



SUMMARY REPORT

Application Ref:	20240987
Site Address:	Former Site Of Battle Of Britain Coldharbour Road Northfleet Gravesend
Application Description:	Application for a non-material amendment to planning permission reference number 20231182 to allow the addition of a substation, amend the landscaping and some associated levels.
Applicant:	Mr Dobbie, Simply Construct Ltd
Agent:	Miss Laura Grimason, Gillings Planning
Ward:	Coldharbour And Perry Street
Parish:	Non-Parish Area
Decision due date:	10 th January 2025
Publicity expiry date:	N/A
Decision Level:	Committee Decision
Reason for referral:	Councillor Call In
Recommendation:	Agree that the proposed changes are non-material amendments in accordance with s96A of the TCPA 1990 Approve this non-material amendment application subject to conditions set out within the report.

Summary of Reasons for Recommendations

The proposed amendments do not represent a material change to the original permitted application. As such, the proposal does not require planning permission and therefore can be approved as a non-material amendment under S.96A of the Town and Country Planning Act.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is an area of land which has planning permission for a 75-bedroom dementia specific care home. The works on site have commenced.
- 1.2. The application site situated on the corner of Coldharbour Road and New House Lane, Northfleet.
- 1.3. 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;

- 1.4. 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.
- 1.5. Vehicular access will be gained from New House Lane and pedestrian access will be from Coldharbour Road.
- 1.6. 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. Relevant Planning History

Reference	Description	Decision	Decision Date
20240378	Application for the approval of conditions 3, 4 and 5 attached to planning permission reference number 20231182 relating to Code of Construction Practice/Construction Management Plan; Sustainable Surface Water Drainage Scheme and Infiltration; Tree Protection and Tree Works/Removal.	Approval of details	25.06.24
20231182	Application for the variation of condition 2 attached to planning reference 20221251 for the construction of a care home (within Class C2) associated parking, access, drainage, boundary treatments, landscape and other associated works; to allow the increase of 65 bedrooms to 75 bedrooms and the provision of a basement.	Permitted	12.03.24
20221251	Construction of a care home (within Class C2) associated parking, access, drainage, boundary treatments, landscape and other associated works.	Permitted	30.06.23

3. Proposal

- 3.1. The amendments proposed would include alterations to the landscape and introduction of a substation. The plan included below shows the areas of the site which would be impacted by the development, in orange.



3.2. The substation would be introduced to the north-east end of the site, tucked to the side, nearby the entrance, with necessary bollards, and with a copper beech hedge obscuring the substation on 3 sides. The site levels would also be altered to shallow the vehicular entrance slope and lower the access path to the south of the site. A new maintenance path would also be introduced nearby the protected tree to the northwest corner of the site. The changing levels would also result in alterations to the stairs and include provision of additional retaining walls. To the southern entrance from Coldharbour Road, the fence would be extended with inclusion of a gate.

4. Planning Policy, Development Plan and other Material Considerations

4.1. As an application under section 96A of the Town and Country Planning Act 1990, the considerations turn to whether the proposals are non-material. The application is therefore not assessed under the development plan per se.

4.2. Section 96A of the Town and Country Planning Act 1990, does not contain a definition for the term 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990. (Paragraph 002, Flexible options for planning permissions, National Planning Policy Guidance).

4.3. As set out in the Act, in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted. With the LPA having the power to impose new conditions, or to remove or alter existing conditions.

5. Consultations and Publicity Responses

Consultations

- 5.1. As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply, and consultations/publicity are therefore at the discretion of the local planning authority. They are not considered necessary in this instance.

6. Planning Analysis and Interim Development Manager Comments

In accordance with Section 96A(2), in deciding whether a change is material, the local planning authority has taken into account the associated non-material amendment applications under s96A in assessing the effect of the change on the planning permission as originally granted. The full relevant planning history is set out in section 2.

Change in levels/Landscaping

- 6.1. With regard to the change in levels and landscaping, the scheme would result in minor changes to the external layout, incorporating new steps, maintenance pathways and lower levels throughout. These would be minor changes visually. KCC Highways on the original application stated that relaxing of the entrance gradient at detailed design stage would be supported and a stepless entrance is needed. Following discussions with the agent, the plans now submitted, provide both some gradient relaxation but also ensure a stepless access is maintained.

Sub Station

- 6.2. The proposed substation would be largely obscured by the 1.8m high hedge. Although the elevations provided show that the sub-station would be somewhat visible at the top. Given that the sub-station equipment would be largely obscured, the change would have limited impact visually.

- 6.3. The submitted Noise Impact assessment states;

'A detailed sound measurement study has been carried out to determine whether a proposed electrical substation is likely to be acceptable in terms of noise and whether complaints are considered likely. Using the guidance and calculation methods contained within BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound', the rating sound level has been calculated to be at least 35 dB lower than the background sound level. Consequently, it is possible to conclude that unmitigated, the proposed electrical substation would have a low impact on the proposed care home, 1-2 St. Clements Close and 84 New House Lane.'

- 6.4. Based on this information, it is clear that the noise from the sub-station would have no material impact on the occupiers of the care home or nearby residents.

Boundary Treatment

- 6.5. The proposed boundary treatment as detailed within the submitted documents would establish additional fencing inset from the fencing originally proposed. Whilst the elevation provided show indicative fencing design, there is an outstanding condition requiring details of fencing and so such details would need to be agreed as part of the discharge of that particular condition. However, the relocations and extension of fencing and additional gate

to the south entrance are considered reasonable, to secure the site and provide secondary maintenance access only. Some concern was raised with regard to the impact on the tree from the proposed fencing with the trees root protection area (RPA). However, the agent submitted details of the methodology which would be as follows:

- 6.6. *Installation of fence posts or other boundary treatments within RPAs: Where new landscape features such as timber posts or gates are located within RPAs excavations will be carried out by hand to ensure tree root disturbance is kept to an absolute minimum. Tree roots under 25 mm dia. shall be neatly pruned back to the edge of the hole using sharp pruning tools. Where tree roots larger than 25 mm dia. Or dense clusters of fibrous roots are uncovered these shall be retained by moving the new structure and its foundations.*
- 6.7. Based on this methodology it is considered unlikely that the tree would be harmed by the development. However, works within the Root Protection Area are restricted by conditions and any such works will be restricted to the requirements of those conditions and any approved documents to which they relate.
- 6.8. It is considered that the above changes are non-material in terms of the size of the development.
- 6.9. The proposed amendment would not have any adverse material impacts.

7. Conclusion

When considering the original grant of planning permission, and changes approves since (see Section 2), the proposed amendments do not represent a material change to the original permitted application. As such, the proposal does not require planning permission and therefore can be dealt with as a non-material amendment, subject to the revised conditions set out below.

Recommendation

Agree that the proposed changes are non-material amendments in accordance with s96A of the TCPA 1990.

Approve this non-material amendment application subject to informatives set out within the report (below).

EXTENT OF THE APPROVAL

1. For the avoidance of doubt the approval hereby given is only for a non-material amendment to the development permitted under reference 20231182 and does not amend any other part of the permission or discharge any of the planning conditions attached to that permission subject to those conditions still subsisting or capable of taking effect.

APPROVED DRAWINGS AND DOCUMENTS

2. For the avoidance of doubt the approved drawings/documents are:

Application Form

2271_00_012 Rev D - Site Plan as proposed showing substation

2271_00_203 Rev J - Proposed Street Elevations

2271_00_204 Rev F - Proposed Substation Site Section
EDS 07-3102.01 Sht 1 of 3 Rev C - Unit or Padmount Substation in a GRP Enclosure Civil Layout
EDS 07-3102.01 Sht 2 of 3 Rev A - Unit or Padmount Substation in a GRP Enclosure Earthing Layout
EDS 07-3102.01 Sht 3 of 3 Rev A - Unit or Padmount Substation in a GRP Enclosure Small Power and Lighting
Cover Letter
Acoustic Impact Assessment
Design and Access Statement - Summary of Design Changes
Email re Fence Methodology with RPA of Protected Tree

STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

3. In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) 2024, 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.