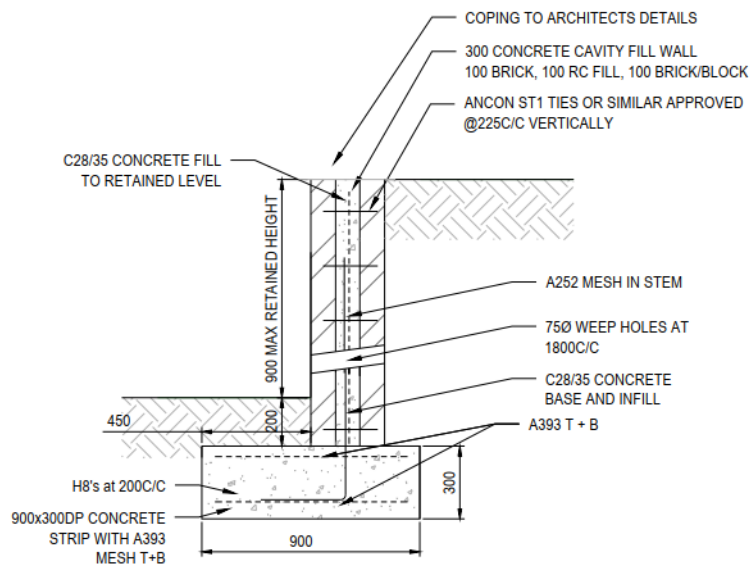
- Application form;
- Drawing no. 22 026 – ARC – XX – XX – DR – C – 0601 – T4 – External Works General Arrangement;
- Drawing no. 22 026 – ARC – XX – XX – DR – C – 0604 – P3 – External Works Ascot Road Entry;
- Drawing no. 22 026 – ARC – XX – XX – DR – C – 0605 – P3 – External Works Aintree Close Bell Mouth;
- Drawing no. 22 026 – ARC – XX – XX – DR – C – 0606 – P2 – External Works Ascot Road Bell Mouth Existing;

- Drawing no. 22 026 – ARC – XX – XX – DR – C – 0607 – P2 – External Works Aintree Close Bell Mouth Existing;
- Drawing no. 22 026 – ARC – XX – XX – DR – C – 0651 – T3 – External Works Kerb Details; and
- Drawing no. 22 026 – ARC – XX – XX – DR – C – 0652 – T2 – External Works Non-Adoptable Construction Details;
- Response from Arboriculturalist dated 15/05/2023.

The submitted information shows there would be no significant changes in the land levels of the site, the highest increase would be +36.580 and the changes would consist for changes in kerb levels etc.

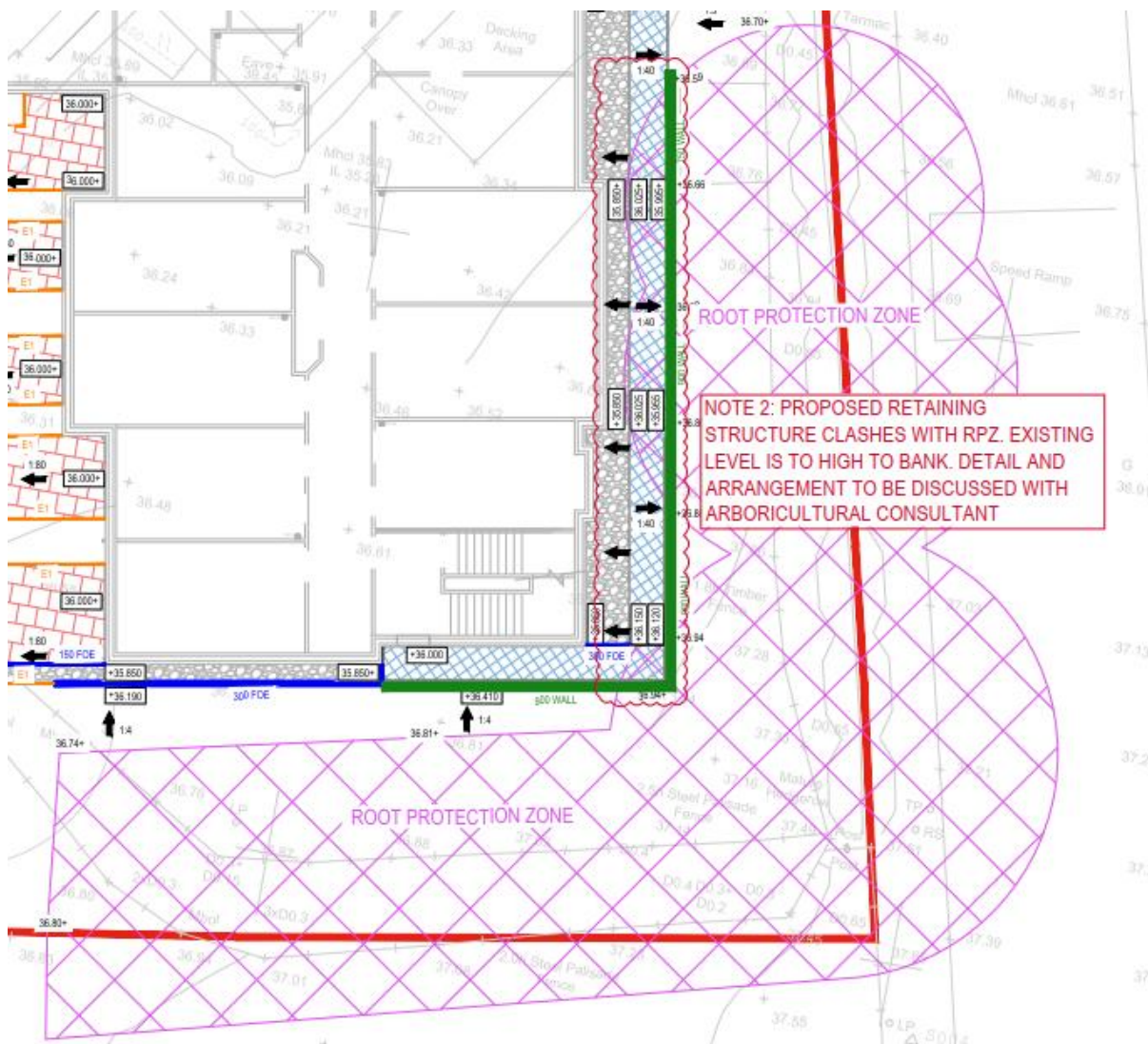
In terms of earth retention measures there is a retaining wall proposed in the north-western corner of the site which would be 900mm in height:





RETAINING WALL DETAIL
MAX 0.9m RETAINED HEIGHT WITH PARAPET
 SCALE 1:20

The retaining wall structure would be located in the Root Protection Zone (RPZ) of T11-T14 and as such there is concern at the potential impact the proposed retaining wall would have on the tree roots in the RPZ:



The Arboricultural Report approved in the application assessed the impact of the proposed path along the eastern edge of the building on the RPA of T11-T14 as follows:

A very small portion of the outer part of the RPA (root protection area) of T11 - T14 will be compromised by part of a path shown along this edge of the building. It is highly feasible that no significant roots will be impacted in this location should excavation be undertaken during the construction of the path in a traditional manner; however, care will be taken to determine this. The area to be excavated in the RPA will be done in accordance with the hand dig method statement provided, and any roots encountered will be suitably pruned and covered. BS5837:2012 allows for shallow base structures such as this to occupy part of the RPA as long as no more than 20% of the total area is covered. In this case this is less than this and therefore feasible to construct without specialised engineering methods. All excavation works will be supervised by an arborist and undertaken in accordance with the hand dig method statement provided in **Appendix 3**. If the council object to a traditional construction method being used, then a 'No Dig' surface construction, will be utilised. This will need to be discussed with the engineers and a suitable method of construction provided that shows roots will not directly be damaged by root severance or indirectly by ground compaction. An example of a 'No Dig' surface construction is shown in **Diagram 3** of **Appendix 3**. However, the council may be amenable for a traditional construction to be used for the path given a minimal amount of the outer RPA will be crossed. This will be confirmed by the local authority.

It is noted that on drawing no. 22 026 – ARC – XX – XX – DR – C – 0601 – T4 – External Works General Arrangement that it is stated that the retaining wall would be partly located in the RPA and that the detail and arrangement is to be discussed with an Arboricultural Consultant.

The retaining wall by its nature would have the potential for a greater impact on the RPA of T11-T14 than the path.

The agent was asked to provide a view from an Arboricultural Consultant at this stage on what impact the retaining wall would have on the RPZ of T11-T14 and that this would not be able to be left for discussion at a later date but the Council would need to know the impact at this approval of details stage before it can ascertain whether the retaining wall would be acceptable or not.

The agent has provided a response from the original Arboricultural Consultant who wrote the original Arboricultural Report. The Arboricultural Consultant states his original report covers how the works proposed in the RPZ of T11-T14 will be addressed which will be opening the ground initially with hand tools and under arboricultural supervision. He advises that because the trees are on a slightly higher ground level, it is feasible that most of the rooting mass will be focussed on the upper level where moisture and gaseous exchange will be better for them. Furthermore, the Arboriculturalist advises that he can supervise any excavation works in this area as part of the ongoing arboricultural supervision, ensuring that any roots encountered are suitably protected and covered.

The response from the Arboricultural Consultant is considered to provide reassurance that a sufficient methodology will be in place to ensure that the RPZ of T11-T14 will not be unduly harmed.

Conclusion

It is considered that sufficient information has been submitted to discharge condition 12 attached to planning permission reference number 20220207.

Recommendation:

Approval with conditions

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	19 May 2023	Dated:	19 May 2023