
SUMMARY REPORT

Application Ref:	20221251
Site Address:	Former Site Of Battle Of Britain, Coldharbour Road, Northfleet, Gravesend
Application Description:	Construction of a care home (within Class C2) associated parking, access, drainage, boundary treatments, landscape and other associated works.
Applicant:	Mr Max Paddick, Frontier Estates (BB) Ltd
Agent:	Ms Laura Grimason, Gillings Planning
Ward:	Coldharbour
Parish:	Non-Parish Area
Decision due date:	30 th June 2023
Publicity expiry date:	6 th March 2023
Decision Level:	Planning Committee – 14 th June 2023
Reason for referral:	Called in by Councillor
Recommendation:	Permission.

Summary of Reasons for Recommendations

The proposals will have no detrimental impact on the surrounding landscape, character of the area, amenity, highway safety or parking. The scheme takes into account the history of the site wider context of the area.

In order to be positive and proactive during the course of the applications discussions took place with the agent to address (where appropriate) comments received from consultees and 3rd parties.

All representations received from both 3rd parties and consultees have been taken into account when considering this proposal.

The development is considered to comply with local and national planning policy.

The recommendation is for planning permission, subject to conditions as set out within this report.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site comprises the site of the former Battle of Britain Public House situated on the corner of Coldharbour Road and New House Lane, Northfleet. The public house was demolished in October 2016 and the site now comprises an open piece of land bounded by hoardings. The demolition of the former Public House occurred under controversial circumstances; however this is not a material planning consideration in relation to the determination of this planning application.
- 1.2. Formerly the site comprised the Battle of Britain Public House, a two-storey building with part brick and part rendered and painted walls and a tiled roof which had been considerably extended over the years. The Public House was set back from the highways of both Coldharbour Road and New House Lane, and with its main frontage and aspect facing towards New House Lane. The public house contained living accommodation on the upper floor.
- 1.3. The land in front of and principally to the northeast of the public house was used as a customer car park and a storage area and land to the south east of the public house was used as a large beer garden with play equipment which was enclosed by railings along the Coldharbour Road frontage. There was some lighting to the car park.
- 1.4. The site covers an area of approximately 0.45 hectares (1.1 acres) and is bounded by:
 - New House Lane to the northwest, and beyond this the access road which serves nos. 80-90 New House Lane which to the northwest comprise two storey semi-detached properties, most still in Local Authority control, which face towards the site at a distance of approximately 21m away from New House Lane;
 - The grass playing field of Shears Green Primary School to the northeast;
 - St Clements Catholic Church and residential properties (12 maisonettes) situated within St Clements Close to the southeast; the church serves as a satellite to the main Catholic Church at The Hill Northfleet;
- 1.5. Coldharbour Road to the southwest, and properties on the adjacent side of the highway 22-28 (even nos.) Coldharbour Road which comprises two storey linked detached properties as well as an entrance to Durndale Recreation Ground.
- 1.6. Vehicular access into the site to the former public house was from Coldharbour Road close to the junction with New House Lane. There was also a pedestrian access in the form of steps up from New House Lane mid-way along the road frontage. A second set of steps that existed appears to have been removed.
- 1.7. There is no footway to the road frontage of the site to New House Lane but there is a grass bank from road level, with the site elevated above the road. The site conversely is slightly below the road level in Coldharbour Road. There are a few trees/bushes around the edges of the site.
- 1.8. The housing in the surrounding area dates from circa 1948. The residential development opposite the site (in Gibson Close) dates from the late 1960's while the development of the church and maisonettes in St Clements Close was built in the early 1990's.

2. Planning History

2.1. Following demolition of the public house, planning permission was granted in 2020 under planning ref 20171245 for 'Construction of 20 residential units comprising 6 x three bedroom houses; 9 x two bedroom flats; and 5 x one bedroom flats; laying out of access road, provision of 32 car parking spaces, refuse and cycle storage, private and communal gardens, and construction of vehicular access onto New House Lane.' This extant planning consent has not yet been implemented and the consent expires on 9th December 2023.

2.2. The relevant planning history for the site is laid out in the below table:

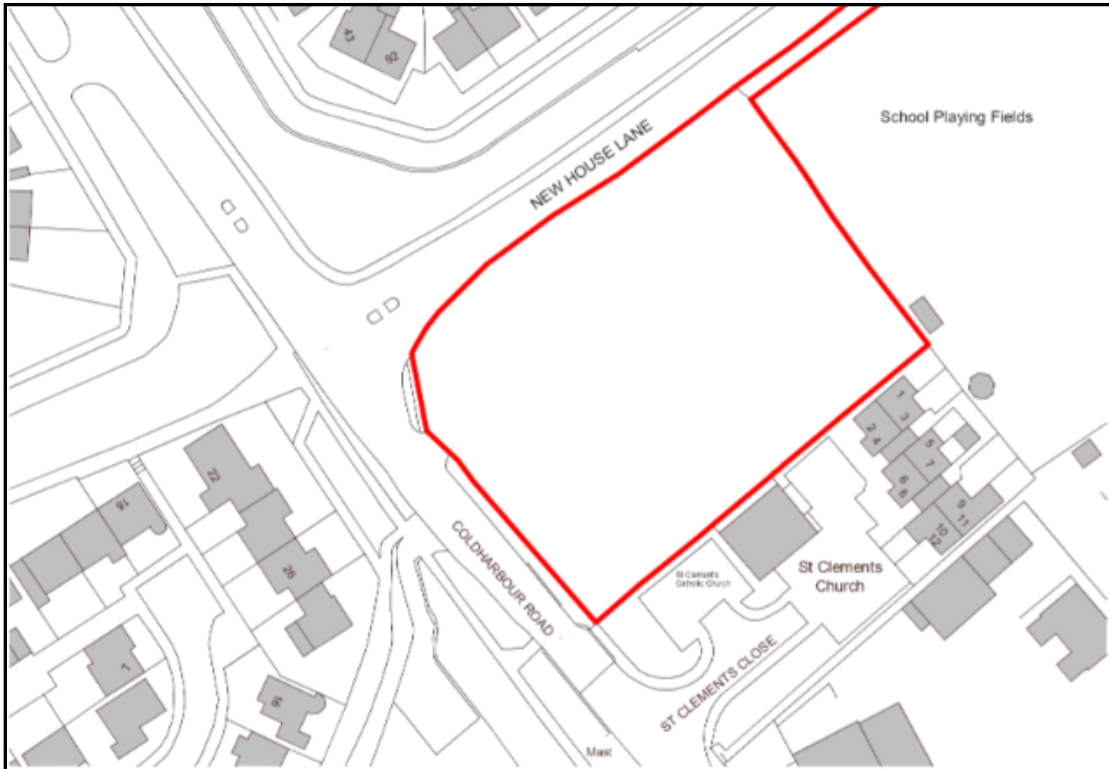
Reference	Description	Decision	Decision Date
20171245	Construction of 20 residential units comprising 6 x three bedroom houses; 9 x two bedroom flats; and 5 x one bedroom flats; laying out of access road, provision of 32 car parking spaces, refuse and cycle storage, private and communal gardens, and construction of vehicular access onto New House Lane.	Permitted	09.12.2020
20160971	Application for determination as to whether prior approval is required for the demolition of the public house.	Refused	21.10.2016
20120373	Erection of one pair of two storey semi-detached three bedroom dwellings with semi-detached garage at the rear; formation of new access on to New House Lane and reconfiguration of public house car park.	Permitted	25.09.2012
20040296	Outline application for the erection of a building in the car park at the side to provide 18 self-contained flats with vehicular access from the existing public house access and laying out of 17 car parking spaces.	Refused	25.08.2004

2.3. Previous to this, the applications all related to various minor alterations to the Public House.

3. Proposal

3.1. The proposal is for the construction of a 65 bed, three storey, dementia care home (within Class C2) associated parking, access, drainage, boundary treatments, landscape and other associated works.

Existing Site Location Plan (Not to Scale)



Proposed Site Plan (Not to Scale)



- 3.2. The proposal includes a total of 27 car parking spaces, including 2 designated blue badge holder spaces. There would be an additional space for use by an ambulance. It would also provide 8 spaces for cycle storage.
- 3.3. The existing entrance to the site would be moved from Coldharbour Road (South West) to New House Lane (North West).
- 3.4. The New House Lane Frontage (North West) and the Coldharbour Road Frontage (South West), would consist of a part two storey, part three storey building. The Street Elevations show the level change and the positioning of trees and 1.8m high boundary treatment.
- 3.5. On the North East elevation, the main entrance lobby would be located atop the steps, stemming from New House Lane. This section of the building includes a mix of staff and day rooms, with bedrooms retained to the main corridors. The South East elevation also reserves the end block of the building on this side for mostly staffrooms, but with day rooms also included at this end of the building.
- 3.6. The proposal would provide 65 single occupancy bedrooms with en-suite for dementia specific care. The building proposed would enable all care needs of residents to be met on site. The Planning Statement provided identifies that the care home would be dual registered so that both nursing and residential care can be provided.
- 3.7. The Planning Statement identifies that the care home would provide on-site care, with the care team present 24 hours a day. The staff members would work on a shift pattern of 22 staff members during the day, (1 staff member per 3 residents) and 13 staff members during the evening (1 Staff member per 5 residents). The staff members would not reside on site. Overall, the Planning statement estimates that a total of 70 members of staff would be employed.
- 3.8. The site would also provide an activity room, 4 cafes/dining rooms, a private dining room, a cinema room, 3 lounges, a family room, seating area and a hair and beauty salon, alongside the necessary sanitary rooms, staff rooms and storage.
- 3.9. The indicative materials to be used externally would be; red brickwork to the ground and first floor walls, red brick soldiers to the first-floor roof parapet, grey cladding and tiles to the second-floor walls and roof and grey frame to the windows. A condition would be applied with regards to details of final materials to be used in the external construction including, colour and finish to ensure that they are of a high quality.

4. Planning Policy, Development Policy and Other Material Contributions

Development Plan

- 4.1. The relevant development plan policies are laid out as follows:

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS07 - Economy, Employment and Skills
- CS10 - Physical and Social Infrastructure

- CS11 – Transport
 - CS12 – Green Infrastructure
 - CS14 – Housing Type and Size
 - CS15 – Housing Density
 - CS18 – Climate Change
 - CS19 – Design and Development Principles
 - CS20 – Heritage and the Historic Environment
- 4.2. Paragraph 33 of the NPPF (2021) sets out that 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.
- 4.3. The Council undertook such a review in September 2019 and 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 the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- T5 – Formation of New Accesses or The Intensification of Use of Existing Accesses
- P3 – Vehicle Parking Standards

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 6 – Building a strong and competitive economy
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Other Material Considerations

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- Planning Guidance Note 6 – Vehicle Accesses on Classified Highways
- Planning Guidance on Waste Collection Requirements (2019)
- Guidance Note 12 – Arboricultural Association
- Kent Design Guide (2006)

5. Consultations, Publicity and Representations

External Consultees

5.1. Southern Gas Networks

This application falls outside of Cadent's distribution network. Please contact your local Gas distributor and/or National Grid for comments.

5.2. Southern Water

Southern Water have reviewed this planning application and it is located inside our Gravesend South

SPZ2, 1.1km from the abstraction source. The proposed development includes surface water discharge to ground. The Flood Risk Assessment and Drainage Strategy provided is reliant on the Ground Investigation completed by Applied Geology and this report has not been uploaded to the planning portal for review. Therefore, the hydrogeological conceptualisation of the site cannot be confirmed. Southern Water do not object to this planning application based on the following conditions.

- Deep bore soakaways are not permitted.
- The final drainage design be shared and approved by Southern Water.

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. 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: developerservices.southernwater.co.uk and please read our New Connections Charging

Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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.

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.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. It should be noted that under the Water Industry Act 1991 it is an offence to throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

We request 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.

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.

5.3. Natural England

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

5.4. KCC Flood and Water Management (*first comment*)

We have reviewed the submitted Flood Risk Assessment and Drainage Strategy (prepared by Fairhurst, 2022). The application proposes to discharge surface water via infiltration, Kent County Council as Lead Local Flood Authority have the following comments:

1. The Flood Risk Assessment and Drainage Strategy indicates that infiltration testing has been carried out in 2021, with an infiltration rate of 1.1×10^{-5} m/s recorded in the south and 4.7×10^{-5} recorded in the centre of the site. The microdrainage calculations (Appendix G) show both infiltration blankets using an infiltration rate of 4.7×10^{-5} . We would request that the location of the infiltration testing is confirmed, to ensure that the correct infiltration rates have been applied to each of the infiltration blankets.

2. The nodes within the microdrainage calculations (Appendix G) are not labelled on the proposed drainage layout (Appendix F), as such it is difficult to cross-check the calculations against the layout. We would request that an updated drainage layout is submitted which refers to each of the nodes.

We have also included the following informatives:

1. At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019); the FSR dataset should not be used:

http://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf

2. At the detailed design stage, we would expect to see detailed exceedance plans provided, indicating the extent of flooding with reference to actual proposed levels. It should be ensured that key access routes are not blocked and that no property flooding occurs in these areas. All exceedance must be contained within the site boundary to ensure that there is no increase in flood risk elsewhere. We expect that optimisation could be made to the drainage networks to reduce exceedance volumes where it is necessary to do so. This can be confirmed as part of a detailed design submission for the discharge of planning conditions related to surface water management.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

5.5. KCC Flood and Water Management (*second comment*)

Further response was received relating to the updated Flood Risk Assessment and Drainage Strategy and a query from the planning agent regarding whether conditions could be used to address infiltration queries.

The additional comments are as follows:

Following a further review of the latest Flood Risk Assessment and Drainage Strategy report (28/04/2023) and supplementary ground investigation report, we can condition for further infiltration testing to take place on site. The tests should ideally conform to BRE:365 guidance that involves undertaking three tests within each trial pit.

The wording to our recommended infiltration first condition and our verification report condition can be found below:

Condition:

Development shall not begin 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 demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and 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 within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to beyond being reasonably practical then any surface water leaving site shall be limited to rates as close to greenfield as feasibly possible. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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 169 of the National Planning Policy Framework.

In the development of the detailed design, we would advise for consideration of the following:

- Supporting hydraulic modelling of the designed network should utilise the FEH 2013 Rainfall Methodology where possible. Should the FEH dataset not be used and FSR is utilised, we would request that the M5-60 Value is uplifted from 20.00mm to 26.25mm. This is in line with our Drainage and Planning Policy Statement (2019).
- Consideration in raising the Volumetric Runoff Coefficient value within the hydraulic modelling. The value used within the current report is the default value of 0.75. With the contributing areas being impermeable in nature, we would expect for this value to be greater than the default value and closer to 0.9.

Please let me know if the above conditions are agreeable to yourself and the applicant.

5.6. KCC Biodiversity Officer

We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

Designated Site

The development includes proposals for new dwellings within the zone of influence of Thames Estuary and Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Gravesham BC 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 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 and Lighting

To mitigate against potential adverse effects on biodiversity (including bats and invertebrates), and in accordance with the National Planning Policy Framework 2021, we suggest that the Bat

Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via an attached condition with any planning permission. Suggested wording:

Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Breeding Bird Informative

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented during construction. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent:

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.

Biodiversity and Ecological Enhancement

Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF, the implementation of enhancements for biodiversity should be encouraged.

To maximise biodiversity value on-site and safeguard the biodiversity within the surrounding countryside, all landscaping should consist of native species only. We also advise that multiple integrated Swift nest bricks are incorporated. Suggested wording:

Prior to works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan and provision of integrated bird bricks within the fabric of building. The approved details will be implemented and thereafter retained.

5.7. Environment Agency

Thank you for consulting us, we do not object to the proposal in principle providing the following conditions are placed on any permitted development.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall

be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

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.

NOTE: any surface or fly-tipped waste materials should be removed to suitable permitted sites as part of any site clearance/preparation works.

Condition

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

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 caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Informative:

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution, treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to: The Position statement on the Definition of Waste: Development Industry Code of Practice and The Environmental regulations page on GOV.UK

5.8. Kent Police

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime. We request a condition for this site to follow SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways/ side entrances must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. We recommend an entrance gate to the parking area is installed with access control for staff and controlled access for visitors. To minimise the opportunity for crime, vehicles should be parked in areas with natural surveillance, where vehicles can be seen from an "active" window.
3. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking

5.9. KCC Highways & Transportation Services

This proposal was the subject of pre-application discussions in July 2022 which provided a basis for the content of the submitted Transport Assessment dated 17th November 2022. As a result, all of the relevant highway issues associated with this development have been included in the TA. I would make the following comments on the key issues considered:

Site History

The site was previously occupied by a public house which was subsequently demolished. Planning Consent was then granted for a development of 20 residential units which was accessed by a road off New House Lane in a similar location to that now proposed. The principle of access of New House Lane in this location is therefore already well established.

Local Highway Network

The site is well located at the junction of Coldharbour Road and New House Lane which provides easy access to the remainder of the local highway network, both for vehicles and pedestrians / cyclists although there is only one footway on the northern side of New House Lane. Informal pedestrian crossing points are available in New House Lane and a pelican crossing is available nearby to cross Coldharbour Road to access facilities on the western side. Traffic speeds in the vicinity of the proposed access have been measured at 27mph travelling away from the Coldharbour Road junction and 39mph travelling towards it. The speed limit on both roads is 30mph.

Highway Safety

An analysis of crash records for the 5 years up to July 2022. Whilst there have been 3 slight injury crashes on Coldharbour Road / New House Lane in the vicinity of the site, none of these appear to

be related to highway defects but caused by driver error. No concerns are raised relating to highway safety.

Sustainability

The site is located in a relatively sustainable location with a range of services available within an easy walking distance, including two major supermarkets. Bus stops are available both in New House Lane and Coldharbour Road providing regular bus services to a range of destinations. Gravesend railway station is easily accessible by cycle or bus.

Access

Vehicular access is via a single access road having a simple junction with New House Lane. This access road has a gradient of 1 in 10 (10%) which, while acceptable with reference to Kent Design, is at the recommended limit for access roads. The previously consented residential scheme proposed a gradient of 1 in 15 which was much preferred. In isolation, this is not a justifiable reason for refusal, if the applicant is able to relax this gradient at detail design stage it would be welcomed.

Visibility splays from the junction based on the measured speeds given above are proposed at 79m to the east and 39m to the west, both incorporating a set-back distance of 2.4m. This would be acceptable. However, the visibility to the west would be obscured by the existing embankment alongside New House Lane. The Transport Assessment (Page 18) refers to the construction of a footway on the southern side of New House Lane, together with a retaining wall, to provide the necessary visibility. But the site layout plan submitted (Ref. 3172/102/P10) and dated 23rd November 2022 and the plan included as Appendix F of the TA, does not show this footway. Clarification is required.

Pedestrian access alongside the access road includes a set of steps which is unsuitable for the mobility impaired and wheelchairs etc. Since the application is for a Care Home this is not acceptable unless an alternative is available. Again, I refer to the conflict between the TA and the site layout plan which does not show any alternative. I consider it is essential that a pedestrian route is available from the Coldharbour Roadside of the development round the south-eastern side of the junction to join with the footway shown on the southern side of New House Lane and the pedestrian crossing point.

Also, it is proposed to provide a footway along the existing roadside verge on the south-eastern side of New House Lane to link with the existing bus stop on that side of the road.

Both of the above footways should be conditioned and would be subject to construction under a Section 278 Agreement with the Highway Authority since they are located in existing highway land.

Car Parking

It is proposed to provide 27 car parking spaces, including 2 disabled spaces, together with an additional ambulance space. This meets the requirements for a care home in Kent Parking Standards (SPG4) which are a maximum provision. It has been shown in the TA that this is in excess of the cumulative parking demand using data from the TRICS database. This is acceptable.

Secure and sheltered cycle parking for staff and visitors are proposed with 8 cycle parking spaces meeting the minimum standard in SPG4.

I would recommend that storage for mobility scooters should be included since this is an application for a care home.

Footway Reinstatement

The existing vehicle crossing to the site which previously served the public house off Coldharbour Road is proposed to be reinstated. This is acceptable and should be Conditioned. The works would be carried out under a Section 278 Agreement with the Highway Authority.

Traffic Generation

The Transport Assessment demonstrates, using TRICS data, that the traffic generation from the proposed development is likely to be relatively low and would not result in any excessive congestion on the surrounding road network. It would be comparable to the previously consented trip generation.

In conclusion, provided the issues outlined above to the pedestrian access to the site to / from New House Lane are clarified and resolved satisfactorily with a step-free route, I would raise no objection on highway grounds to this application provided the following Conditions / Section 106 Obligations are applied to any consent granted:

1. Provision and maintenance of 39 metres (west) x 2.4 metres x 79 metres (east) visibility splays at the access with no obstructions over 1.05 metres above carriageway level within the splays, prior to use of the site commencing.
2. Reinstatement of the existing vehicle access onto Coldharbour Road via a Section 278 Agreement with the Local Highway Authority prior to the first occupation.
3. Construction of a 2.0m wide footway on the south-eastern side of New House Lane between the site access and the existing bus stop to the east via a Section 278 Agreement with the Local Highway Authority prior to first occupation.
4. Construction of an uncontrolled pedestrian crossing across New House Lane close to the proposed site access via a Section 278 Agreement with the Local Highway Authority prior to first occupation.
5. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
6. A minimum of 10% (3) parking spaces shall be provided with EV charging stations together with a further 10% (3) be provided with passive provision i.e. cabling / ducting only.
7. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
8. 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

Informative: 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

Internal Consultees

5.10. GBC Commercial Health

No objection in principle. Informatives should be added relating to health and safety and food safety.

5.11. GBC Highways

This is an interesting proposal for the reuse of the previous Battle of Britain Public House site.

Whilst I have no overall objection to the proposal, there are things that could be improved or need to be clarified on why the submission is acceptable.

1. Whilst the access to the approved housing development was via a bell mouth junction, as this access will remain private, it is better served by a dropped kerb carriage crossover giving clear priority to pedestrians as detailed in the new Highway Code Hierarchy of road users. It would also improve visibility for pedestrians crossing the access.
2. The ambulance bay should be better located and near to the buildings main entrance, adjacent to the disabled parking spaces would be ideal.
3. The informal pedestrian crossing of New House Lane would be better located to the east of the new access rather than the west, as it will then be on the desire line for the bus stop on the north side of the road. The footway then on the west side of the access becomes redundant and can be deleted from the scheme, although a visibility splay needs to be maintained.
4. The swept path for the refuse freighter demonstrates that a shunting movement will be required, this is not ideal, but as it is well clear of the highway is not a reason in itself for refusal, as it only affects a very limited number of vehicles that will visit the site.
5. The automatic traffic counts were not carried out during a neutral month have been carried out in August. However, as the purpose was to determine vehicle speeds and not vehicle numbers they are considered acceptable.
6. Some consideration should be given to the parking of a few mobility scooters for those residents that may have some mobility issues but are fit enough to go out on their own or with family.
7. Any external lighting should be conditioned for approval
8. Ideally surface water drainage of the parking area (as proposed) and access should be via a bound permeable material with gullies/drain provided at the back edge of footway to ensure no surface water discharges onto the highway.
9. With regards to foul drainage, it is noted that a pumping station may be required, this would need to be positioned so it is readily accessible for maintenance and may require its own off street parking area, to accommodate a tanker in the event of failure. A strengthened area may be required within the site adjacent to Coldharbour Road to readily accommodate such vehicles and this will affect the boundary treatment. The tanker must be able of being parked with 30 metres of the sump for the pump. Drainage should therefore be condition for approval.

5.12. GBC Private Sector Housing

We can confirm Private Sector Housing have no comments to relay in relation to our housing legislations and regulations. We believe the proposed scheme is currently out of our remit with Planning requirements and Building Regulations taking precedence.

5.13. GBC Environmental Protection

A number of reports have been submitted with the application namely an Air Quality Assessment (AQA), a Transport Statement and a Noise Assessment.

With regards to the AQA, the methodology and findings are accepted and IAQM guidance has been followed. The report has covered the impact of the development on the surrounding area and A2 Air Quality Management Area (AQMA), any air quality impact on future occupants of the care home and also the impact on air quality, the AQMA and local sensitive receptors during the construction phase. In following the IAQM guidance, a detailed air quality assessment is not required with regards to any impact on the local area/sensitive receptors and the AQMA due to the size of the development and the predicted traffic movements etc.

However, fugitive dust during the construction phase could impact on local sensitive receptors (there is housing and a school in close proximity), so it will be important that a robust Dust

Management Plan is submitted for approval. This could form part of a Construction Environmental Management Plan (CEMP). Section 8.4 details appropriate mitigation measures and these should be incorporated into the Dust Management Plan/CEMP.

The methodology and findings of the Noise Assessment are also accepted. The report indicates that there will potentially be an impact on future resident of the care home as a result of traffic noise, so mitigation measures are required in order to achieve suitable internal noise levels in accordance with BS8233. Compliant levels can be achieved by the use of suitable double glazing, but additional ventilation will also be needed in order to prevent overheating by keeping windows closed to block out the traffic noise.

According to our records, there are no potentially contaminated sites within a 500m radius of the development site. However, the Desktop Study submitted with 2017 application indicated that further investigation would be needed due to the fact that there is potential for contamination due to extensive evidence of made ground on the site. In view of this, a full contaminated land condition will be required. The 2017 Desktop Study will require updating.

To deal with these and other matters, the following conditions and informatives are recommended:

Code of Practice on Construction and Demolition

Please apply with specific wording to cover the requirement for a Dust Management Plan as part of the CEMP.

Noise Control – traffic noise

The use shall not commence until a noise mitigation scheme to ensure that internal and external areas are protected against external traffic noise in accordance with BS8233:2014, has been submitted for approval by the Local Planning Authority. Noise mitigation measures shall be in accordance with the findings detailed in Report No. H3523-NV-v2 'Noise Assessment' by Hawkins Environmental dated 15th August 2022 and demonstrate that:

- The internal ambient noise levels in all habitable rooms shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- External areas shall be designed and located to ensure that amenity areas do not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.
- Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report. Any agreed mitigation must be installed and maintained thereafter.

The applicant must also have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be maintained thereafter.

Plant noise

The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors when measured and assessed in accordance with BS4142:2014+A1:2019.

The applicant must demonstrate compliance with this by way of a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the local authority's noise criteria has not been met further noise mitigation shall be implemented. further noise mitigation shall be implemented.

The final noise mitigation scheme shall be operated and maintained thereafter.

Contaminated Land

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of

such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

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.

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.

Smoke Control Informative

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 air.quality@gravesham.gov.uk

Neighbouring properties

- 5.14. The application has been advertised by individual neighbour letters to 185 properties, and on site. 4 site notices were also placed nearby the site. The consultation period expired on 06/03/2023.
- 5.15. It is noted that 1 comment was received from members of the public/adjoining neighbours objecting and 1 comment received from the Ward Councillor and one objection from a residential neighbour.
- 5.16. The comment from the member of the public/adjoining objector is summarised as follows:
- Design – There are no other three storey buildings in the area, so this is not in keeping with the surrounding or the former building.
 - Privacy - The proposed plan indicates there are windows which would face neighbouring residences.
- 5.17. The representation from the Ward Councillor is summarised as follows:
- Overlooking/loss of privacy – the properties to the southern end would certainly overlook the properties on St Clements Close
 - Visual amenity – this is out of character of the area the vast majority of Coldharbour being two stories (or three if there are dormers in lofts in the roof). While much is brick some of the materials are not in keeping with the area. Given the prominent position as well the height matter is a key consideration. I resent quite heavily the over reliance of Design South East as a crutch to justify this proposal. Design South East are not Planning Officers or elected members and are no substitute for either.
 - Adequacy of parking/loading/turning. The amount of parking spaces are not enough for the amount of proposed beds and staff including visitors and emergency needs. This is a key consideration, and I would be looking to see how accountable to developers would be should we as an authority seek to look at parking restrictions in the area to ensure that there is no loss of parking facilities for local resident. I would require a written guarantee from the developers.
 - Highway safety – this is already a busy junction at the top of New House Lane / Coldharbour Road and without some sort of traffic management at this junction and the entrance to the scheme (yellow box for example) then this could cause blockages on a busy main road.
 - Loss of trees – for the sake of doubt although I note that there are plans to retain many of the trees including the main featured one I would object and call into committee any variation that would seek to remove these for whatever reason. I would hope a TPO would be put in if not already.
 - Layout and density of building – this design is against the character of the area and is large density which goes against the usual layout of the area.
 - Design, appearance and materials – As above Design South East is quoted somewhat as being a reason or excuse why this architect design should be allowed this is not in keeping with the area and is a material planning consideration.
 - Local, strategic, regional and national planning policies – I do not think this meets some of our policies locally given the above.
 - Previous planning decisions (including appeal decisions). I am clear that the last permission given was illegally issued and hence cannot be relied upon or given due weight.

6. Planning Analysis

Principle of Development

- 6.1. This site is in the Urban Boundary as defined by the Policies Map of the Core Strategy Document (2014).
- 6.2. Policy CS02 of the Core Strategy prioritises development in the urban area as a sustainable location for development. Policy CS02 seeks to achieve this by:
- 'Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area.'*
- 6.3. The NPPF (2021) is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 119 of the NPPF (2021) advises that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.
- 6.4. The application site meets the definition as previously developed land. As such there is no objection to the broad principle of development within this location subject to the proposal meeting the requirements of other relevant development plan policies and material considerations.
- 6.5. The site to which this application relates is not allocated for residential development and is shown in the Local Plan Core Strategy Policies Map as being within an urban area. The application site is not shown for community facilities or services nor is it shown as a site for open space or green space. Therefore, development proposals would need to be judged against the general policies of the adopted development plan and the NPPF (2021).
- 6.6. The main considerations in the assessment of this proposal therefore relate to the following issues:
- Acceptability of the proposals in land use terms;
 - Employment Use;
 - Provision of Elderly Care Accommodation;
 - Character, Appearance, Scale and Massing;
 - Impact of the development on the amenity of future adjacent occupiers;
 - Trees and Landscaping;
 - Impact of the development on the highway network;
 - Ecology and biodiversity;
 - Waste and refuse arrangements.

Acceptability of the Proposals in Land Use Terms

- 6.7. The site lies within the urban area of Northfleet and Gravesend, the urban area is identified as a sustainable location for development in the LPCS (2014) Policy CS02: Scale and Distribution of Development).

Affordable Provision

- 6.8. Policy CS16 (Affordable Housing) (LPCS) requires that the provision of affordable housing will be required on all new housing developments over a certain threshold (15 dwellings in the urban area), subject to site viability and a tenure mix necessary to meet local needs and achieve a successful sustainable and socially inclusive development. In this case the use of the proposed building falls within Planning Use Class C2 (Residential institutions - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres).
- 6.9. The proposed development consists of rooms that are simply bedrooms with ensuite bathrooms and 24-houring care provided on site. The development will be registered with the Care Quality Commission (CQC) and communal facilities are provided for future occupiers. The proposed development falls into category Use Class C2 (Residential Institutions) and is therefore exempt from the provision of affordable housing as per Policy CS16 (LPCS). The proposal will result in the long-term enhancement to the provision of care services in the local area which also demonstrates that the proposal is 'housing with care' which falls under category C2.

Employment Use

- 6.10. It is also acknowledged that a further benefit of this proposal is that the development will employ 70 staff which will equate to 53 full time positions. The staff members would work on a shift pattern of 22 staff members during the day, (1 staff member per 3 residents) and 13 staff members during the evening (1 Staff member per 5 residents). The staff members would not reside on site. The employment gives some weight to the development proposals in the overall planning balance.
- 6.11. The employment generated by the proposal as a care home is significantly greater than the previous use of the existing building as a public house.
- 6.12. There would also be associated opportunities for job creation including in the construction of the development and through services to support the care home operation once operational.
- 6.13. The proposal accords with Policy CS07 that seeks to enhance opportunities for all local people to access new jobs arising from the Council's employment policies.

Demolition of the former Public House

- 6.14. It is acknowledged and accepted that the loss of the commercial use of the site and specifically as a public house serving the local community and the wider area is unfortunate particularly in the circumstances in which the public house was demolished. The public house did have a community/events hall attached to the public house building. It is noted that there are no local objections from the local community for this scheme with the exception of those objections raised by the Ward Councillor and one objection from a residential neighbour.
- 6.15. Redevelopment of this site for an alternative use has already been accepted by the Council under planning application 20171245, this planning permission has not yet been implemented, however it does not expire until 9 December 2023. As such this extant planning permission is a fallback position which is a material consideration in the determination of this planning application.
- 6.16. In addition to the above, a similar occurrence was addressed in a recent planning appeal decision (05 November 2019) relating to a refused planning application by Mole Valley District Council (in

Surrey), for the loss of a public house (also similarly already demolished) and its replacement with two buildings comprising 20 No. flats and a small self-contained community facility. Although the Inspector found that the public house was required and alternative uses had not been fully considered and that while there was a range of facilities available in the area, none of them provided a realistic alternative to the public house and its loss had therefore reduced the opportunities for social interaction in the local community and harm arose from this. Nevertheless, the Inspector cited benefits of making use of previously developed land to provide additional housing, including affordable housing, which would improve the supply of housing and was a benefit which attracted significant weight, in view of the current shortfall. The Inspector also considered there would be employment generated by its construction, which would be a limited temporary benefit due to its relatively small scale. In respect of the local concern that the public house was demolished without planning permission and no action was taken by the Council to prevent this, the Inspector commented:

‘While I understand the frustration of local residents, the fact that the public house has been demolished without permission is not a reason in itself to dismiss the appeal. I appreciate that there is a local desire to see the public house rebuilt on the site, or incorporated into a mixed-use redevelopment, but I have determined the appeal on the basis of the submitted scheme.’

- 6.17. The inspector accordingly allowed the appeal applying the ‘tilted balance’ pointing towards the grant of planning permission. (Appeal Ref: APP/C3620/W/19/3223148 – Royal Oak PH (Demolished), 265 Kingston Road, Leatherhead, KT22 7PJ)

Provision of Elderly Care Accommodation

- 6.18. In respect of the specific use as proposed for a care home Policy CS14 (LPCS) states that *‘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 provide for the needs of future occupants.’*
- 6.19. The need to provide housing for older people is described in the National Planning Policy Guidance (NPPG) as ‘critical’ as people are living longer lives and the proportion of older people in the population is increasing (Paragraph 001 Reference ID: 63-001-20190626). It indicates:
- ‘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.’*
- 6.20. The pre-amble to Local Plan Policy CS14 (in Paragraph 5.10.7) indicates that it is important that the concentration of residential institution accommodation is controlled and therefore that such accommodation is in accessible locations and would not result in a concentration of such facilities. The application site is reasonably well served by public transport, local services are easily accessible and there are no existing facilities within close proximity. A new care home in this location would therefore address the Council’s spatial planning objectives and will help in delivering a broad mix of social community uses in the area.
- 6.21. The published Gravesham Borough Council Strategic Housing Market Assessment (2016), 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.”

6.22. Table 77 from that report is shown below for clarity:

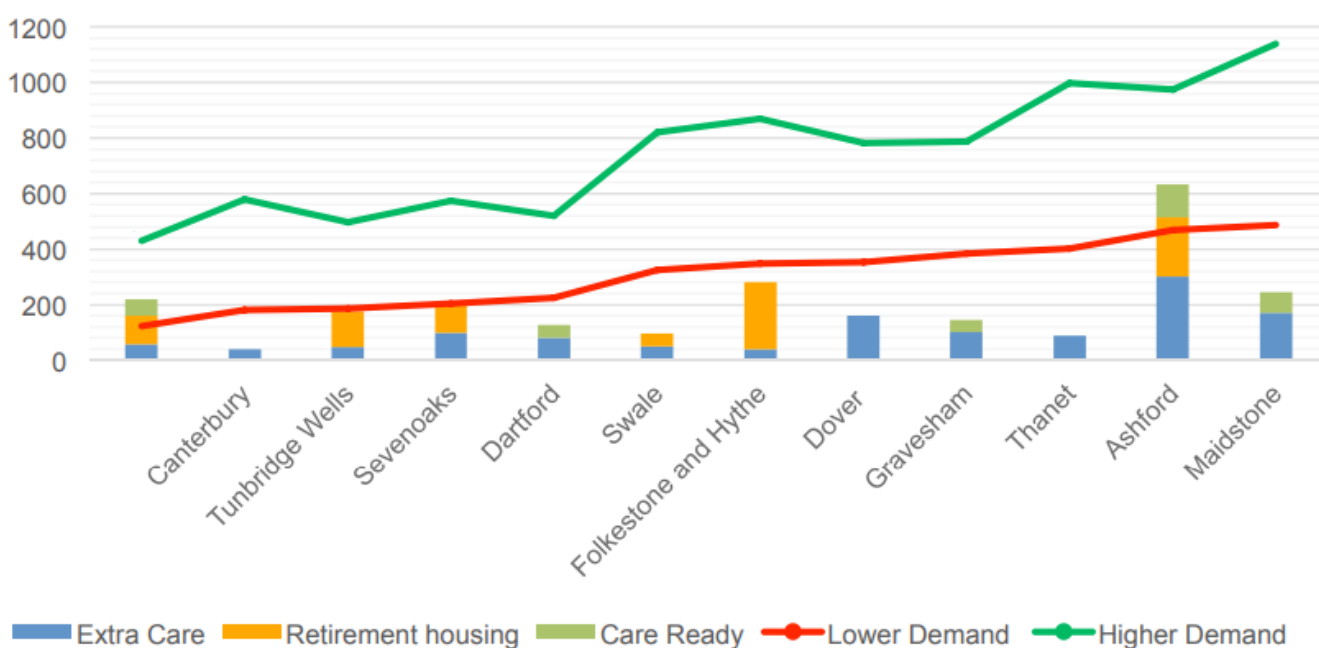
Table 77 - Age Distribution of Projected Household Growth (2012 - 2037)

Household Age Band	Demographic (Long term migration) Baseline Scenario			
	Number of households 2012	Number of households 2037	Difference 2012 – 2037	% Change
0-14	0	0	0	0%
15-24	1,258	1,392	134	11%
25-34	5,563	6,554	991	18%
35-44	7,675	8,915	1,240	16%
45-54	8,392	9,406	1,013	12%
55-59	3,338	4,289	951	28%
60-64	3,218	3,942	724	23%
65-74	5,774	8,453	2,679	46%
75-84	4,120	5,952	1,832	44%
85+	1,414	3,444	2,030	144%
Total	40,752	52,346	11,594	28%

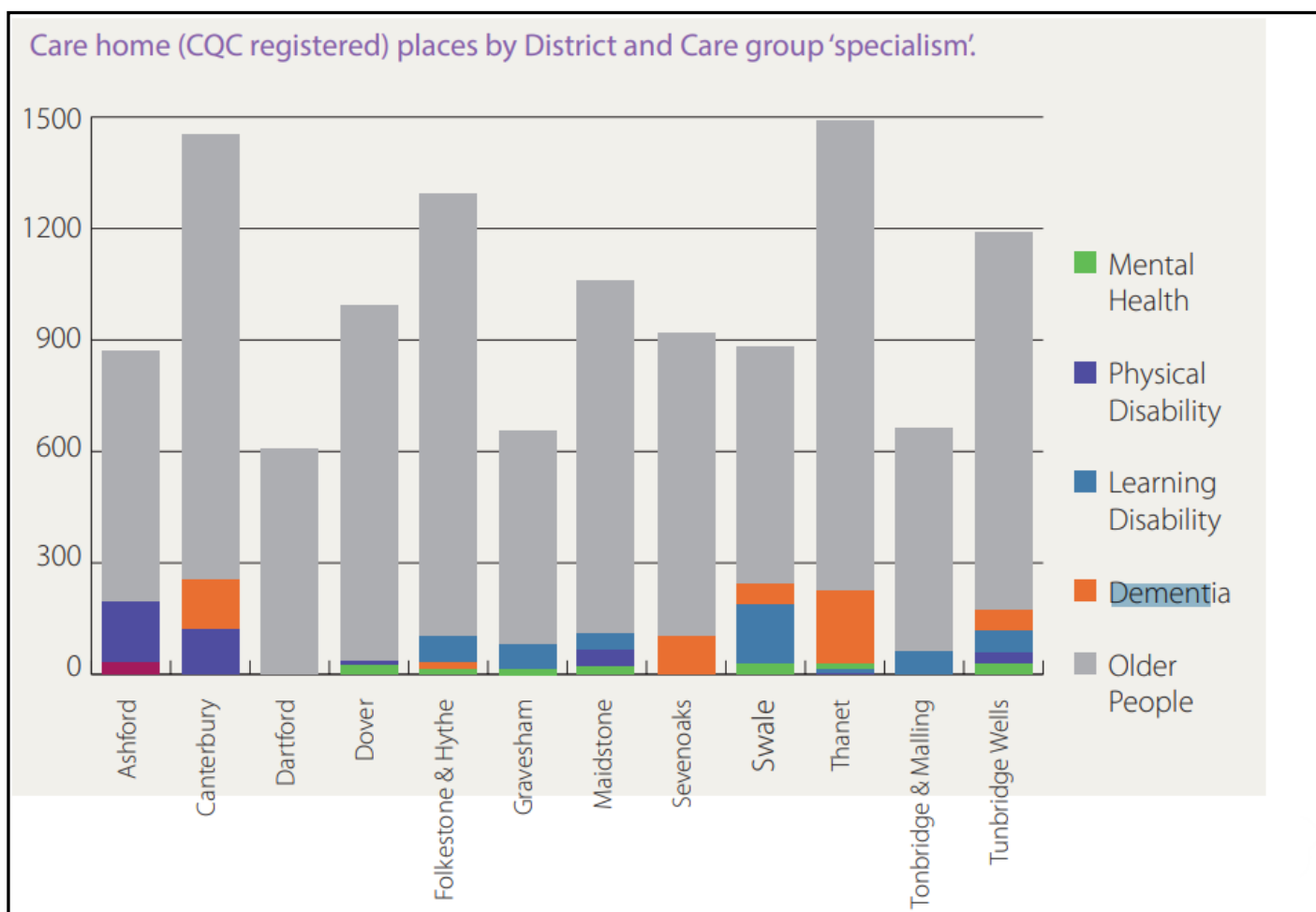
Source: BGVA/ ONS SNPP

6.23. The following extracts are taken from Kent County Council's accommodation strategy for social care.

Demand forecasting for the potential need for Extra Care housing can be seen in the chart below. Two models have been used to forecast, given current Social Care demand and population growth. The chart below shows what these two models indicate (a lower and higher potential need), current 'housing with care' type homes in existence have been included to show what further progress could be required.



As shown in the chart above, Ashford Borough Council have successfully increased provision of extra care and other housing with care provision supply to be over their potential lower demand forecast. Only Tonbridge & Malling Borough Council, when combining all Housing with Care options, is also within the lower and higher demand thresholds. Tunbridge Wells, Sevenoaks and Folkestone & Hythe District Councils appear close to achieving the lower estimate.

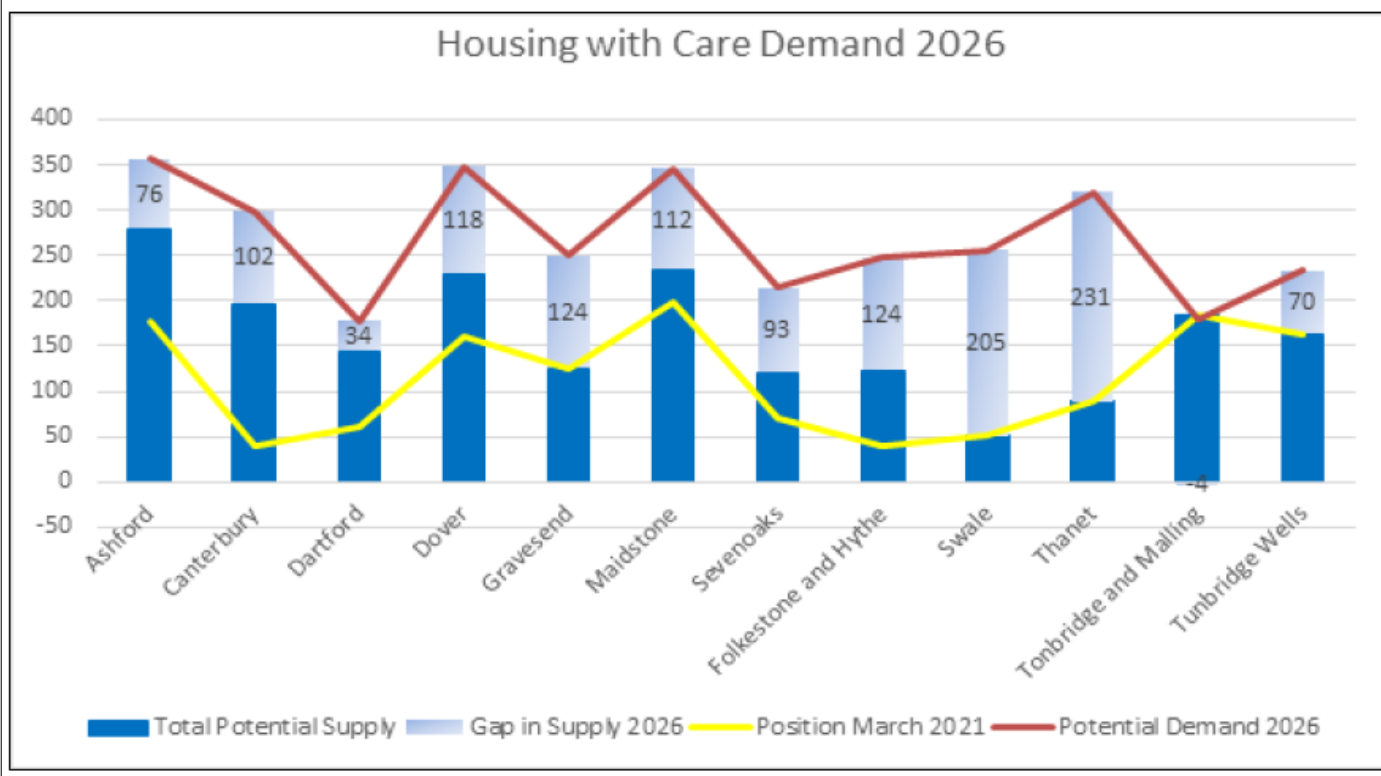


- 6.24. It is evident that based on this chart that more dementia specific care homes would be required in Gravesham to bridge the gap to the lower demand requirement. This scheme for 65 residential units, dementia specific care would make a contribution to the requirement for residential care housing required.
- 6.25. The KCC Accommodation with Care and Support Market Position Statement 2021-26 provides an update as of 2021, which they identify as likely being lower than the norm given that the data was taken during the height of the Covid 19 pandemic.

Housing with Care

In addition to the current supply of housing with care, the council estimates **a further 1,287 units** of accommodation, across all tenure types, **will be required by 2026**.

If the demand for 2026 is achieved, the council estimates **a further 561 units will be required by 2031**.



- 6.26. On balance the development of this site for the use as proposed is considered to be appropriate and a sustainable use within the local area in accordance with Policy CS01 (Sustainable Development) of the Gravesham Local Plan Core Strategy and accords with the presumption in favour of sustainable development set out in the NPPF (2021) in Section 2, Paragraphs 7 – 14: Achieving sustainable development. It also accords with Policy CS02 of the Gravesham Local Plan Core Strategy 2014 which prioritises development in the urban area as a sustainable location for development by recycling of underused, derelict and previously developed land in the urban area. It accords with Section 11, Paragraphs 119 – 125 of the NPPF (2021) by making effective use of land.
- 6.27. However, this also has to be balanced against other requirements of the NPPF (2021) and in particular paragraphs 130 and 134 of the NPPF (2021) which requires development to be add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.
- 6.28. Notwithstanding the weight to be given in favour of sustainable development it is necessary to assess the proposals against the policies in the NPPF (2021) and established local planning policy taken as a whole. There are also other important material planning considerations that need to be

considered in relation to, the loss of open space, landscaping and tree impacts, parking and highway matters and ecology amongst other matters.

Character, Appearance, Scale and Massing

6.29. The site is not adjacent to any listed buildings or conservation areas, however the site is within a short distance from Scruttons, 37 Coldharbour Road and New House, Dashwood Road. However, given the distance between the proposed development and these listed buildings, as well as the bulk and mass of the proposal, the settings of these listed buildings are unlikely to be affected.

6.30. At a national level good design is one of the central requirements of the NPPF (2021):

‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Paragraph 126).’

6.31. The aims set out in paragraph 126 of the NPPF (2021) are reflected in Policy CS19 of the Council’s Core Strategy. This requires new development to be “visually attractive, fit for purpose and locally distinctive” and to “conserve and enhance the character of the local built, historic and natural environment”. It also requires new development to “integrate well with the surrounding local area”.

6.32. In addition, Policy CS19 (LPCS) requires the following:

“....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. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings.”

6.33. The site is located in an area which is broadly residential in character, with two storey, detached/semi-detached/terraced dwellings, with gable or hipped roofs, small front gardens and reasonably sized rear gardens being the dominant housing feature. However, there is no residential building line along the junction of Coldharbour Road and New House Lane. The site is visually prominent in the street scene, with the previous two storey building set back within the site to reduce the overall impression of the built development.

6.34. This building would be part two storey, and part three storey. It should be noted that the approval under ref 20171245, allowed buildings which were three storeys in height.

6.35. The prominence of the height would be reduced visually by several factors including:

- The raised verge between the highway and the proposed building which exists from New House Lane.
- The lower site Ground level against Coldharbour Road.
- Additional Tree Obscuration from Coldharbour Road.
- Variation in height and roof forms
- Recessed elevation at third floor
- Use of a different, more neutral material to third floor.

- 6.36. The proposed building would be set back from the highway by 5 metres from Coldharbour Road, 7 metres from New House Lane and 14 metres at the corner point of both roads. This set back would reduce the visual prominence of the building.
- 6.37. Landscaping is a prominent feature of the scheme. Of positive note it would recess the building nearby the protected Beech Tree, incorporating it into the design as a feature. Subject to a planting plan reserved by condition, landscaping would soften the appearance of the building, and improve the existing appearance of the site.
- 6.38. The proposed materials are a mix of traditional red brick, and grey tiles and cladding. The mix of materials and variation between horizontal brick and vertical soldiers would add visual interest to the building, whilst respecting the surrounding residential character. The proposed materials would be subject to condition, to ensure that the materials used would be of a high quality.
- 6.39. It is considered that the development as proposed would be in conformity with Policy CS19 of the Gravesham Local Plan Core Strategy and Section 12, Paragraphs 124 - 132: Achieving well-designed places of the NPPF (2021).

Trees and Landscaping

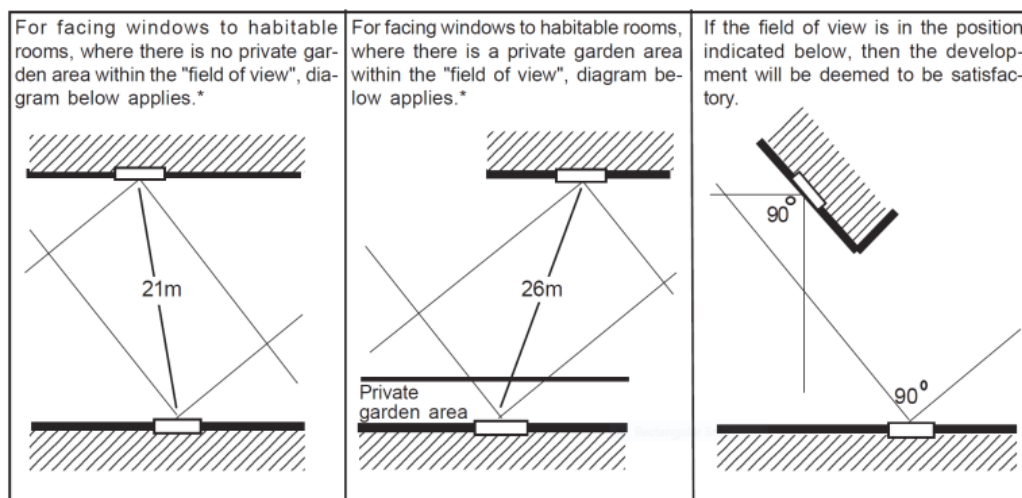
- 6.40. Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 indicates that the design and layout of new development needs to take account of the site context including features of townscape and landscape value and appropriate soft landscaping is important to ensure well planned public realm.
- 6.41. The application is supported by a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement.
- 6.42. Greater protection is given to trees which are in a Conservation Area, or which are covered by a Tree Protection Order – reference TPO_1994_003. This site is not in a Conservation Area. There is an existing Beech Tree (identified as T1), located to the north-western boundary with the highway, at the point adjoining Coldharbour Road and New House Lane. This Tree has a Tree Protection Order and given its status should be protected to ensure its longevity.
- 6.43. Although the other trees on the site are not protected by a Tree Preservation Order or a Conservation Area, the impact of their loss could result in harm to the character of the area. For that reason, the trees most visible from the public perspective and of a good quality shall be preserved via planning conditions. This would include the pear tree, besides the protected Beech (T2) and the Goat Willow to the Southeast boundary (T10).
- 6.44. The Arboricultural Guidance Note 12, from the Arboricultural Association recommends the use of a Cellular Confinement System for ground protection around trees. The impact of using such a system is an improved distribution of load and less vertical stress, resulting in lesser harm to tree roots underneath the ground. Tree roots tend to grow horizontally rather than vertically and often lie close to the surface. The growth of tree roots can also be impacted by existing hard surfacing surrounding the tree. In this case for the protected tree, the surrounding road could have led to greater root growth inwards towards the site than the Root Protection Area might suggest. For this reason, the cellular confinement system has been used on the nearby section of path which extends around the root protection area of T1, T2 and T10.

- 6.45. The proposed scheme would result in the loss of a hedge to the front of the site (identified as G3), a small hedge to the southeastern boundary (identified as G8) and a dead tree (identified as T4). All other trees would remain.
- 6.46. Whilst it is recognised that the layout of the development does require some tree loss on the site to make the scheme work, the findings of the Arboricultural Report are accepted in that the majority of those trees that will be lost are of low quality and the development will incorporate good-sized landscaped amenity spaces including opportunities for the planting of new trees, shrubs and flowers with the potential to enhance seasonal interest and ecological net gain, subject to provision of a planting plan, secured by condition. Details of boundary fencing and protective fencing during construction, would also be reserved by condition to ensure that potential harm to trees are mitigated.
- 6.47. Overall, therefore the proposed tree works are supported and do not conflict with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 and Section 12 of the NPPF (2021).

Impact of the Development on the amenity of future and adjacent occupiers

- 6.48. Paragraph 130 of the NPPF (2021) requires planning decisions to, inter alia, provide *“a high standard of amenity for existing and future users”*. In addition, Policy CS19 of the Core Strategy requires new development to be located, designed and constructed to *“safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land”*.
- 6.49. It is noted that 1 comment was received from members of the public/adjoining neighbours objecting and 1 comment received from the Ward Councillor.
- 6.50. The Residential Layout Guidelines details appropriate privacy distances for dwellings. The impact of the scheme upon the privacy distances of nearby dwellings should be considered. Figure 1 below details the principles upon which the privacy distances will be applied.

Figure 1



- 6.51. To the southeast the proposed building would adjoin St Clements Church. There would be 8.2 metres between these buildings. There are eyebrow style windows in the roofscape of the church, which would not serve habitable rooms. The windows in the proposed care home which would face south east towards the church would serve the laundry room at first floor and the kitchen at ground floor neither of which would be living spaces for residents to occupy. The ground floor windows would also be obscured by boundary treatment secured by condition. Given the high level nature of the dormer windows, and the small size of the opening, designed to bring in light not allow for views, the windows from the laundry room would not overlook the upper floor rooms in the church via these dormer windows.
- 6.52. Behind the Church to the south eastern boundary there are 12 residential dwellings. The proposed building would be 26 metres from the nearest of these residences. This would meet the 26m required privacy distance for windows where there is a private garden area within the field of view.
- 6.53. The site levels plan indicates that there would be no significant increase in land levels and the proposed landscaping plan indicates that a 1.8 metre timber fence would be erected adjoining the southeastern boundary. A boundary fence condition is proposed to ensure that this would not impact the amenity of the neighbours.
- 6.54. The proposed building would be 34 metres from the houses on the opposite side of New House Lane and 36 metres from those on the opposite side of Coldharbour Road. There would be no private gardens of these properties within the field of view of the proposed development. The requirement is that there would be 21m between the windows where they are both habitable and face one another. The distance between these properties exceeds this.
- 6.55. Given the significant distance of the proposed building from all nearby buildings, the development would likely not result in overbearing bulk, significant overshadowing, direct overlooking of any of these properties, subject to details of fencing reserved by condition.
- 6.56. The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

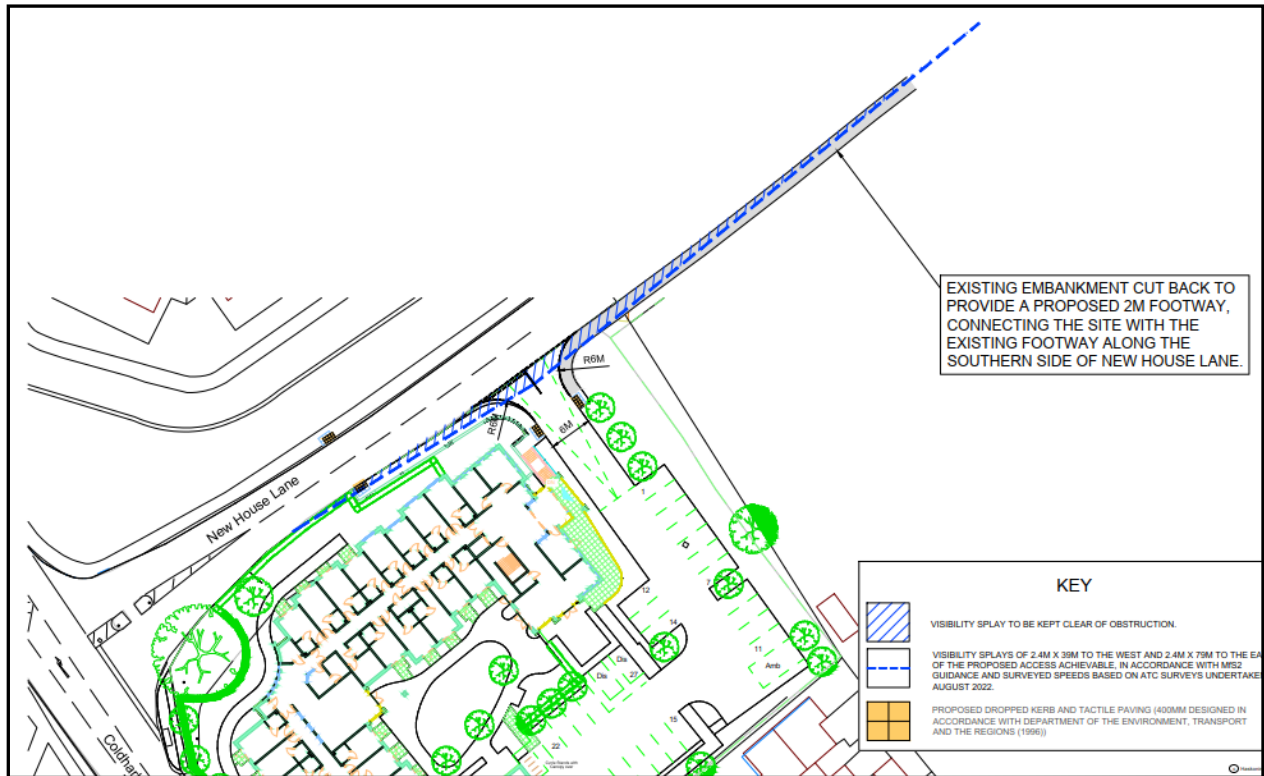
Impact of the Development on the Highway Network

- 6.57. The proposed development needs to be considered against Gravesham Local Plan Core Strategy Policy CS11 which 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.
- 6.58. Gravesham Highways Officer has suggested several improvements to the scheme. However, the Officer has not objected to the planning application as submitted.
- 6.59. The KCC Highways have raised concerns regarding the lack of no-step access to the site, particularly given the intended use of the site for elderly residents who may have need for access without steps. However, it is noted that there is a pedestrian step-free access proposed stemming from Coldharbour Road. This is shown highlighted in yellow on a snippet of the Proposed Site Plan below (Not to Scale).



- 6.60. KCC Highways have subsequently stated that provided the issues raised with regard to the pedestrian access to the site to / from New House Lane are clarified and resolved satisfactorily with a step-free route, they would raise no objection. As detailed above there is a step-free route and so the concerns raised are considered to be resolved. To ensure this step free access is delivered it would be secured via a landscaping condition, this will ensure that the approved details would be retained thereafter.
- 6.61. It is noted that KCC Highways have accepted the proposed 1 in 10 gradient but referred to the previous residential scheme having a preferable gradient of 1 in 15. However, when raised with the planning agent they advised both that this gradient would be more difficult to achieve than in the previous residential scheme as the care home has a different parking provision requirement and that to alter this would impact the proposed wheelchair accessible path. The 1 in 10 gradient complies with the requirements of Kent Design and as stated by KCC Highways, would not be a sufficient reason to refuse or seek further amendments to the scheme.
- 6.62. KCC Highways also made the following suggestions:
- 'Transport Assessment (Page 18) refers to the construction of a footway on the southern side of New House Lane, together with a retaining wall, to provide the necessary visibility. But the site layout plan submitted (Ref. 3172/102/P10) and dated 23rd November 2022 and the plan included as Appendix F of the TA, does not show this footway. Clarification is required.'*

However, the footway is shown on Appendix G of the Transport Statement, as shown below (Not to Scale). This would be secured by condition.



6.63. The Residential Institutions (Class C2) 'maximum' parking standards in the adopted Kent Vehicle Parking Standards (SPG4) are:

	Goods Vehicles	Car Parking	
		Employees	Residents/visitors
Nursing/Residential Care Homes	Minimum of 1 space for an Ambulance (see Note 1)	1 space per resident staff + 1 space per 2 other staff	1 space per 6 beds or residents
Hospitals & Hospices	See Notes 1 & 2	1 space per 2 staff	2 spaces per 3 beds
Residential Schools, Colleges or Training Centres	See Note 1 & 3	1 space per resident staff + 1 space per 2 other staff	1 space per 15 students
Notes:	1. Adequate facilities should be provided to enable delivery vehicles to park and manoeuvre clear of the public highway. 2. Sufficient ambulance bays and/or parking should be provided to meet the operational needs of the development. Exact details should be agreed with the Local Planning Authority. 3. At special schools there is a need to include appropriate additional spaces for ambulances, taxis and coaches		

- 6.64. Generally, car parking spaces should be 5m by 2.5m increasing to 2.7m where the spaces are at the end of an aisle or 2.9m next to walls etc. of buildings.
- 6.65. Section 5.1 of The Transport Statement advises that there would be no resident staff on site. There would be up to 22 staff present at any one time. The required parking would therefore be 11 staff parking spaces and 11 resident/visitors parking spaces. The proposed parking provision of 27 parking bays and 1 ambulance bay is therefore in excess of the required parking provision and would be acceptable.
- 6.66. The minimum Cycle Parking Standards also require 1 cycle space per 10 beds. The requirement is therefore for 7 spaces. 8 Cycle Spaces would be provided exceeding the minimum requirements.
- 6.67. The development is therefore compliant with Gravesham Local Plan Core Strategy Policy CS11 (Transport), the NPPF (2021) (section 9) or saved highway and parking policies in the Gravesham Local Plan First Review.

Ecology and Biodiversity (Bird Mitigation)

- 6.68. Paragraph 174 of the NPPF (2021) indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:
- (a) Protecting and enhancing valued landscapes,
 - (b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland
 - (c) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
- 6.64. Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014 indicates that there should be no net loss of biodiversity in the Borough.

SAMMs Tariff

- 6.65. The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes.
- 6.66. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out.
- 6.67. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £314.05 for every unit in new residential institution provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. However, it does also

specify that for C2 Residential uses this would be on a case-by case. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

- 6.68. There is no staff accommodation on site and the use as proposed is not for an unrestricted Use Class C2 (Residential Institutions) permission that could also include hospitals, nursing homes, boarding schools, residential colleges and training centres, but specifically for a dementia specific, residential care home for the elderly. It is expected that the nature of the occupancy is to provide residential care needs for the frail, elderly with complex physical and care needs, such that residents will not be active and will not have access to or the use of vehicle parking spaces. A condition to that effect would be put in place, if approved and the SAMM's tariff would therefore not be required as the risk to harm to the Thames Estuary and Marshes Ramsar Site and Special Protection Areas would be appropriately mitigated.
- 6.69. On that basis it is considered in this case that a SAMMS payment is not required and that an appropriate assessment need not be undertaken.

Biodiversity Enhancement

- 6.70. Policy CS12 of the Gravesham Local Plan Core Strategy 2014 and critically also at national level within the NPPF (2021) there is a requirement that there should be no net loss in biodiversity and moreover a net gain and therefore again any loss of trees, grassland and hedging should be positively compensated in the future planning submission.
- 6.71. Policy CS12 (Green Infrastructure) indicates that all green spaces contribute to the green infrastructure network and that the multifunctional network of green spaces will be created, protected, enhanced and maintained. It requires that there should be no net loss of biodiversity in the Borough and gives protection amongst other things to internationally designated sites. It sets out that the overall landscape character and valued landscapes within the borough will be conserved and enhanced and opportunities to enhance, restore, re-create and maintain habitats will be sought.
- 6.72. KCC Biodiversity has assessed the development as result of the planning consultation and consider that sufficient ecological information has been provided and recommend conditions and informatives.
- 6.73. Subject to compliance with conditions, it is considered that the development would provide biodiversity enhancement in accordance with Paragraph 174 of the NPPF (2021) and Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014

Waste and refuse arrangements

- 6.74. Policy CS19 (LPCS) requires new development to incorporate facilities for the storage and recycling of waste generated further clarification is provided in Planning Guidance on Waste Collection Requirements (2019). In order to ensure this proposal complies with Policy CS19 (LPCS) Gravesham Waste and Recycling department have been consulted but have provided no response.
- 6.75. The proposed site would incorporate a bin store in the car parking area of the site, in a discreet position. The transport statement shows that there is adequate spacing for refuse vehicles to turn in the car park.

- 6.76. The Bin Store would be 1.8m high, 3.8m wide and 3.7m deep, which whilst discreet would provide a good level of screened storage.
- 6.77. In order to ensure adequate refuse storage is available for all types of daily waste, further details would be required by condition.
- 6.78. It is considered that the refuse arrangements subject to condition would conform with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014.

Equalities Considerations

- 6.79. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.80. In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.81. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.82. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 6.83. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty

- Equality information and the equality duty

- 6.84. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 6.85. The proposed construction of a 65 bedroom dementia specific care home would constitute an improvement to equality by contributing towards meeting the needs of disabled residents within the borough of Gravesham. Officers have given full weight from all neighbour and consultee comments received in reaching a decision.

Human Rights Implications

- 6.86. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 6.87. Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.
- 6.88. In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 6.89. In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations.

7. Conclusion

- 7.1. The proposed scheme would be acceptable in principle, located in a sustainable urban location in accordance with Policy CS02 of the Core Strategy 2014 and Section 11 of the NPPF (2021). The scheme would be acceptable in land use terms, providing much needed residential care accommodation for elderly people with dementia and freeing up existing housing supply in

accordance with Core Policy CS02 and CS14 of the Core Strategy 2014 and Section 5 of the NPPF (2021).

- 7.2. The proposed design, layout and form of the scheme would be appropriate to the local context. It would provide a positive contribution to the street scene, public realm and local character and would protect the Landscape Value of the Trees within the site in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 and NPPF (2021).
- 7.3. The proposal would safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014 and Section 12 of the NPPF (2021).
- 7.4. The proposed scheme would provide adequate Parking Provision and would provide appropriate pedestrian and vehicular accesses in the site which would meet highway safety requirements. The development is therefore compliant with Gravesham Local Plan Core Strategy Policy CS11 (Transport), and Section 12 of the NPPF (2021).
- 7.5. Subject to compliance with conditions, it is considered that the development would provide biodiversity enhancement in accordance with Paragraph 174 of the NPPF (2021) and Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014
- 7.6. The proposed scheme complies with all relevant national and local planning policies. The recommendation is therefore to approve the scheme.

Recommendation

Recommendation to grant PERMISSION subject to planning conditions.

Suggested Conditions

Time Limit

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

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans:

Drawing no. 0101 rev. P3 (Location Plan)
Drawing no. 0102 rev. P10 (Proposed Site Plan)
Drawing no. 0201 rev. P5 (Proposed Ground Floor Plan)
Drawing no. 0211 rev. P4 (Proposed First Floor Plan)
Drawing no. 0221 rev P4 (Proposed Second Floor Plan)
Drawing no. 0301 rev. P3 (Proposed Elevations)

Drawing no. 0302 rev. P4. (Proposed Elevations)
 Drawing no. 0303 rev. P2 (Proposed Elevations)
 Drawing no. 0304 rev. P1 (Proposed Street Elevations)
 Drawing no. 3172-CGI_01
 Drawing no. 3172-CGI_02
 Drawing no. 3172-CGI_03
 Drawing no. 102C (Landscape Proposals)
 Drawing no. 0001 rev. P04 (Site Access Arrangement and Visibility Splay dated 15/11/22)
 Drawing no. 0051 rev. P04 (Vehicle Swept Path Analysis – 7.7M Fire Tender) dated 15/11/22)
 Drawing no. 0052 rev. P04 (Vehicle Swept Path Analysis – 7.5T Box Van dated 15/11/22)
 Drawing no. 0053 rev. P04 (Vehicle Swept Path Analysis – Large Car dated 15/11/22)
 Drawing no. 0050 rev. P04 (Vehicle Swept Path Analysis – 11.2M Refuse Vehicle dated 15/11/22)
 Drawing no. 3172-HIA-ZZ-XX-DR-A-0103 – Site Levels Plan
 Drawing no. 18496se-01 – Topographical Survey
 Drawing no. 144828/2000 rev. P01 (Proposed Drainage Strategy)

Reason For the avoidance of doubt and in the interests of proper planning.

Pre-commencement

Code of Construction Practice/Construction Management Plan

3. No development approved by this permission shall be commenced until a comprehensive Code of Construction Practice/Construction Management Plan covering all environmental impacts of this development is 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:
 - a. Details of numbers and routing of construction and delivery vehicles to / from site
 - b. Timing of deliveries
 - c. Parking and turning areas for construction and delivery vehicles and site personnel
 - d. Type and location of wheel washing and chassis cleaning facilities
 - e. 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
- (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).

Sustainable Surface Water Drainage Scheme and Infiltration

4. No development approved by this permission shall be commences until a detailed sustainable surface water drainage scheme for the site is submitted to, and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and 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 within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to beyond being reasonably practical then any surface water leaving site shall be limited to rates as close to greenfield as feasibly possible. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The development shall be carried out 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 and pursuant to the requirements of paragraph 169 of the National Planning Policy Framework (NPPF), 2021.

Tree Protection and Tree Works/Removal

5. No development approved by this permission shall be commences until details of tree protection measures during construction, is submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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).

Prior to Above Ground Works

Approved Materials

6. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence, additional details (and samples where requested by the Local Planning Authority) of all the external facing materials, colours 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 and thereafter maintained.

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 of the Gravesham Local Plan: Core Strategy (September 2014).

Contaminated Land - Desk Study Report

7. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:
 - a) A desk study detailing the history of the site uses and proposed site investigation strategy.
 - b) Details of Quality Assured Sampling and analysis methodology, with all site investigation including relevant soil, soil gas, surface and groundwater sampling conducted by a suitably qualified and accredited consultant/Contractor.
 - c) A site investigation report detailing all investigative works and sampling on site, together with results of analysis and risk assessment to any receptors.
 - d) A remediation strategy to be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
 - e) Prior to occupation, a closure report shall be submitted and approved by the Local Planning Authority, including details of the proposed remediation works and the quality assurance certificates, details of any post remediation sampling and analysis and details of waste materials removed from site.

The development shall thereafter be carried out in full accordance with the approved details and thereafter maintained.

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).

Boundary Treatments

8. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence, full details of all boundary treatments, including their design, height and materials, to the dwellings hereby permitted and the access thereto including similar details of any vehicular or pedestrian gates to the access and communal areas 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 the dwellings hereby permitted are first occupied and thereafter maintained.

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 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

9. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence 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 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 thereafter maintained

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

Noise Control

10. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence, a suitable noise impact assessment demonstrating compliance with the following requirements, including details of the glazing and ventilation strategy and their respective noise reduction values, shall be submitted to and approved by the Local Planning Authority:
 - a) The internal ambient noise levels in all habitable rooms of the residential dwellings shall not exceed the guideline LAeq values in Table 4 of BS 8233:2014
 - b) The maximum internal noise levels in all habitable rooms should not normally exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
 - c) External areas shall be designed and located to ensure that amenity areas do not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.
 - d) Where relevant, the rating noise from fixed building services/mechanical plant/equipment associated with/in the vicinity of the development (e.g. the air conditioning unit or similar) shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings, traffic) when measured and assessed in accordance with BS4142:2014+A1:2019.

Any mitigation measures recommended in the noise impact assessment shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building and thereafter maintained. Where compliance with the above criteria will rely on closed windows, the development must include sufficient and suitable ventilation to affected residential dwellings by means other than opening windows to ensure that the internal noise levels required by the above conditions can be retained all year round.

Reason: In order to safeguard the living conditions of the future occupants of the residential units and pursuant to Policy CS19: Development and Design Principles of the Gravesham Local Plan

Core Strategy (September 2014) and paragraph 185 of the National Planning Policy Framework (NPPF), 2021.

Prior to occupation

Sustainable Surface Water Drainage Scheme and Infiltration

11. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to, and approved in writing 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. The development shall thereafter be carried out in full accordance with the approved details and thereafter maintained.

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.

Submission of Details of Ground Levels and Floor Levels

12. Before the development as hereby permitted is brought into use and occupied, the proposed earthworks and changes to ground levels on the site shall accord with the Approved Site Levels Plan (ref. 3172-HIA-ZZ-XX-DR-A-0103). The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason: 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).

Parking Provision

13. Before the development as hereby permitted is brought into use and occupied, the vehicle parking and turning areas, shall be formed, surfaced, drained and marked out in accordance with the details as shown in drawing no AL(9)901 Rev E: Proposed Site Layout Plan; and the associate Transport Statement 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. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

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

14. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, full details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The storage facilities should be secure and weatherproof and well-lit, and the details shall show that there is adequate provision for staff to shower, change and suitably store wet clothes. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

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

15. The development hereby permitted shall ensure that at least 10% of the parking spaces are provided with Electric Vehicle (EV) charging points and a further 10% are 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.

Travel Plan

16. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, until a full and final workplace Travel Plan, detailing the measures designed to help and thereafter maintain a modal shift in favour of reduced reliance on private car usage for travel to and from the development, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, amongst other things, the appointment of a Travel Plan Co-ordinator, objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

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 and Section 9: Promoting Sustainable Transport of the National Planning Policy Framework (NPPF).

Access and Visibility

17. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, the vehicle visibility splays to the new vehicular access to the site from New House Lane as shown in the Proposed Site Plan (Ref. 0102 rev. P10) and Swept Path Analysis Plans accompanying the Transport Statement of 39 metres (west) x 2.4 metres x 79 metres (east) shall be provided and maintained thereafter and 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.

For the avoidance of doubt the existing vehicular access from Coldharbour Road shall be permanently closed to vehicular traffic before the care home hereby permitted is first brought into use. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

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).

Soft Landscaping

18. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, full details of soft landscaping for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare.

Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following 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 type during the next available planting season. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason: To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014).

Pedestrian Footway

19. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, a 2.0m wide footway on the south-eastern side of New House Lane between the site access and the existing bus stop to the east, as detailed in the Site Access Arrangement and Visibility Splay (Ref PC3574-RHD-GE-SW-DR-R-0001), shall be constructed via a Section 278 Agreement with the Local Highway Authority. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

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).

External Lighting

20. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, 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 development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason: In order to ensure the development does not cause harm to residential amenity by reason of the installation of intrusive lighting and in the interest of protecting wildlife and encouraging biodiversity pursuant to the requirements of Policy CS12 and CS19 Gravesham Local Plan: Core Strategy (September 2014).

21. Hard Landscaping

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall include the following:

- delivery /drop off areas;
- hard surface finishes to the vehicle parking area,
- pedestrian accesses, footpaths and amenity areas;
- Internal courtyard and;
- Roof terraces/gardens

The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

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 Policies CS19 and CS20 Gravesham Local Plan: Core Strategy (September 2014) On-going Conditions

Refuse Arrangements

22. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, details of the refuse arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason In order to ensure the development is served by a suitable refuse storage area in the interest of amenity and in accordance with adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

On going

Watching Brief

23. 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.

NOTE: any surface or fly-tipped waste materials should be removed to suitable permitted sites as part of any site clearance/preparation works.

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 Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

Restrictions on Use as C2 - Residential Institutions

24. The use of the building as hereby permitted shall be for a care home providing residential and nursing care for the elderly and for no other purpose including any other purpose within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987, as amended.

For the avoidance of doubt, it is expected that the nature of the occupancy is to provide residential care needs for the frail, elderly with complex physical and care needs, such that residents will not be active and will, under the terms of the management of the scheme, not be allowed to have or keep pets on the site or have access to or the use of motor vehicles or vehicle parking spaces on the site.

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, impacts on the Thames Estuary and Marshes Ramsar Site and Special Protection Area and the prevailing planning policies and in particular pursuant to policies CS02 (Scale and Distribution of Development), 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).

Prohibition on Gates

25. No gates shall be installed across the reconfigured vehicular access to the site on to New House Lane or across the access drive serving the car parking area to the proposed care home, as hereby permitted, at any time.

Reason: In the interests of highway safety and to avoid vehicles waiting in the road while gates are opened or closed and pursuant to Policy CS11: Transport 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).

Other

Tree Protection - Methodology

26. The development shall be implemented in accordance with the Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement (Updated January 2023). In particular, the areas identified as pathway to be carried out in accordance with Guidance Note 12 on drawing no. 602D – Arboricultural Impact Assessment and Arboricultural Method Statement within this report, shall be constructed using a no-dig method with a cellular confinement system as detailed and shall be thereafter maintained.

Reason: To safeguard trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014).

Tree Protection – Supervision Records

27. All works proposed within the root protection areas of the trees to be retained will be supervised in full, by a suitably qualified arboricultural consultant. Supervision records will be provided to the Local Planning Authority upon completion of works, prior to the approved care home being brought into use.

Reason: To safeguard trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014).

Tree Protection – Protection Measures

28. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection measures. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, not ground levels changes, nor excavations made within these area without the written consent of the local planning authority.

Reason: To safeguard trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014).

Tree Protection and Tree Works/Removal

29. Prior to construction details of tree protection measures during construction, shall be submitted and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

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).

Informatives:

Statement of Positive and Proactive Approach to Decision Making

1. 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.

Southern Water

2. 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.

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.

KCC Flood and Water

3. At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019); the FSR dataset should not be used:

http://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf

4. At the detailed design stage, it would expect to see detailed exceedance plans provided, indicating the extent of flooding with reference to actual proposed levels. It should be ensured that key access routes are not blocked and that no property flooding occurs in these areas. All exceedance must be contained within the site boundary to ensure that there is no increase in flood risk elsewhere. It is expected that optimisation could be made to the drainage networks to reduce exceedance volumes where it is necessary to do so. This can be confirmed as part of a detailed design submission for the discharge of planning conditions related to surface water management.

KCC Biodiversity

5. 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.

Environment Agency

6. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site

providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution, treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

7. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to: The Position statement on the Definition of Waste: Development Industry Code of Practice and The Environmental regulations page on GOV.UK

Environmental Protection

8. 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 air.quality@gravesham.gov.uk

Kent Police Crime Prevention Design Advice

9. The applicants are encouraged to incorporate or address all the matters raised in the design advice from Kent Police with regard to Crime Prevention Through Environmental Design (CPTED) and are recommended to ensure the use of Secured by Design (SBD) Homes 2019.

KCC Highways

10. **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

AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION(S)

11. In accordance with The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 05/06/2023 to the inclusion of the following pre-commencement conditions.

Condition 3

Condition 4

Condition 5