

Delegated Report

Planning & Listed Building Consent Applications

Planning Application No: 20210757 & 20210758

Location: Custom House The Terrace Gravesend Kent

Description: 20210757 - Redevelopment of the site including demolition of the southern part of the workshop building and existing corridor link at first floor level between Custom House and the outbuildings and conversion of Custom House, the coachhouse and outbuildings to include extensions, the Old Boathouse and the Boathouse with external alterations and erection of a new three storey building to provide 27 residential units (6 x 1 bed, 15 x 2 bed and 6 x 3 bed) with associated landscaping and parking.

20210758 - Application for Listed Building Consent for the redevelopment of the site including demolition of the southern part of the workshop building and existing corridor link at first floor level between Custom House and the outbuildings and conversion of Custom House, the coachhouse and outbuildings to include extensions, the Old Boathouse and the Boathouse with internal and external alterations and erection of a new three storey building to provide 27 residential units (6 x 1 bed, 15 x 2 bed and 6 x 3 bed) with associated landscaping and parking.

Applicant: Mr Michael Keckes, Mile Property Group Ltd

Site Visit Date: Main visit – 3 May 2022

Submitted Documents/Plans

- Application form;
- Drawing no. 001 – Site Block and Location;
- Drawing no. 002 – Existing Site and Roof Plan;
- Drawing no. 003 – Existing Site Lower and Upper Ground Plans;
- Drawing no. 004 – Existing Site First and Second Floor Plans;
- Drawing no. 005 – Custom House Main Building 1 of 2 Existing Plans;
- Drawing no. 006 – Custom House Main Building 2 of 2 Existing Plans;
- Drawing no. 007 – Custom House Main Building Existing Elevations;
- Drawing no. 008 – Custom House Outbuildings Existing Plans;
- Drawing no. 009 – Custom House Outbuildings Existing Elevations;
- Drawing no. 010 – Workshop Existing Plans and Elevations;
- Drawing no. 011 – Boathouse Existing Plans and Elevations;
- Drawing no. 012 – Gazebo Existing Plans & Elevations;
- Drawing no. 013 – Existing Streetscenes;
- Drawing no. 014 – Existing Streetscenes;
- Drawing no. 015 – Existing Site Sections;
- Drawing no. 016 – Existing Site Sections;
- Drawing no. 020 Rev. F – Proposed Site and Roof Plan;
- Drawing no. 021 Rev. D – Proposed Site Lower and Upper Ground Plans;

- Drawing no. 022 Rev. C – Proposed Site First and Second Floor Plans;
- Drawing no. 023 Rev. B– Proposed Streetscenes;
- Drawing no. 024 Rev. B – Proposed Streetscenes;
- Drawing no. 025 Rev. B – Custom House Main Building 1 of 2 Proposed Plans;
- Drawing no. 026 Rev. B – Custom House Main Building 2 of 2 Proposed Plans;
- Drawing no. 027 Rev. A – Custom House Main House Proposed Elevations;
- Drawing no. 028 Rev. C – Custom House Outbuildings Proposed Plans;
- Drawing no. 029 Rev. B – Custom House Outbuildings Proposed Plans;
- Drawing no. 030 Rev. A – Unit 20 Workshop Proposed Plans;
- Drawing no. 031 Rev. A – Units 21, 22, 23 & 24 The Boathouse Proposed Plans;
- Drawing no. 032 Rev. A – Units 26, 27 & 28 New Build Proposed Plans;
- Drawing no. 033 – Gazebo Proposed Plans and Elevations;
- Drawing no. 034 Rev. B – Proposed Site Sections;
- Drawing no. 037 – Section – Relationship to PLA New Build Proposed Plans;
- Drawing no. 040 Rev. B – Demolition Lower and Upper Ground Plans;
- Drawing no. 041 Rev. B – Demolition First and Second Floor Plans;
- Drawing no. 050 Rev. B – Proposed Landscaping Plan;
- Drawing no. 071 – Cycle Storage Plan Semi-Vertical Storage;
- Drawing no. 072 Rev. B – Strategy Plans First and Second Floor Plans;
- Drawing no. 100 – Detail 01 – Typical New Window Detail;
- Drawing no. 101 – Detail 02 Typical New Rooflight Detail;
- Drawing no. 102 – Detail 03 Opening to be closed retaining door;
- Drawing no. 103 – Detail 03 – Shadow Gap Detail;
- Drawing no. 104 Rev. A – Detail 05 – Suspended Ceiling Detail;
- Drawing no. 105 – Detail 06 – Spine Wall Opening Detail;
- Drawing no. 107 – Detail 07 Bathroom Pod;
- Planning Statement September 2022;
- Design & Access Statement May 2021 by Turner, Jackson & Day;
- Heritage and Conservation Strategy May 2021 Rev. A by Turner Jackson & Day;
- Heritage Statement September 2022 by Charles Wagner Heritage & Planning;
- Residential Noise Assessment April 2022 Version 1-0 by Entran;
- Development Viability Report May 2023 by Bespoke Property Consultants;
- Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment February 2021 Ref. 3852/21 by R. Carr Geotechnical Services;
- Archaeological Desk Based Assessment March 2021 by Kent Archaeological Projects;
- Daylight and Sunlight Assessment June 2021 Rev. 2 by Herrington Consulting Limited
- Marketing Report Regarding Loss of B1 Office Space by Caxtons Chartered Surveyors;
- Marketing Report Appendix;
- Flood Risk Assessment and Drainage Strategy March 2023 Issue 7, Revision 6 by Herrington Consulting Limited;
- Steel Sheet Piled Analysis;
- Response to EA objection - letter from Herrington Consulting dated 08/02/2023;
- Remedial Works Report Rev. P5 February 2023 by CTP Engineers.
- Preliminary Ecological Appraisal (PEA) February 2023 Rev. B by Native Ecology;
- Bat Survey Report by Native Ecology Ref:1149_R02_REV A_Bat Survey Report; Rev. A.

Relevant Planning History

There is a varied planning history from when the site was in use by HMRC but none is relevant to the current proposal.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS11 - Transport
- CS12 – Green Infrastructure
- CS13 – Green Space, Sport and Recreation
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS16 – Affordable Housing
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesend Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- LT6 – Additional Open Space in New Housing Developments
- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2023) 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.

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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- 2 – Achieving Sustainable Development
- 4 – Decision-making
- 5 – Delivering a sufficient supply of homes
- 6 – Building a strong and competitive economy
- 7 – Ensuring the vitality of town centres
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving sustainable development and well-designed places
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Riverside Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)
- SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG3 - Archaeology in Historic Towns (July 2006)
- SPG 4 - KCC Parking Standards (2006);

- KCC Guide to Development Contributions and the Provision of Community Infrastructure (2007)
- Kent Design Guide

Consultations, Publicity and Representations

Consultees

Consultations and Publicity Responses

There have been a number of revised details submitted during the course of the application including in response to comments given by consultees (particularly the Environment Agency & the PLA) and re-consultations have been carried out on the revised information received. Some of the responses received from internal and external consultees are below, this is due to multiple consultation responses having been received from some consultees, in such instances only the latest response is given, with all of the responses available on the Council's Public Access website for viewing.

Internal Consultees

GBC Conservation Officer

The Heritage & Conservation Strategy page 14 detail 5 still shows the suspended ceiling support intersecting with the existing ceiling cornice. There is another detail drawings where this has been revised drawing number 104 A. Thought needs to be give to how to condition this.

It's really disappointing that there is no direct access for residents to the Gazebo area, it looks like they have to walk all the way around to the rowing club to get to it, which will surely deter the space from having any use. Is it intended to have it generally open to the public? Will the gazebo become an unsecured area with the threat of vandalism and arson? This has been played down in all the submission information I've read but there is no justification given for not putting a removable staircase in that would still allow maintenance access to the flood wall when required. The fact that the main gate is being permanently closed should have given some ability for negotiating a stair access. Without direct access for the residents I cannot see how the Gazebo has a viable and sustainable purpose. Has there been any discussion about management of the area? How will this be conditioned? I raise this because a similar situation was allowed to occur when Heritage Quay was developed and the adjacent key was passed to the residents via a management company with no fund to maintain it. This really needs to be addressed at this stage so do let me know if there is any information on future management that you can share to assure us that this matter has been well considered.

Other than this the proposals are well presented and subject to conditions there are no further comments.

GBC Environmental Protection (Latest comment)

As with the original application, Environmental Protection has no objection to this revision. Where appropriate, the comments made previously on 5th July 2021 are re-iterated and have been copied below for ease of reference.

The Noise Assessment from Entran (dated 27/04/22) undertaken in response to objections form the Port of London Authority has been reviewed and addresses some of the points made previously. The outcome of this assessment is that internal and external noise levels will achieve the standards laid out in BS:8223 typical double glazing and trickle ventilation. The NR30 noise rating curve was also considered with regards to concerns relating to low frequency noise from marine vessels. Details of appropriate glazing and ventilation specifications to comply with this are in Table 4 (page 10) of the noise assessment and it is advised that these be applied as a condition. To achieve this, a mechanical ventilation/heat recovery system may be the solution to give residents the option of an alternative to opening windows.

As the noise monitoring covered both day and night periods over weekdays and the weekend, any noise

impact on future occupants from local late night entertainment venues will have been picked up. Environmental Protection regularly receive justified complaints about noise on the street (shouting, screaming, fighting etc) as a people leave these venues and head home. We are unable to investigate this type of complaint as 'people noise' on the street is not included within the noise legislation we enforce. However, as the predicted internal night-time noise levels are compliant with BS:8223 noise form this source should not be an issue.

The impact on air quality has not been assessed (there is no Air Quality Assessment or Transport Statement). Although this site does not fall within an Air Quality Management Area (AQMA) it does sit close to the A226 One-way system declared for exceedances of the annual NO₂ Air Quality Objective. However, it is noted that the number of parking spaces has been reduced to 15 which is below the usual standard. A transport assessment hasn't been undertaken but section 5.8 in part 5 of the Design & Access Statement makes reference to the sustainable location with good public transport and rail links hence the reduction in parking space numbers. Electric Vehicle Charging points are also proposed. In view of this, it is considered that due to the low car use associated with the development, there will not be a detrimental impact on the AQMA.

In respect of this and other matters, it is recommended that the following be considered and conditioned as necessary:

Internal and External noise levels

- a) Noise mitigation measures shall be applied to the residential development in accordance with the recommendations in the Entran Noise Assessment (dated 27/04/22) to ensure compliance with the following requirements:
 - i. The internal ambient noise levels in all habitable rooms of the residential dwellings shall not exceed the guideline LA_{eq} values in Table 4 of BS 8233:2014
 - ii. The maximum internal noise levels in all habitable rooms should not normally exceed 45dB LA_{max} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
 - iii. The outdoor/external sound levels of any private garden, balcony, terrace or external communal space should not exceed 50-55dB LA_{eq 5 min} during the day, and no more than 45dB LA_{eq 5 min} should be exceeded 1 metre from the façade of residential properties at night, in accordance with WHO guidance. Where it is practical and feasible, the lower outdoor sound level (50dB) should be considered the maximum desirable sound level for new development.
 - iv. Internal noise reduction shall be calculated and achieved by using the excess of the highest measured octave band exceedance of Noise Rating Curve NR30.
 - v. The rating noise from any 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 (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

Where compliance with these 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.

- b) Prior to first occupation of the residential accommodation, a suitable post-completion report demonstrating compliance with a) shall be submitted to and approved, in writing, by the Local Planning Authority

The approved details shall be maintained for the lifetime of the development.

Sound Insulation (only applicable for any floors separating residential and non-residential uses, e.g. commercial, car parks, vehicle accesses, etc.)

Prior to the first occupation of the apartments, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details

of the assessment methodology and of the substantially enhanced sound insulation performance of the construction that separates the residential and ground floor commercial use(s) which shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB).

Any works identified as being required in order to achieve a weighted standardised difference of not less than 53 decibels as required above shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation.

Contaminated Land

The Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment from R.Carr Geotechnical Services, dated February 2021, ref 3852/21 concludes that:

1. The site is considered to present a low to moderate risk and recommends that intrusive investigations are undertaken.
2. An asbestos survey should be undertaken followed by suitable removal of any ACMs

This Services is satisfied with this approach and would therefore request the following conditions:

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) A site investigation, based on the findings of the Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment from R.Carr Geotechnical Services, dated February 2021, ref 3852/21 shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

The assessment shall cover ground contamination and asbestos containing materials as per the aforementioned Phase 1 report, either within the same assessment and report or by way of separate assessments/reports.

b) 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.

c) 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.

d) 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 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.

e) 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.

Smoke Control

The developed is located with the smoke control area and we would therefore ask for the following Informative to be included:

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

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

Code of Practice on Construction and Demolition

We would ideally wish to receive a Code of Practice on Construction and Demolition, or similar, detailing how all risks to local residents and businesses associated with the demolition and construction phases of the development will be mitigated, e.g. noise, air quality/dust, etc.

In the absence of a demolition/construction plan provided by the applicant, the council's standard Code of Practice on Construction and Demolition should be applied as a minimum.

Drainage

The foul sewage shall be removed by means of the mains drainage system.

Electric Vehicle Charging Point(s)

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

GBC Leisure

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

Based on all the assessment data currently available including, the Open Space, Sport & Recreation Assessment compiled by Knight Kavanagh & Page in 2016; there is particular shortage in the provision of 3G artificial pitches, junior/youth grass pitches and ancillary buildings, swimming pool lanes and an overall

ageing leisure centre facility stock at Cygnet and Cascades Leisure Centres (of which a feasibility study is currently being commissioned looking at refurbishment and new build options).

There is also the need for major capital improvements to play equipment across the borough, of which the number of total sites available within the borough is remarkably less when compared to other areas. A planned approach for future investment has been developed by Operational Services across a number of specific sites. Areas close to this particular development site include the adjacent Riverside Leisure area, which is anticipated to require further investment in the next 2-3 years.

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

Taking into consideration the development's location within the borough and real time need/deficiencies on the ground, the development would be expected to make a financial contribution towards upgrading and improving existing leisure provisions, which may include those facilities listed above depending on timing. Using Sport England Sports Facility Calculator (SFC), and if we assume 68 residents within the new development (based on an average of 2.5 residents per residential dwelling), the SFC gives an indicative contribution figure of approximately £30,545.

GBC Waste

I am happy with the position of the bin store especially with the access door which comes out into the driveway. The driveway needs to be built to a specification which will take the weight of a 26t vehicles.

I have detailed below our standard guidance and we operate an alternate weekly waste & recycling service with food waste weekly.

Our standard guidance is

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

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

The following provision is required

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

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

Food Waste – 1 x 140ltr bin per 10 flats with an individual 5ltr caddy per flat
The immediate area outside the bin store should be level with the road, should not include an incline and the installation of a drop kerb where necessary is mandatory. Car parking spaces should not be allocated immediately in front of the access to the bin store.

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

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

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

Where there is a building of mixed use (ie flat above shop), then separate waste provision must be made for the domestic and commercial premises.

Developers are required to pay for the provision of all bins required for a development.

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

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

KCC Highways Development Management Officer

This is an edge of town property and so no minimum car parking requirement exists. It is noted that the applicant states the Council has maximum vehicle parking standards, but the National Planning Policy Framework states such an approach is no longer applicable except in certain circumstances, which do not apply here.

108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

The level of car parking should ideally be justified, using census or other acceptable data. The Temprow data gives a vehicle ownership rate of approximately 0.72 vehicles per dwelling in and around the town centre. However, there is a significant portion that do not have access to a vehicle at some 46%. Twenty-seven dwellings at 0.72 vehicles per property would require 20 spaces plus 5 visitor parking spaces giving a total 25 spaces, not the 15 shown on the drawing or mentioned in the supporting documentation, except for the application form that states 22 parking spaces will be provided.

Assuming 46% of the properties do not have access to a vehicle, 54% will and this gives a requirement of 15 spaces so matches the provision but makes no allowance for visitors.

The street immediately serving the development and the surrounding area subject to waiting/permit parking restrictions, although the period the restrictions apply may vary. There is therefore little opportunity for overspill car parking, depending on how the residents parking scheme works. Ideally the residents of this development should be excluded from the ability to apply for a parking permit.

It is also noted that the applicant makes no provision for adaptive cycles within the proposed cycle parking provision, this is a requirement that the standards hint at, but make no actual requirement. Cycle parking in SPG4 is described as cycle parking and not bicycle parking.

I also note that parking bays, may not comply with guidance, as when they are adjacent to an enclosed boundary which restricts the opening of a car door, the parking space width should be increased to 2.7 metres.

External

KCC Heritage

The application site comprises The Custom House (Grade II listed former HM Customs and Immigration Office) and associated buildings including the Grade II listed Gazebo adjacent to the Thames. The historic standing buildings and riverside structures at the site have archaeological interest. The site also has significant below-ground archaeological potential for remains associated with changing riparian activity and in particular the line of the former defences of the Milton Blockhouse which extended thorough the site. These western defences were subsequently removed to create the Terrace Gardens and subsequent

housing.

The application has been submitted with a Design and Access Statement, Heritage Statement and Archaeological Desk-Based Assessment. The Heritage Statement sets out useful data about the history and development of the buildings at the site and how the proposed development would seek to conserve the most significant parts of the historic buildings.

The Archaeological Desk-Based Assessment is very limited and has not made use of historic mapping or local research and fails to address the issue noted above concerning the former defences of the Milton Blockhouse. The site and immediate surroundings have had a complex history of change since the mid-19th century and there is significant potential for below-ground archaeological remains at the site to increase our understanding of former land use and defences at Gravesend and Milton.

The proposed development includes works that will impact on this below ground archaeological potential as well as the historic buildings and therefore I recommend that if planning permission is granted the following condition is attached to any forthcoming consent:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

The programme of archaeological work would comprise two elements.

Firstly, historic building archaeological recording in the form of a watching brief by an appropriately qualified and experienced building's archaeologist with the production of a historic building record (HBR) report to Historic England Level 3 as a result. The HBR report would be lodged with the Kent Historic Environment Record for future research.

Secondly, an archaeological watching brief on all groundworks with the production of a report on the findings. The Written Scheme of Investigation for the archaeological watching brief would include a detailed assessment of the archaeological potential of the site, using a CAD drawing to create a potential model and impact assessment which would then be used to enable the watching brief recording.

KCC Flood & Water Management (Latest response)

The proposals seek to manage the surface water for the site through utilising water butts and a piped network to a series of geocellular storage crates prior to uncontrolled discharge into the River Thames with a tidal flap valve at the outfall. In addition to this, surface water runoff accumulated at the lowest point of the site, against the flood defence, will be collected via the existing french drains or a new linear slot drain, and connected into the network. The LLFA raise no objections to this proposal at this stage. We note that there are incidents of surcharging in the hydraulic analysis identified for the 2 year rainfall event scenario. We would expect for this to be designed out of the above works as part of the detailed design stage and if not, reasons provided as to why this is not possible.

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

Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy dated 7th October 2022 prepared by Herrington Consulting Ltd and shall demonstrate that the surface water

generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

Reason:

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

Condition:

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

Reason:

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

KCC Education & Communities

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out the attached Appendices).

Request Summary

	Per Applicable House (x 11)	Per 'Applicable' flat (x10)	Total	Project
Secondary Education	£4,540.00	£1,135.00	£61,290.00	Towards Mayfield Grammar expansion

'Applicable' excludes: 1 bed units of less than 56 sqm GIA – **please confirm the 6 x 1 bed flats proposed are below this threshold?**

	Per Dwelling (x27)	Total	Project
Community Learning	£16.42	£443.34	Towards additional resources for Adult Education "Victoria Centre", Darnley Rd, Gravesend DA11 0RX
Youth Service	£65.50	£1,768.50	Towards additional resources for Northfleet Youth Centre, Hall Road, Northfleet, Gravesend, DA11 8AJ
Libraries	£55.45	£1,497.15	Towards additional services, resources and stock required to mitigate the impact of the new borrowers from this development at Gravesend Library, Windmill Street, Gravesend, Kent, DA12 1BE
Social Care	£146.88	£3,965.76	Towards Age UK Fleming Resource Centre, Clarence Row, Gravesend DA12 1HJ
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£4,959.09	Towards new WTS and capacity works to Pepper Hill HWRC
Broadband:	Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details. Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.		
Highways	Kent Highway Services will respond separately		

*KCC confirmed on 02/06/2023 that if the units are the same (which they are) then the figures do not need updating

KCC Biodiversity (Latest comment)

We advise that sufficient information has been provided to determine the planning application.

We have reviewed the submitted ecological information and we advise that we are satisfied with the conclusions of the preliminary ecological appraisal which detail that the site has suitable habitat for roosting bats, hedgehogs and breeding birds. The preliminary ecological appraisal detailed that B1, B2, B5, B6 and B7 (numbering as per the PEA) have potential for roosting bats but when we originally commented bat emergence surveys have only been carried out on B2.

The planning application description details the following: *Redevelopment of the site including demolition of the southern part of the workshop building and existing corridor link at first floor level between Custom House and the outbuildings and conversion of Custom House, the coachhouse and outbuildings to include extensions, the Old Boathouse and the Boathouse with external alterations and erection of a new three storey building to provide 27 residential units.* As such when we originally commented we highlighted that it was our understanding that works will be carried out on all the buildings and therefore we would have

expected bat surveys to be carried out on all the buildings with bat potential.

An updated bat survey report has been submitted and it has re-evaluated the potential of the buildings to be used by roosting bats and downgraded the assessment of buildings 1, 5, 6 and 7. We have reviewed the documents and spoken to the ecologist and we advise that we are satisfied that the re-evaluation is appropriate.

No bats were recorded emerging from any of the buildings and 3 species were recorded foraging/commuting within the site. The surveys of buildings 2, 5, 6 and 7 were carried out at the end of the bat survey season but we are satisfied with the conclusions of the surveys as there was very limited bat foraging/commuting activity within the site – partly due to the high light levels.

The report has made recommendations for enhancing the site for bat by including bat roosting features within the building and we advise that these measures are appropriate and must be implemented if planning permission is granted. We recommend that the requirement for integrated bat roosting features are a requirement of the **construction and management plan condition** wording.

Other Species

We advise that we are satisfied that impacts on other species can be avoided through a precautionary mitigation approach. We recommend that the details of the precautionary mitigation are included within the construction management plan and are a requirement of the **construction and management plan condition** wording.

Landscaping and Enhancements

The landscaping plan has confirmed that native species planting will be incorporated into the site which should benefit biodiversity.

We note that it is proposed to planting on the shingle beach and we spoke to the ecologist about this recommendations. We understand that it is to enhance the existing vegetation and not to replace it. We are satisfied that the proposed planting is appropriate and must be implemented as detailed in the landscaping plan.

Kent Police

NPPF Paragraph 91(b) and Paragraph 127(f) state: 91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; Paragraph 127(f) of the National Planning Policy Framework (NPPF), states: Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Secured by Design (SBD): www.securedbydesign.com is the UK Police flagship initiative combining three differing levels of security: The highest level (Gold) incorporates the security of the external environment together with the physical security specification of the home. Silver offers those involved in new developments, major refurbishment and the individual the opportunity to gain an award for the level of physical security provided. Bronze offers a route to achieve a reasonable level of physical security for bespoke or refurbished properties where a traditional enhanced security product is not available, or for listed buildings and other conservation status.

Applicants/agents should incorporate CPTED and SBD. We strongly recommend that the applicant bases the design on SBD Homes 2019 or 2021 (due shortly) and attains an SBD award by meeting principles of SBD. Independently certificated products that meet recognised security standards have been responsible for consistently high reductions in crime as verified by numerous independent academic research studies of

87% reduction in burglaries in new homes nationwide. As DOCO's, 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.

The points below are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. We recommend the use of the Secured By Design (SBD) initiative for this proposal.
2. Regarding permeability, the design and layout must ensure routes are well-designed to create safer accessible neighbourhoods with maximum natural surveillance but avoid excessive permeability often linked to increased crime rates. Lockable gates are recommended to be installed in the communal riverside terrace adjacent to the Gazebo as well as appropriate boundary treatment (please refer to point 3). Restricting access during night time would discourage youths from congregating and causing nuisance near plot 19.
3. Perimeter, boundary and divisional treatments should be well established and are required for front gardens of any corner properties. Rear boundaries and divisional fencing between rear gardens need to be a minimum height of 1.8m to aid security and privacy. This particularly applies to plot 19 due to being adjacent to the communal riverside terrace and the end corner on The Terrace where the entrance to the site is located.
4. Recessed areas at ground floor level are a significant concern, they are likely to attract crime, ASB and nuisance and can provide a secluded space that attracts criminality. Recessed doors should be no deeper than 600mm especially if hidden from public view e.g. side or rear, unless on an active street frontage with maximum natural surveillance and public view but even then, no deeper than 1m. However, where the width too is below 1m and there is no significant natural surveillance opportunity, the recess must not exceed 600mm.
5. All Apartment communal doors require alarms on all the emergency access doors and visual/audio control. They should allow a conversation between visitors and residents while allowing residents to identify visitors before they decide if they should remotely allow access via the communal entrance door. Tradesperson or timed-release mechanisms are not permitted as they have been proven to be the cause of antisocial behaviour and unlawful access to communal developments.
6. Communal mail delivery for the apartments needs to be "through the wall" or sited at the front in an air lock within the lobby, have CCTV coverage, be of robust construction (SBD or Sold Secure standard) and have anti-fishing design. We strongly recommend TS009 specifications.
7. Parking Courts, if unavoidable, must be designed to minimise the opportunity for crime with maximum natural surveillance from "active" windows (kitchen or lounge windows for example) and they should be designed for a small number of vehicles only. SBD discourage rear parking courtyards because: "They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated." The use of allocated parking spaces and clearly signed rule setting for visitor spaces reduces the opportunity for conflict. Allocated parking spaces must not identify the residents flat/house number. SBD or Sold Secure ground or wall anchors to help address vehicle crime should be provided for Motorbikes, Mopeds, Electric bikes and similar.
8. It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces. This type of elevation tends to attract graffiti, inappropriate loitering and ball games. The provision of a 1m buffer zone using either a 1.2 – 1.4m railing or a 1m mature height hedge with high thorn content should address those issues.
9. Please note, we are not qualified lighting engineers and any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed,

to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: “18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.”

Lighting of all roads including main, side roads and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards. Any lack of adequate lighting for the new adopted route and the pedestrian walkway is a concern as it will encourage home and vehicle owners to install ad-hoc lighting, likely to cause conflict and light pollution.

10. We recommend each dwelling is provided with a well-lit and secure area to store their bins, to prevent them being used as a climbing aid. Please note these storage areas should not be placed against the external wall of the property where it can be used as a climbing aid onto a balcony/vulnerable window.

11. Doorsets. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development. For this site we recommend the use of “Guide For Selecting Flat Entrance Doorsets 2019”.

12. Windows. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

13. 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 areas or too close to street lighting. In addition, new shrubs should be maintained at a height of no more than 1m unless planted to create a densely planted defensive perimeter treatment. There are many prickly non-toxic, native species that if densely planted with long term management can aid security. Any hedges used as a garden boundary must be dense and mesh fencing incorporated to prevent gaps/ desire lines being used to access rear gardens. Great care must be taken to ensure that the natural surveillance of all car parking areas and front windows is not affected, and therefore, shrubs/trees must be properly maintained.

14. We recommend CCTV to monitor the communal riverside terrace and the main entrances and mail delivery area on The Terrace to prevent anti-social gathering.

15. If cycle storage is proposed, we recommend a secure store with lighting and access control for the residents. We also recommend the installation of ground or wall SBD or Sold Secure anchors.

If this application progresses, we welcome a discussion with the applicant/agent about site specific designing out crime.

If the points above are not addressed, they can affect the development, the neighbourhood and local policing. Current levels of reported crime have been considered.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety regarding this specific planning application.

Kent Fire & Rescue

With the exception of the “revised proposed site and roof plan”, I could find no other information on access for firefighting.

Please confirm there are adequate turning facilities available for the appliance with a minimum radius of 16.8m. If access is required for high reach appliances, overhead obstructions (such as cables and branches) should be avoided.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

NHS Kent and Medway Strategic Planning and Estates Team

NHS Kent and Medway has delegated commissioning responsibility for general practice services in Dartford, Gravesham and Swanley and reviews planning applications to assess the direct impact on general practice.

Further to our letter dated 9th July 2021 we are updating our original health contribution request of 27 dwellings following recent changes within the dwellings breakdown.

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

In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

	Total Chargeable units	Total (See Appendix 1)	Project
General Practice	29	£19,872	Towards refurbishment, reconfiguration and/or extension of
			Parrock Street Surgery, Gravesend Medical Centre and/or Rochester Road Surgery and/or towards a new general practice premises development

The obligation should also include the provision for the re-imbursement of any legal costs incurred in completing the agreement.

Justification for infrastructure development contributions request

This proposal will generate approximately 55 new patient registrations based on the dwelling mix provided

in Appendix 1. The proposed development falls within the current practice boundaries of Parrock Street Surgery, Gravesend Medical Centre and Rochester Road Surgery.

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

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

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

General practice premises plans are kept under regular review as part of the strategy for the area and priorities are subject to change as NHS Kent and Medway must ensure appropriate primary medical care service capacity is available as part of our commissioning responsibilities. Planning for growth in general practice is complex; physical infrastructure is one element but alongside this care models and workforce are key considerations. Any plans developed need to support delivery of sustainable services for the future.

NHS Kent and Medway is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services.

Please note that for any s106 contributions secured by NHS Kent and Medway, the legal agreement should detail NHS England and Improvement (NHSE/I) as the recipient of the funding.

Environment Agency (Latest response)

Thank you for consulting us on the above. We have no objection subject to the following conditions being included in any permission granted.

Flood Risk

We have no objection to the planning application as submitted, subject to the attached conditions being imposed on any planning permission granted. Without these conditions, the proposed development on this site poses an unacceptable risk and we would wish to object to the planning application.

Condition 1: The minimum horizontal distance between any part of the development and the landward extent of the proposed tidal flood defence shall be no less than 1.2 metres.

No part of the development will encroach within 3.9 metres to the nearest face of the proposed tidal flood defence where such encroachment would not be demountable within 48 hours.

Reason: To prevent an increased risk of flooding, to ensure that the development is appropriately protected from flooding, in line with the National Planning Policy Framework (NPPF), and to enable the inspection of the tidal flood defence assets.

Condition 2: Finished floor levels for residential sleeping accommodation must be set to no lower than 6.92mAOD.

Reason: To ensure that the development is appropriately protected from flooding, in line with the National Planning Policy Framework (NPPF).

Condition 3: Within six months of commencement of the development, and before any work other than investigation work commences affecting the River Thames tidal flood defence structures, a scheme for the design and construction of the proposed raised tidal flood defence shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency. The scheme of works shall include:

- that all new flood defence assets shall be designed with a lifetime of no less than 100 years from the date the development is expected to be completed, with a defence crest level no lower than 8.00 metres above Ordnance Datum (mAOD);
- that the design shall be supported by structural and stability calculations and any required ground investigation works;
- details of how the improved flood defence structures will tie in to the flood defence line at the neighbouring sites both upstream and downstream;
- as far as reasonably practical, the removal of buried obstructions within 3.9 metres landward of the proposed tidal flood defence;
- a detailed method statement and sequence of works plans;
- details of existing and proposed underground services within 3.9 metres of the proposed tidal flood defence;
- That the existing site tidal flood defences, including tidal flood gate, will be demolished to at least ground level and the flood gate will be replaced with a continuous, fixed tidal flood defence;
- the timing of implementation of the works making up the scheme.

Reason: To minimise the risk of flooding to the surrounding built environment, to protect the development from flooding for its lifetime including with climate change induced sea level rise, and to mitigate the environmental impacts of the development in line with the Thames Estuary 2100 plan.

Condition 4: A new tidal flood defence will be constructed, as per the approved detailed design package, prior to the sites occupation. The tidal defence shall be retained and maintained thereafter, throughout the lifetime of the development. The above ground existing tidal defence assets will be removed.

Reason: To ensure a satisfactory tidal flood defence is constructed thereby providing the required standard of protection to the site occupants and neighbouring area, for the design life of the development.

Condition 5: Within 3 months of completion of the tidal flood defence, 'as built' drawings shall be provided to the Local Planning Authority and the Environment Agency.

Reason: For the avoidance of doubt, to facilitate any future flood defence intervention and to prevent an increased risk of flooding.

Condition 6: Within six months of commencement of the development, a long-term monitoring and maintenance plan for the flood defence structures and applying for as long as the development remains shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency. The long-term monitoring and maintenance plan shall include:

- details of how and when the flood defence structures will continue to be inspected and tested;
- success criteria for the condition of each element of the flood defence structures.

Reason: To minimise the risk of flooding to the surrounding built environment and to protect the development from flooding for its lifetime including with climate change induced sea level rise.

Flood Risk Activity Permit (FRAP)

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. In preparation for the required FRAP, we would require the application to be supported by a detailed method statements.

Groundwater and Contaminated Land

We wish to reiterate the conditions requested in our last response KT/2021/128685/06-L01, dated 17 March 2023.

Fisheries, Biodiversity and Geomorphology

We wish to reiterate the conditions requested in our last response KT/2021/128685/06-L01, dated 17 March 2023.

Port of London Authority – (Latest response)

Notes Environmental Protection's suggested conditions including one regarding a post completion report - they have found it useful on other sites to get a scheme of testing where the applicant tells them which units are to be tested (so they can check they are representative) and then a compliance report which shows how the requirements in those units are being met (through noise monitoring prior to occupation). It often identifies problems with the build which lead to the noise requirements not being met and means those problems can be rectified prior to any residents moving in.

Whilst PLA are always going to be nervous about having residents so close to their 24/7 operations, they note they have been some useful changes to the design and they would just re-emphasise the point that with the introduction of a river related use in the area in front of the flood wall the noise report should be updated to consider this as they would want would be for the operator to start using the jetty and then their activities to be curtailed due to noise complaints.

Historic England

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Marine Management Organisation

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or

removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- * local planning authority name,
- * planning officer name and contact details,
- * planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/uksi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring

tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- * The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- * The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- * The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- * The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions - including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play - particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

Southern Water

The attached plan shows that the proposed development will lie over an existing public water distribution main, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the water distribution main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- The 3 inches requires a clearance of 6 metres on either side of the water distribution main to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the water distribution main without consent from Southern Water.
- No new soakaways should be located within 5 metres of a water distribution main.
- All existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

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

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

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

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

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

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

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

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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.

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.

Neighbouring properties

20210757 – There has been two rounds of consultations carried out – 82 properties were consulted on the original information which was received including site and press notices with the overall consultation expiry date being 14 July 2021. A re-consultation took place on 10 October 2022 for revised information received in May and October 2022). The re-consultation was to the same number of neighbouring properties and included site and press notices.

Although some further revised/additional information has been received on the application since this, due to the scale or nature of the changes re-consultation was not required.

20210758 – Site and press notices were carried out for the original and revised information as stated above; no neighbour consultations were undertaken as they are not required for LBC applications.

Following the original consultation and up to the revised information being received there were 17 responses - 15 in objection and 2 in support.

The comments raised in the initial consultation period for both applications can be summarised as follows:

Objections

Use

- Custom House should be preserved for community use and benefit e.g., museum or arts venue not just flats for rich people
- Gravesend is already supporting many flat projects
- The country was in lockdown for a large proportion of the time Custom House was being offered on the market which would probably account for the little interest in office use; Whitehall Place is offices – the future of Custom House as offices should not be so easily disregarded
- Access to River Thames should be made available for public use

Heritage

- The period features of Custom House including the Adams staircase should be shared with the public
- The coach house extension is unacceptable as this will change the frontage of Custom House and will detract from the grade II listed building
- Fear that the proposed community area would result in the gazebo becoming damaged or defaced, as this is a significant building, care should be taken to ensure its integrity
- The building is listed, once its converted to flats we would lose it and it can't be returned to how it was
- If its converted to flats, how can the Adam staircase be kept?

Neighbouring Amenity

- The new build to south of boat house is unnecessarily high and will impinge on privacy of the gardens/houses of Clarendon Road
- Noise pollution and invasion of privacy from the community area
- Already struggling on a regular basis with people gathering outside their home, smoking, talking loudly, peeing – the whole of their flat will be affected by the communal area to the north which is to be accessible for all resident's, in summer with windows open it will be even worse with the people gathering, smokers, drinkers etc
- Sound proof fencing and planters could help address the noise issues from the community area;
- Already have anti-social behaviour in the area, this proposal will make this far worse
- Only those that live there should have access to communal area
- Heritage Quay would be overlooked and greatly affected by loss of light from the area of development at the east wall
- Concerned they would be overlooked if the trees behind their house are removed
- Historic Public Access route is mentioned in application but this path has and should never be opened to the public
- Noise pollution & dust from construction work

Parking and Highway Safety

- There are not enough parking spaces, most houses have two cars and this isn't taken into account – they have parking issues now so any more vehicles and they would struggle to park.

Flooding

- The area where the communal area is proposed floods regularly and the flood gate is often breached with river water entering the site behind the gate (photos provided of this on several occasions)

Support

- Building has sat unused for many years, local area would benefit if it is used again
- Will bring trade to local business and more foot traffic to the promenade and local streets
- Has the potential to be a focal point of the ward
- Would help address anti-social behaviour in the area if more people live and work there
- View it in a positive light, Gravesend needs regeneration
- No need for building to sit there empty, if look and feel of building will be maintained there is nothing to lose
- Area is in need of housing, particularly for single people

Re-consultation

For the re-consultation, 5 responses were received all in objection, the comments of which can be summarised as follows:

Neighbouring Amenity

- Proposal to open a right of way from the righthand side of the gazebo and the boundary wall of the Heritage Quay development would enable access all along the front of Heritage Quay and into Custom House with entry/exit points via the cycle store which would lead to pedestrian congestion, excessive noise, drinking, drug taking, e scooters, ball games all resulting in a loss of privacy for the residents. Also would create ease of access to Heritage Quay;
- Noise impact from the communal area has not been resolved and with a proposed access via at gate at the side of Heritage Quay, should this access be open to all, it would act as a magnet to all the anti-social behaviour which already takes place between the river and north-east of Heritage Quay;
- There are public gardens nearby, why is communal area needed?
- Concerned about anti-social behaviour as a result of the proposal;

Heritage

- Concerns for the preservation and wellbeing of the gazebo – would be a target for graffiti, use of BBQ's could present a fire hazard;
- Intrigued how the developers plan to turn the area directly behind the floodgate over to river related rental.

Flooding

- Area to the north of the site, bounded by the sea wall and the area where the communal area is proposed and which encompasses the gazebo regularly floods and this will only increase with global warming etc;
- Is it necessary to raise the sea wall and if so will it apply at other sea wall locations, namely between Heritage Quay and the new development;
- Cannot see how the proposals to increase the flood walls are necessary and cannot see how it will mitigate the threat from spring tide surges via the foreshore and the area between Heritage Quay and the gazebo;
- How will the flooding of the proposed communal area and breach of the flood gate be dealt with?

Fire

- How will fire appliances attend an emergency?

Officer's Analysis

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '27' residential units would offer a moderate contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers. All of these matters will be considered further below.

Principle of Development/Loss of office use

In regard to the principle of development, Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. It seeks to achieve this by promoting regeneration by prioritising redevelopment and recycling of previously developed land.

The application site is currently vacant, last being used by HM Revenue and Customs who vacated the site in 2018; the site therefore has a lawful E(g)(i) office use. The site meets the definition of Previously Developed Land as stated in Annex 2 of the NPPF (2023) and lies within Gravesend Town Centre Opportunity Area (sub-area 3.4 East of Town Centre).

Policy CS05 (LPCS) states that within the Opportunity Area, the Council will amongst other things support the provision of new residential development where a satisfactory living environment can be achieved and support the redevelopment of under-used sites where this makes more efficient use of the sites and improves townscape character.

The site is considered under-used but its redevelopment would be subject to addressing the requirements of the Development Plan and material considerations such as the NPPF (2023) and in particular whether the loss of office use is acceptable.

As stated, the site's lawful use is E(g)(i) offices having last been last used by HM Revenue and Customs in 2018. Policy CS07 (LPCS) does not support the loss of offices but has three exceptions, one of which is applicable – that the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Appendix 5. Therefore, evidence of

marketing for a minimum of a year is required, providing all the necessary evidence of marketing and how this has been undertaken and fully catalogued. A Marketing Report Regarding Loss of B1 Office Space by Caxton's Chartered Surveyors has been submitted with the application.

The report states that at the time of submission (June 2021) Custom House had been vacant for more than 2 years with the building closing in March 2018. Surveyors were appointed in May 2019 to let the premises with a re-appointment made in December 2019 to market the property for sale as offices. The marketing continued until January 2021 thereby representing a total of 20 months marketing of which 7 were for letting and 13 for sale. There were a total of 37 enquiries received with 8 of these for office use, 1 of these resulted in a site visit while the others withdrew their interest (reasons cited were condition, more suitable availability elsewhere and the listed status and therefore the investment required to modernise the property). Five offers were received with 1 of these for office use but this offer was rejected due to being too low; the other 4 offers were for residential use. Overall general feedback during the marketing period for not taking interest further is said to have related to the layout/circulation of the building, the cost to bring it up to modern standards, too large and expensive for any one occupier and uncertain economic climate due to the pandemic. The report by Caxton's considers that the appropriate level of marketing for existing and alternative uses has been met, that there are no viable suitable alternative employment or commercial uses that can be accommodated within the building to ensure the long-term viability of the site and the loss of the existing commercial floorspace will not hinder the overall provision of commercial floorspace within the Borough.

The submitted report shows marketing evidence for a period well in excess of the minimum 12 month period, 17 May 2019 – January 2021. It is clear from this evidence that although there was limited interest in office use from some enquirers, reasons were given for not pursuing it further to sale or let (the large, sprawling nature of the site, the condition of the buildings and the cost it would take to bring the offices up to a modern standard particularly given the listed status of the site with enquirers not viewing it as a viable option to take forward). It is considered that the 20 month marketing period at appropriate rates forms a robust and objective determination of the demand. At this point in time, it is considered that the Custom House office space has come to the end of its economic life. It is concluded that sufficient evidence has been presented to demonstrate that the loss of office floorspace to residential can be justified. In respect of the principle of development the proposal would therefore be compliant with Policies CS02, CS05 & CS07 (LPCS).

A further matter in respect of whether the principle of development is acceptable is the site retaining a connection to the river and this not being prohibited in the future. As stated the site includes the flood wall and gate and there are two timber slipways running out of the site into the river across a small foreshore area leading to a small pontoon (the majority of the slipways and pontoon are outside the red line boundary). The applicant is proposing to put the area north of the flood wall which houses the two slipways and pontoon back into a river related use. The applicant has potential occupiers in mind who would be interested in taking over the pontoon. As such, in respect of the site still having a connection to the river with an active river use, which can be considered and developed through the flood wall and its design, it is considered that in respect of retaining a river related use the principle of redeveloping the Custom House site would also be acceptable in terms of the principle of development.

Design, Character and Appearance including Heritage

When considering the design of this proposal, it needs to be considered against the relevant local and national planning policy. Policy CS14 (LPCS) states that new housing development will be expected to provide a range of dwelling types and sizes taking into account the existing character of the area and to create sustainable and balanced communities. Policy CS15 (LPCS) states that sites will be developed at a variety of densities depending on the site's location and accessibility to public transport. Furthermore, development needs to be delivered at a density that achieves good design and does not compromise the character of the area.

Policy CS19 (LPCS) states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the

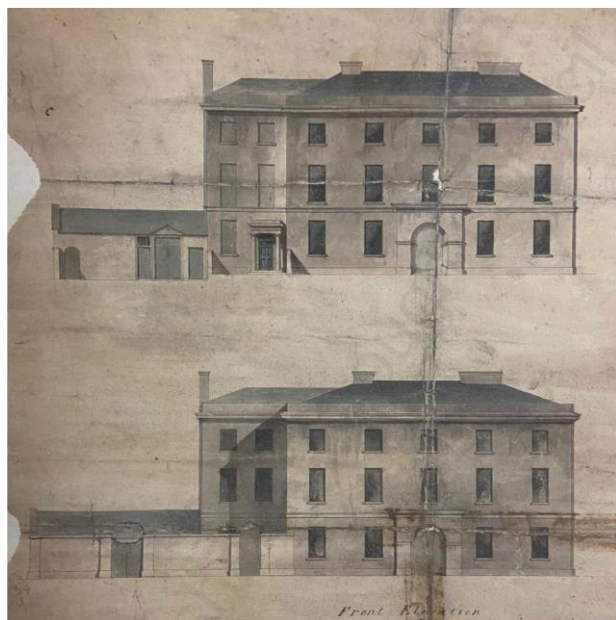
quality of the public realm and the character of the area. The NPPF (2023) sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

In considering this proposal, the impact on heritage assets also needs to be considered. Sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent and planning applications respectively. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

These duties are reflected in Section 16 of the NPPF (2023), Policy CS20 (LPCS) and saved policies TC2 and TC3 (LPFR). These policies set out that the Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource central to the regeneration of the area and the reinforcement of sense of place. Furthermore, these policies expect development to make a positive contribution to Conservation Areas.

On the application site Custom House and the Gazebo are grade II listed buildings. The site is also situated in the Riverside Conservation Area. There are a number of listed buildings within the vicinity – Milton Chantry, New Tavern Fort (also a Scheduled Ancient Monument), 42, 43, 44, 45, 46 & 47 The Terrace and Royal Terrace Pier.

The Custom House appears to have been built by the King's Office of Works in 1815-16 for both Customs & Excise Officers. It replaced what is now Whitehall Place, on the other side of The Terrace, which was built as the first purpose-built offices and accommodation for Custom Officers in 1780-2. The Custom House was Grade II listed in 1975 when the revised survey of listed buildings in Gravesend was issued and is situated in the Riverside Conservation Area (designated in 1980).



1835 drawings of the south elevation of Customs House

As well as the main Custom House the site also consists of a number of other buildings – the Coach House attached to western side of Custom House, the Custom House outbuildings to the rear and running down the eastern boundary of the site, the Workshop and Old Boathouse, the Boathouse and the Gazebo. Both Custom House and the Gazebo are grade II listed with the other buildings being curtilage listed buildings. The proposal consists of a number of different elements to each of these buildings as will be discussed below.

The key consideration is whether the proposals would respect the architectural and historic interest of these listed and curtilage listed buildings and their setting, the surrounding listed buildings and whether the proposal would preserve or enhance the character and appearance of the Riverside Conservation Area. A Heritage Statement and a Heritage and Conservation Strategy have been submitted with the application which provide a detailed and thorough assessment of the impact on these heritage assets. The Heritage and Conservation Strategy sets out how the highest significance relates to Custom House and the Gazebo being of 'higher significance'. The coach house and the nearest part of the outbuildings at upper ground floor level is considered to be of 'medium' significance. The rest of the outbuildings, the Old Boathouse and the Boathouse are of 'lower' significance, the Workshop is considered to be of 'neutral' significance and the flood wall is considered to be a 'negative' significance.

Custom House – this is not to be extended but the existing fabric is to be restored and conserved with minimal alterations proposed to enable the conversion. Subject to conditions to secure detail on the alterations proposed in conjunction with the conversion of the building, the proposals for the main Custom House would protect the architectural and historic interest of this grade II listed building which is of high heritage significance and the other listed and curtilage listed buildings on the site, the surrounding listed buildings and would preserve the character and appearance of Riverside Conservation Area.

Coach House – The proposals as originally submitted were not acceptable in regard to the first floor extension proposed to the Coach House. As it is not of quite such high heritage significance as the main Custom House, an extension to it is considered acceptable subject to appropriate design and detailing. The design has been amended and would now respect the setting of this attached listed structure, the setting of the main grade II listed Custom House to which it is attached, the other listed and curtilage listed buildings on the site, the surrounding listed buildings and would preserve the character and appearance of Riverside Conservation Area. The Custom House and coach house proposals are as below:



Outbuildings – These range from one to two new storeys being added to the existing outbuildings. The extensions step down from two new storeys being added to the nearest half of the outbuilding to Custom House (which is identified in the Strategy as medium heritage significance at upper ground floor level and lower significance at first floor level) to the half nearest the river having just one new storey added (this element being identified of low heritage significance). Given the medium and low heritage significance of the outbuildings it is considered that there is scope for extensions to them. The extensions proposed have been reduced in scale from that originally proposed and have been reduced in height. They are now considered sympathetic additions which would respect this curtilage listed building, the setting of the main

The image displays two architectural elevation drawings of a proposed development, with annotations detailing height and footprint constraints.

Front elevation: This drawing shows the front facade of the proposed building, which is a three-story structure with a central entrance and multiple windows. To the left, an existing building with a gabled roof and a small tower is visible. To the right, another existing building with a flat roof and multiple windows is shown. The proposed building's footprint is outlined in orange, and its height is indicated by a green dashed line. Annotations include:

- Approximate ridge and parapet wall height of 1920s bonded warehouse.
- Ridge height as per original planning application drawing submitted.
- New four-storey building of existing warehouse.
- Existing two-storey building to be retained and used as office space.
- Existing building to be retained and new ground floor retail uses inserted.
- Existing ground floor retained and replaced / replaced where necessary.

Rear elevation: This drawing shows the rear facade of the proposed building, which is a two-story structure with a central entrance and multiple windows. To the left, an existing building with a gabled roof and a small tower is visible. To the right, another existing building with a flat roof and multiple windows is shown. The proposed building's footprint is outlined in orange, and its height is indicated by a green dashed line. Annotations include:

- New window added to back wall.
- Approximate ridge and parapet wall height of 1920s bonded warehouse.
- Ridge height as per original planning application drawing submitted.

The architectural drawings include the following views and annotations:

- Front elevation:**
 - Roofline to be added to the existing and changed with the stone front to be added.
 - New stone front facing to be added to the existing existing.
 - Roofline to be added to the existing and changed with the stone front to be added.
- Right flank elevation:**
 - Roofline to be added to the existing and changed with the stone front to be added.
 - New opening to be added.
- Ground floor plan:**
- Mezzanine plan:**
- Rear elevation:**
 - Side to be added to the existing and changed with the stone front to be added.
 - New stone front facing to be added to the existing existing.
- Left flank elevation:**
 - Roofline to be added to the existing and changed with the stone front to be added.
 - New opening to be added.

Page 30 of 42

surrounding listed buildings and would protect the character and appearance of the Riverside Conservation Area.

Gazebo – The gazebo building is proposed to be repaired and conserved to be used as a communal multi-use space. There would be no direct access to the gazebo from the site and instead to access the gazebo one would have to exit and go all the way round to the front of Heritage Quay to access the area firstly through a gate to the side of Heritage Quay and then through a second gate in the Custom House boundary wall; this would not be acceptable. The Council's Conservation Officer is concerned that with no direct access for residents from within the site it cannot be seen how the gazebo will have a viable or sustainable purpose. The Conservation Officer questions how the area would be managed and if it would be made open to the public and is also concerned that the gazebo will become an unsecured area with the threat of vandalism and arson. The Gazebo is shown in the below images:



Gate to side of Heritage Quay



Gazebo and access from path to side of Heritage Quay as viewed from inside the site

In order to ensure the gazebo does not become isolated from the main Custom House site the following is considered an appropriate way forward. As will be discussed further in this report, the existing flood wall is to be replaced with a new flood defence wall. It may be that when the new flood defence wall is designed there may be scope to allow access to the gazebo from within the site. If this is not possible, the alternative would be to move the gazebo from its current location to within the site and the main Custom House side of the flood defence wall. It is considered that these matters can be secured by planning condition and would preserve the Gazebo for future occupiers and preserve this heritage asset without having a detrimental impact on other listed buildings within the site, or neighbouring listed buildings or the Conservation Area.

New Terrace – A new terrace of three dwellings is proposed to be erected to the south of the Boathouse. It is considered that a new building in this location would be acceptable given its distance from Custom House and that it would enclose the western side of the site responding to the way the outbuildings do this currently on the eastern side. The building is sufficiently distanced from Custom House such that subject to details on design and materials it is considered that the new terrace of three dwellings would fit into the context of the site in a sympathetic manner such that the setting of the main grade II listed Custom House and Gazebo and the other curtilage listed buildings on the site would be protected, as would the setting of the surrounding listed buildings and the character and appearance of the Riverside Conservation Area would be protected.

It is considered that the submitted Heritage & Conservation Strategy and the Heritage Statement carefully detail the various levels of heritage significance across the site and explain how the proposals have been designed within this. Custom House and the Gazebo (both grade II listed) having the highest significance and accordingly the changes to those elements being very minor and sympathetic to the architectural and historic interest of those buildings. There is more being proposed to the outbuildings as these are proposed to be extended but given that they are of lesser heritage significance than the main grade II listed Custom House and Gazebo there is the flexibility to carry out such alterations without causing any significant harm. The Old Boathouse and Boathouse would have minor changes and again due to their relatively low heritage significance when compared to Custom House and the Gazebo, there is the scope to carry out such minor changes in heritage terms.

The proposals would alter the existing buildings by way of alterations and/or extensions and compared to the existing situation there would be some limited harm caused to the buildings as they would not remain exactly as they are currently. However, it is considered that the level of harm on the historic environment would be very minor and therefore that harm would be less than substantial. In such circumstances the

NPPF (2023) at paragraph 202 advises that the harm is to be weighed against the public benefits of a proposal including where appropriate, securing its optimum viable use. In this case the site is vacant, and the proposal would bring the site back into use, albeit as a residential use for 27 flats, rather than a commercial use. In addition, the proposal would deliver economic benefits from the construction and occupation of the development and the restoration of the listed buildings.

In respect of design, character and heritage it is therefore considered that the proposal in its revised form would not be out of keeping with the scale and character of the immediate locality and the wider townscape of Gravesend. It would not have an adverse impact on the main grade II listed Custom House and Gazebo or the curtilage listed buildings on the site and their setting or the setting of the surrounding listed buildings and would preserve the character and appearance of the Riverside Conservation Area. In this respect the proposal would be compliant with Policies CS19 and CS20 (LPCS) and saved Policies TC2 and TC3 (LPFR).

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines'. On 25 March 2015, the Government issued a written ministerial statement which introduced new technical housing standards in England – the Technical Housing Standards – nationally described space standard (NDSS) (2015).

The NDSS (2015) sets out the minimum standards for residential development depending on the number of people, bedrooms and storeys. The unit sizes are set out in the below table together with the minimum NDSS:

<u>Unit No.</u>	<u>Area (Sq. m)</u>	<u>Minimum standard as set out in NDSS (2015)</u>
1 – 1B2P 1 storey (Custom House)	85	50
2 – 2B4P 1 storey (Custom House)	76.5	70
3 – 1B2P 3 storeys (Custom House)	71	No standard
4 – 3B5P 2 storeys (Custom House coach house)	104.5	93
5 – 2B4P 3 storeys (Custom House)	155.5	No standard
6 – 1B2P 1 storey (Custom House)	54.9	50
7 – 2B3P 1 storey (Custom House)	70	61
8 – 2B4P 1 storey (Custom House)	80.7	70
9 – 2B4P 1 storey (Custom House)	71.7	70
10 – 3B6P 2 storeys (Custom House)	114	102
11 – 2B3P 1 storey (Custom House)	73.9	61
12 – 3B5P 3 storeys (Outbuildings)	132	99
13 – 3B5P 3 storeys (Outbuildings)	99	99
14 – 3B5P 3 storeys (Outbuildings)	99	99
15 – 3B6P 3 storeys (Outbuildings)	110.9	108
16 – 1B2P 2 storeys (Outbuildings)	54 (undersized by 4 sq. m)	58
17 – 2B3P 2 storeys (Outbuildings)	68 (undersized by 2 sq. m)	70
18 – 1B2P 2 storeys (Outbuildings)	60	58
19 – 2B4P 2 storeys (Outbuildings)	90	79
20 – 2B3P 2 storeys (Workshop)	112.5	70
21 – 2B3P 2 storeys (Boathouse)	80.8	70
22 – 1B2P 2 storeys (Boathouse)	58.7	58
23 – 1B2P 2 storeys (Boathouse)	58.8	58
24 – 2B3P 2 storeys (Boathouse)	70.8	70
25 – 2B4P 3 storeys (New build)	105	No standard

26 – 2B4P 3 storeys (New build)	105	No standard
27 – 2B4P 3 storeys (New build)	106	No standard

For the units for which there are minimum standards in the NDSS to apply, two of the units would be undersized according to the Technical Housing Standards (2015) – unit nos. 16 and 17 in the outbuildings. As these undersized units fall within the outbuildings which are historic buildings it is considered there is some flexibility which can be given in regard to the undersized nature of these units on this occasion, due to the need to protect the historic significance of these buildings. It is also the case that a further 3 units in the Boathouse were originally undersized but amendments have been sought and all of the units in the Boathouse would now meet now comply with the Technical Housing Standards (2015).

Two of the proposed units, nos. 1 & 2 would be located wholly at basement level. Unit 1 would be served by windows at the rear and all of the habitable rooms would be served by windows which it is considered would receive good levels of light due to their number and the full height of the windows at the rear of the building. Unit 2 would be served by windows in the east flank elevation and the front elevation:



These windows are mostly under the level of the pavement and sunlight, daylight and outlook to flat 1 would therefore not be of a particularly high level. It is appreciated however, that given the historic nature of the building, its listed status and therefore having to work with the existing building so as not to alter it in an unsympathetic way, this restricts the changes which may otherwise be sought in order to address the issue (i.e. – enlarged openings for example.) On this occasion it is therefore considered that some flexibility can be given to the poor sunlight, daylight and outlook to flat 1.

In terms of amenity space, the two north-most units on the Outbuilding and Boathouse and the unit in the Workshop will have private garden areas but other than that the rest of the proposed units would not. In the proposal the existing landscaped area to the north of Custom House is to be retained and a new central green space will be on the site of the demolished workshop. Although the proposal does not provide private amenity space for all dwellings, given the town centre location which is close to the public 'Riverside Leisure Area' to the east, it is considered that residents would have sufficient access to amenity space.

In terms of noise and disturbance, comments have been raised by the PLA that noise from their site may cause noise and disturbance to future occupiers and in response the applicant has submitted a Residential

Noise Assessment April 2022 Version 1-0 by Entran. GBC Environmental Protection advise that the report finds that internal and external noise levels will achieve the standards laid out in BS:8223 typical double glazing and trickle ventilation. The NR30 noise rating curve was also considered with regards concerns relating to low frequency noise from marine vessels. Details of appropriate glazing and ventilation specifications are to comply with this are provided in the noise assessment and Environmental Protection advise that these should be applied as a condition and that also to achieve this, a mechanical ventilation/heat recovery system may be the solution to give residents the option of an alternative to opening windows.

Environmental Protection advise that as the noise monitoring covered both day and night periods over weekdays and the weekend, any noise impact on future occupants from local late night entertainment venues will have been picked up. They advise that they regularly receive justified complaints about noise on the street (shouting, screaming, fighting etc) as people leave these venues and head home and that they are unable to investigate this type of complaint as 'people noise' on the street is not included within the noise legislation they enforce. However, they note that as the predicted internal night-time noise levels are compliant with BS:8223 noise from this source should not be an issue.

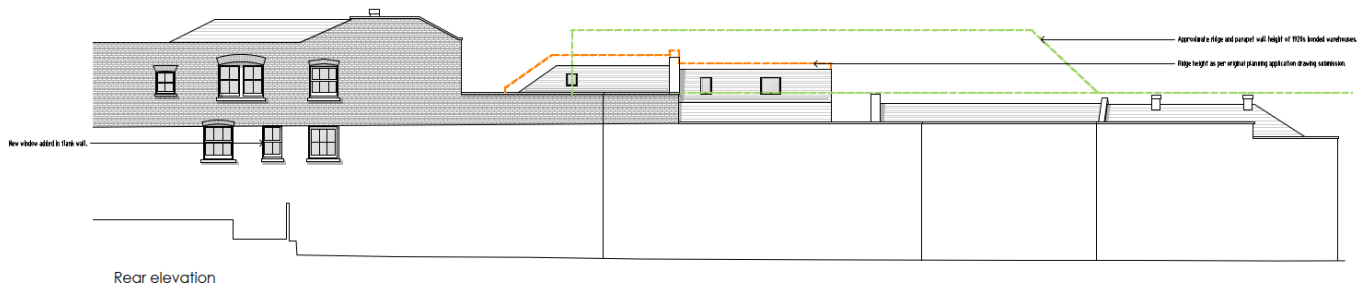
Regarding noise from people shouting, screaming, fighting etc. Environmental Protection advise they regularly receive justified complaints about noise from the street but people noise is not covered under the noise legislation they enforce. However, they note that the noise assessment covered day and night time and that the predicted night time noise levels are said to be compliant with BS:8223 no objections are raised. Subject to conditions which they recommend, no objections are raised by GBC Environmental Protection with regards noise or disturbance to future occupiers.

In the course of the application it has been proposed that there will be now be a river related use in front of the flood wall. In their latest responses the PLA have advised that with the introduction of a river related use the noise report should be updated to consider this element as the last thing they would want would be for an operator to start using the jetty and then their activities to be curtailed due to noise complaints from future occupiers of the development. To this end it is considered the noise report submitted would need to be revised in order to take into account the river related use also. However, given the uncertainty around who will be utilising the jetty and their activities at this stage, should permission be forthcoming, a condition would be required to request a new noise report which takes into account a river related use in order to ensure that the amenity of future occupiers would be protected from noise and disturbance (and that a river related use would not be prevented from operating) and the existing noise report would not need to be listed under the list of approved plans.

In respect of occupier amenity, it is therefore considered that subject to conditions the proposal would be compliant with Policy CS19 (LPCS).

Neighbouring Amenity

The outbuildings are to have one to two storeys added to the existing structures. The height of the extensions has been reduced in height from the original proposals. The below extract shows the extent the extensions would project above the existing eastern boundary wall of the site (the red line shows the originally proposed height and the green line shows the height of the 1920s warehouses which previously existed):



It is considered the extent that the extensions would project over and above the top of the boundary wall would be modest and taking into account the distance to the western elevation of the Heritage Quay building to the west which is some 8-9m, there would be no material harm caused to the occupiers of the flats that have windows in the west elevation of Heritage Quay with regards overshadowing or loss of light. The Daylight and Sunlight Assessment June 2021 Rev. 2 by Herrington Consulting Limited submitted with the application states that the potential impacts to properties in Heritage Quay have been fully considered in terms of the Vertical Sky Component (VSC) and Average Daylight Factor (ADF). The assessment concludes that following the development all of the properties assessed in Heritage Quay will meet the BRE Guidelines for VSC measurements such that the impact will be negligible and that any changes to the daylight to habitable rooms in Heritage Quay will not be significant and is likely to not be noticeable by occupants.

There are no windows proposed in the rear of the outbuilding extensions, only rooflights and by the nature of their outlook they would not afford any overlooking to the windows in the west of Heritage Quay.

The new build terrace to the south of the Boathouse to provide three dwellings would not impact on any neighbouring properties as there are no nearby neighbouring dwellings adjacent to the site to the west as that is the car park of the Port of London Authority.

The scheme has been designed in line with the Agent of Change principle, through robust consideration of noise and light pollution, ensuring that the existing nearby use of the car park by the Port of London Authority, would remain viable and continue to operate without unreasonable restrictions being placed on them.

In terms of privacy, the windows in the east elevations of both the Boathouse and the new terrace and the windows in the west elevation of the Outbuilding would face each other, but this would be a distance of between 22-28m which would meet the minimum standard of 21m as set out in SPG2 (2020).

There would be no other direct window to window overlooking between the other buildings on the site.

There were concerns at the impact the proposed terrace area to the north of the river wall could have had on neighbouring properties (a number of neighbour comments have raised this as an issue) however, this proposed terrace area has now been removed from the proposal.

In respect of neighbouring amenity it is considered that subject to conditions the proposal would be compliant with Policy CS19 (LPCS).

Parking and Highway Safety

The proposed development needs to be considered against Policy CS11 (LPCS) 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. This is also reflected by Saved Policy T1 (LPFR) which requires proposed development to be adequately served by the

highway network and Saved Policy P3 (LPFR) which sets out highways parking standards for development.

The proposed development is located on the edge of Gravesend town centre where 27 units are proposed (6 x 1 bed, 15 x 2 bed and 6 x 3 bed) and 15 parking spaces. There were 22 car parking spaces originally proposed, but the proposed provision has been reduced to 15 as officers requested an increase in soft landscaping as the proposed site layout as originally submitted was dominated by car parking which was considered to be harmful to the setting of the listed buildings and curtilage listed buildings on the site. On the basis of the standards set out in SPG4 (2006) which are maximum standards, for the mix of 1, 2 and 3 bedroom units proposed this would lead to a requirement for a maximum of some 41 parking spaces. However, the Highways Development Management Officer advises that based on car ownership data in the town centre 15 spaces would be sufficient although this does not include any visitor spaces. It is considered that given the town centre is a highly sustainable location, 15 spaces overall is a sufficient amount of off-street parking for the proposed development given, when considering the listed status of the site. Given the listed status of two of the buildings on the site and the others being curtilage listed, it is considered preferable to have less parking areas and more soft landscaping and that this would justify the lack of visitor parking. To have more parking spaces to serve the residents of the development or their visitors would result in the site being dominated by car parking which would not respect the setting of these listed buildings. On balance and given the listed status of the site it is therefore considered that the proposal would provide a sufficient level of off-street parking on this occasion. Access to the site will be by the existing access from The Terrace, a small section of boundary wall fronting The Terrace is to be removed for visibility. A new vehicular access gate is proposed set well back from the entrance so as not to disrupt the free flow of traffic on The Terrace.

In respect of parking and highway safety it is considered that subject to conditions the proposal would be compliant with Policy CS11 (LPCS) and saved Policy P3 (LPFR).

Flood Risk

Policy CS18 (LPCS) sets out the requirements for flooding stating that development will be directed sequentially to those areas least at risk of flooding. In this case the site is located in Flood Zone 3A and as such is at a high risk of flooding. A Flood Risk Assessment and Drainage Strategy, Steel Sheet Piled Analysis, response to Environment Agency (EA) objection and a Remedial Works Report have been submitted by the applicant and considered by the EA.

There has been a continued objection to the proposal from the EA but upon the applicant agreeing to replace the existing wall with a new flood defence wall the EA have removed their objection subject to a number of conditions. Subject to these conditions it is therefore considered the proposal would be compliant with Policy CS18 (LPCS).

Surface Water Drainage

Policy CS18 (LPCS) states that the Council will seek to minimise the impact of drainage from new development on waste water systems. It will require that surface water run-off from all new development has, as a minimum, no greater adverse impact than the existing use and require the use of Sustainable Urban Drainage on all developments where technically and financially feasible. A Flood Risk Assessment and Drainage Strategy March 2023 Issue 7, Revision 6 by Herrington Consulting Limited has been submitted. KCC Flood & Water Management raise no objections subject to conditions to request a detailed sustainable surface water drainage scheme and a Verification Report. Subject to conditions it is therefore considered the proposal would be acceptable in respect of surface water drainage and therefore compliant with Policy CS18 (LPCS).

Southern Water have advised that the proposed development will lie over an existing public water distribution main which would not be acceptable to them and that it may be possible to divert the water distribution main so long as this would result in no unacceptable loss of hydraulic capacity and the work carried out to the developer's expense to the satisfaction of Southern Water. Should the development be considered acceptable it may be the proposal would need to be redesigned or re-sited to address the

matter of the public foul sewer. A contaminated land assessment and associated remedial strategy could be conditioned should permission be forthcoming.

Open Space

As many of the dwellings proposed could be occupied by families, significant weight is attached to the need to provide open space to meet the needs of future residents as required through Policy CS13 (LPCS) and Saved Policy LT6 (LPTR). At a national level the NPPF (2023) recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. As advised in the occupier amenity section above, in terms of amenity space, the two north-most units on the Outbuilding and Boathouse and the unit in the Workshop will have private garden areas but other than that the rest of the proposed units would not. Given the historic nature of the site and buildings on it, it is not possible to provide private amenity space for many of the units. The outbuildings for example, are directly up against the eastern boundary of the site and the Boathouse is directly up against the western boundary.

There would be external amenity space provided within the site - the existing landscaped area to the north of Custom House is to be retained and a new central green space on the site of the demolished workshop. A very short walk to the east is the Riverside Leisure Area (it is some 18 metres from the application site to the entrance to Fort Gardens).

Taking into account the development's location within Gravesend Town Centre and the need and deficiencies on the ground and the physical constraints on site, there would be a need to make a financial contribution towards upgrading and improving existing open spaces and leisure provision. Should permission be forthcoming a contribution could be agreed and secured through a section 106 agreement for the figure as requested by GBC Leisure of £30,545.

Ecology & Biodiversity

A Preliminary Ecological Appraisal (PEA) and a Bat Survey Report has been submitted in the course of the application.

The Environment Agency originally objected to the proposal in respect of the matter of 'fisheries, biodiversity and geomorphology'. On the submission of the PEA however, they advised that they could withdraw their objection subject to a planning condition being attached to request a landscape management plan detailing how the shingle beech habitat and other envisaged ecological enhancements within the site will be maintained.

With the submission of the PEA and revised Bat Survey Report, KCC Biodiversity now advise that sufficient information has been provided to determine this planning application. They advise that they are satisfied with the conclusions of the PEA which details that the site has suitable habitat for roosting bats, hedgehogs and breeding birds. They also advise that they are satisfied with the conclusions of the Bat Survey given that no bats were recorded emerging from any of the buildings and there was limited bat foraging/commuting activity within the site. KCC Biodiversity advise that the recommendations for enhancing the site for bats by including bat roosting features within the building are appropriate and must be implemented if permission is granted and to this end they recommend that integrated bat roosting features is a requirement of a construction and management plan condition. KCC Biodiversity advise that they are satisfied that impacts on other species can be avoided through a precautionary mitigation approach and to this end they recommend that the details of the precautionary mitigation are a requirement of a construction and management plan condition also. In respect of landscaping and enhancements KCC Biodiversity are satisfied that the landscaping plan has confirmed that native species planting will be incorporated into the site which should benefit biodiversity. They are satisfied with the proposed planting on the shingle beach which is to enhance the existing vegetation, not replace it and which should be implemented as detailed in the landscaping plan.

Strategic Access Management and Monitoring Scheme (SAMMS)

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £314.05 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However, a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of 27 units. The applicant has agreed to pay the required tariff (£314.05 x 27 = £8,479.35) via a s.106 agreement.

Overall, with the tariff having been paid and subject to conditions regarding a landscape management plan detailing how the shingle beech habitat and other envisaged ecological enhancements within the site will be maintained, details of integrated bat roosting features, precautionary mitigation for other species and that the landscaping scheme is implemented in accordance with the proposal it is considered the proposal would be acceptable in respect of ecology and biodiversity and would therefore be compliant with Policy CS12 (LPCS) and paragraphs 180 & 181 of the NPPF (2023).

Therefore, subject to conditions and the payment of the SAMMS tariff the proposal in respect of ecology and biodiversity would be compliant with Policy CS12 (LPCS) and Paragraphs 180 and 181 of the NPPF (2023).

Land Contamination

A Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment February 2021 Ref. 3852/21 by R. Carr Geotechnical Services has been submitted. GBC Environmental Protection advise that this report concludes the site is or low to moderate risk and that intrusive investigations should be undertaken and that an asbestos survey should be undertaken following by the removal of any ACMs. GBC Environmental Protection are satisfied with this approach and recommend a condition to request a

contaminated land assessment and any associated remedial strategy if necessary. The EA also recommend a land contamination condition. The case officer checked with GBC Environmental Protection to state that if permission was to be forthcoming it is likely that officers would use the Environment Agency's condition as the Environment Agency were clear that they required the conditions that they were stating to be attached, had to be attached. GBC Environmental Protection advised that they have reviewed both their land contamination condition and the Environment Agency's land contamination condition and they state the Environment Agency's condition takes a staged, risk-based approach which is the same format as Environmental Protection's proposed condition. Environmental Protection therefore have no objection to the use of the Environment Agency's condition as opposed to the one suggested by them, should permission be forthcoming. As such subject to condition the proposal is considered acceptable in respect of land contamination issues.

Archaeology

The site is located within an Area of Archaeological Potential. An Archaeological Desk Based Assessment March 2021 by Kent Archaeological Projects has been submitted. KCC Archaeology advise that the site has significant potential for below ground archaeological remains in particular the line of the Milton Blockhouse which extended through the site. KCC Heritage advise that the Archaeological Desk Based Assessment is very limited, has not made use of historic mapping or local research and fails to address the issue of the Milton Blockhouse. The proposal would impact on below ground archaeological potential and if permission is to be forthcoming an archaeological condition is recommended.

Refuse Storage

Policy CS19 (LPCS) requires new development to incorporate facilities for the storage and recycling of waste generated. The bin store is to be located in the south-west corner of the site near its entrance. GBC Waste advise they are satisfied with the location of the refuse store particularly with the access door opening out onto the driveway. Details of the number and size of bins required are given, full details of the bin storage could be secured by conditions should permission be forthcoming. Subject to condition, it is therefore considered the proposal would be compliant with Policy CS19 (LPCS) in respect of refuse storage.

Planning Obligations

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism that the Council often use to secure financial contributions or other forms of mitigation such as affordable housing from developers in order to make a development proposal acceptable in planning terms.

In order for the Local Planning Authority to request financial contributions on behalf of third parties any contributions will need to meet all of the tests relating to paragraph 56 of the NPPF (2023) which are as follows:

- (A) necessary to make the development acceptable in planning terms;
- (B) directly related to the development;
- (C) fairly and reasonably related in scale and kind to the development.

Affordable Housing & Viability

Policy CS16 (LPCS) states that the provision of affordable housing will be required on all new housing developments of 15 dwellings or more or on sites of 0.5 hectares or more in the urban area at 30% in the urban area. It is stated that development will 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 no affordable housing is provided. An updated viability report (May 2023) has been submitted as part of the planning application which states that the proposal would be unviable should affordable

housing be provided. The applicant's Viability Report has been reviewed for the Council by BPS surveyors. BPS found that the scheme would potentially generate a surplus, however the level of surplus to be generated was unclear. Having reviewed these findings, the applicant taking into account the risks involved and the level of profit generated, made a conditional £30,000 offer to contribute towards any requested S106 contributions. This is in addition to the payment made by the applicant towards the Strategic Access Management and Monitoring Strategy (SAMMS).

Kent County Council

A number of contributions are requested by KCC including:

Secondary education towards the Mayfield Grammar expansion;
Community learning for additional resources for the Adult Education Centre "Victoria Centre", Darnley Road, Gravesend;
Youth service for additional resources for Northfleet Youth Centre, Hall Road, Northfleet;
Libraries towards additional services, resources and stock for new borrowers at Gravesend Library, Windmill Street, Gravesend;
Social care towards Age UK Fleming Resource Centre, Clarence Row, Gravesend; and
Waste towards new Waste Transfer Services (WTS) and capacity works to Pepper Hill Household Waste Recycling Centre (HWRC).

Sports & Leisure (GBC)

A financial contribution towards upgrading and improving existing leisure provisions has been discussed in the Open Space section of this report above.

SAMMS Contribution

The tariff required has been discussed in the 'Ecology & Biodiversity' section of this report above.

It is considered that the contributions outlined above meet the statutory tests of paragraph 56 of the NPPF (2023) that requires planning obligations to be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

As stated, the applicant has demonstrated with the submission of a Viability Report that the scheme would be unviable if affordable housing was to be provided and that the contribution that could be made would be limited; this has been agreed with by the Council's surveyors BPS when they have reviewed the report for the Council. The applicant has agreed to pay a contribution of £30,000 via a s106 agreement, on the basis of the risks involved with the project and the level of profit the developer is expected to make. In the current economic climate and based upon the findings of the Viability Report which has been independently reviewed, on balance, the contribution of £30,000 is deemed acceptable. It is considered this limited contribution would be best placed going towards the contribution requested by GBC Sports & Leisure of £30,545 and this contribution has been agreed by the applicant through a s106 agreement. The applicant has also agreed to pay the SAMMS contribution via the 106 agreement.

Any Other Material Planning Considerations

None.

Conclusion & Recommendation

The proposed development would be located in the urban area, redevelop a previously developed and under-used site and it is considered that sufficient evidence has been submitted to demonstrate that the loss of office floorspace to residential can be justified; the proposed scheme would therefore be acceptable in terms of the principle of development. It is also considered the proposed development would be acceptable in respect of design, character and appearance including heritage, future occupier and

neighbouring amenity, parking and highway safety, flood risk, surface water drainage, open space, ecology and biodiversity, land contamination and archaeology. The proposal would provide a net addition of 27 residential units which would offer a modest but not insignificant contribution towards meeting local housing need.

Subject to conditions and a s106 agreement it is considered the proposed development would be compliant with local and national planning policy.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mr Shazad Ghani
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>S.Ghani</i>
Dated:	20th November 2023	Dated:	21 November 2023