



Delegated Report

Condition Discharge Application

Planning Application No:	20230356
Location:	Hevercourt Residential Home, Goodwood Crescent, Gravesend, Kent
Description:	Application for approval of conditions 3 and 4 attached to planning permission reference number 20211215 relating to details of all trees to be retained and removed in the form of an arboricultural impact and method statement and detailed drawings (3) and Code of Construction Practice covering all environmental impacts of this development (4).
Applicant:	Mr Dean Fuller, Ash Construction Ltd
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

Application form
Cover letter dated 4 April 2023
Drawing no. Arbtech AIA 01 (Arboricultural Impact Assessment)
Drawing no. Arbtech TPP 01 (Tree Protection Plan)
Arboricultural Method Statement and Tree Survey by Arbtech dated 28 January 2022
Construction Management Plan (Rev 1 – 15/2/23)

Further information submitted:

Addendum to Construction Management Plan dated 4 July 23 (Traffic signs and delivery times)

Relevant Planning History

Reference	Description	Decision	Decision Date
20211215	Single storey 'wing' extensions to north, east, south and west elevations to provide 21 new ground floor ensuite bedrooms, increasing the total number of ground floor bedrooms by 23 (including converting 2 existing staff rooms to bedrooms) from 11 to 34 (and from 41 bedrooms in total to 64), plus additional care home facilities, together with internal and external alterations including a new entrance and entrance canopy to the south elevation, external courtyards, a new compound area, 7 additional car parking spaces and landscaping.	Permitted	02.08.2022

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS11 – Transport
- CS12 – Green Infrastructure
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving sustainable development
- 12 – Achieving well-designed places

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

Initial comments:

Only Condition 4 relating to the Code of Construction Practice is relevant to Environmental Protection. The submitted document is acceptable and generally covers the requirements of the condition.

The only exception is delivery times, The condition requires the submission of delivery times of materials but the Construction Management Plan just states they will be outside of 'peak traffic periods'. Can the applicant please confirm that deliveries will not take place outside of the specified construction site working hours of 07.30 to 17:00 hours Monday to Friday please. If this is confirmed, then it is recommended that the condition can be discharged. (No further comments sought.)

GBC Highways

Initial comments:

The Construction Management Plan seems reasonable, although to ease control of traffic when vehicles are accessing the site, the applicant should consider the use of Traffic Sign number 703:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/883415/traffic-sign-drawing-schedule-14-part-02-item-66-p7031.pdf.

It should be noted that a banksman has no authority to stop vehicles on the highway, but failure to comply with a correctly placed approved highway sign would risk prosecution.

<https://app.hauc-uk.org.uk/traffic-control-for-temporary-obstruction-of-the-carriageway#:~:text=The%20%E2%80%98Stop%20%E2%80%93%20works%E2%80%99%20sign%20can%20only%20be,where%20the%20risk%20is%20assessed%20as%20being%20low.>



Traffic control by 'Stop – works' sign

The 'Stop – works' sign can only be used to stop vehicular traffic for short periods during works on or near a road. Each period of use can last no more than 2 minutes in any 15 minutes. This sign must not be used as a substitute for other forms of traffic control and must only be used at sites where the risk is assessed as being low.

The sign must be double-sided, mounted on a black/yellow banded pole and held by the operator, who must be wearing high visibility clothing (see page 93). This sign should not be used at night unless directly illuminated. Illumination must be uniform across the sign face. Partial illumination is not permitted, nor is intermittent illumination. Two 'Stop – works' signs may be required in circumstances such as manoeuvring plant or works vehicles.

Only use the 'Stop – works' sign when **all** the following apply:

- the road is single carriageway;
- the stoppage is for a maximum period of 2 minutes;
- its use is restricted to once in any 15 minutes; and
- the minimum clear visibility for drivers to the sign is:

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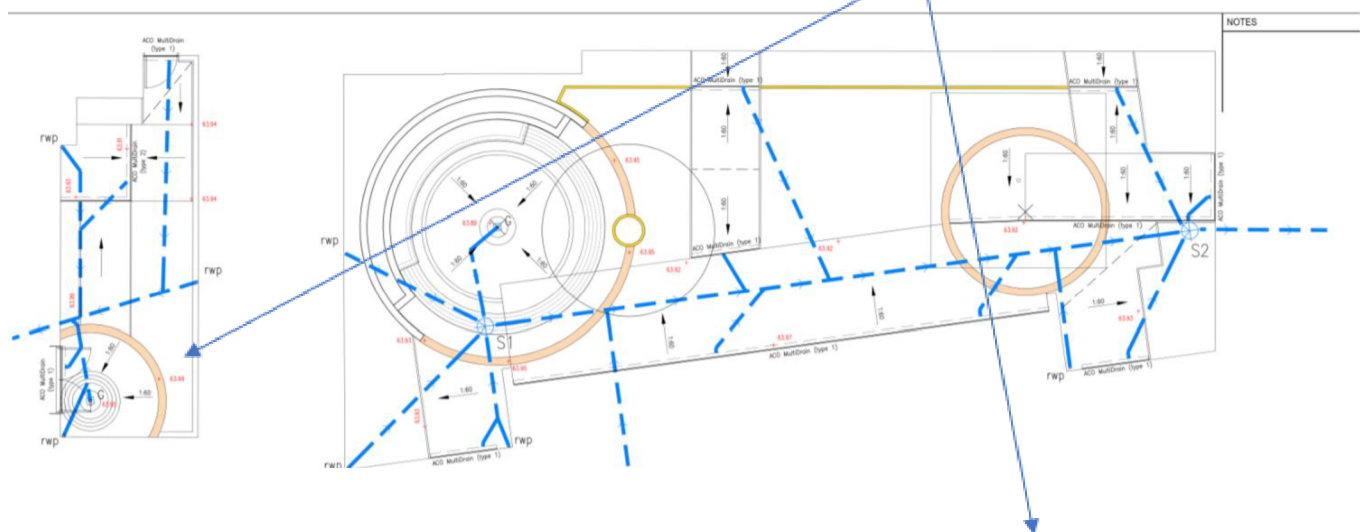
- 60 metres for speed limits of 40 mph or less;
- 75 metres for speed limits of 50 mph or more.

'Traffic control ahead' signs must be positioned on both approaches when **any** of the following conditions apply:

- the two-way traffic is greater than 20 vehicles counted over 3 minutes (400 veh/h); or
- bends in the road or other obstructions affect visibility; or
- the speed limit is 50 mph or more.

I note the concern expressed by the EP team and there is nothing in the document that prevents early or late deliveries, although it is probably unlikely due to the need to have a member of staff on site to accept the load, so the document is best modified to be enforceable.

Finally I note in the drainage drawings a couple of unusual pipe runs.



Pipes are generally laid straight between manholes, this simplifies not only where the pipe runs, but also cleaning as everything is a straight run. Bends can also change the velocity of the water allowing heavier

particles to drop out of suspension and eventually causing a blockage. It is recommended that additional manholes should be provided at each change in direction.

Further comments following submission of Addendum to CMP:

The additional details regarding signage (Stop Works) whilst vehicles are access/egressing the site for deliveries/waste removal is acceptable and complies with all necessary guidance and legislation as far as I'm aware. No objections

Officer's Analysis

Condition 3 (Arboricultural Impact and Method Statement)

Condition 3 states as follows:

Notwithstanding the submitted plans and particulars, no site clearance or development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all trees to be retained and removed in the form of an arboricultural impact and method statement and detailed drawings, including:

- (a) the specification and position of fencing and other measures such as temporary surfacing, for the protection of the roots and crown spread of trees, groups of trees and other vegetation to be retained on and adjoining the site (including in the north-east corner of the application site). Protective fencing should accord with the recommendations of BS 5837:2005 'Trees in Relation to Construction';*
- (b) the programme for the erection and maintenance of protective fencing and the installation of any other protective measures; such programme will include details of supervision by an arboriculturist;*
- (c) details of any proposed alterations in existing ground levels and of the position of any proposed excavation and constructional details of any drainage, hard surfacing, foundations, walls and similar works within the protected area;*
- (d) details of contractors' compounds and areas for storage; and*
- (e) schedule of proposed tree works.*

The details contained in the approved arboricultural impact and method statements shall be thereafter implemented on site and the protective fencing and other protective measures shall be maintained during the course of construction.

Reason: To ensure that existing trees and other vegetation on the site are not damaged during development in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

The following documents and drawings set out the details required under this condition:

Cover letter dated 4 April 2023

Drawing no. Arbtech AIA 01 (Arboricultural Impact Assessment)

Drawing no. Arbtech TPP 01 (Tree Protection Plan)

Arboricultural Method Statement and Tree Survey by Arbtech dated 28 January 2022

These submissions are the same as those submitted under planning application 20211215. Within the Committee report for this application, it was stated as follows:

- 6.41. *An arboricultural impact assessment, method statement and tree protection plan have been submitted with the current application, although these shows 16 trees being removed, rather than the 11 (within the building footprint) that were previously proposed to be removed. The additional trees to be removed would be in the north-east corner of the site. There does not appear to be any justification for the removal of these trees and their loss does not appear to be necessary given this area would not be built upon. In the assessment, trees T09 to T14 are recognised as healthy 'good' specimens and there would be no justifiable reason to remove these in the current application for*

the amenity of car parking or preserved season tree waste and general maintenance.

6.42. It is therefore proposed that the submitted tree information is not approved, and the matter be dealt with via a further condition requesting a further tree report and tree protection measures.

No changes have been proposed to the previously submitted tree information, despite the visual, environmental and residential amenity concerns raised under the planning application. Neither has any justification been put forward for the proposals as they stand. Furthermore, no additional proposals have been put forward for replacement trees.

The submitted details are therefore considered to be unsatisfactory in terms of the arboricultural impact contrary to the reason for condition 3. The details are not therefore acceptable and condition 3 cannot be discharged.

Condition 4 (Code of Construction Practice)

Condition 4 states as follows:

No development shall take place until a comprehensive Code of Construction Practice covering all environmental impacts of this development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of hours of work during the construction period, delivery times for materials, parking of vehicles of site personnel and visitors, loading and unloading of plant and materials, storage of materials and wheel washing proposals. The development hereby permitted shall be carried out in accordance with the approved Code of Construction Practice.

Reason: To ensure the free flow of traffic on the highway and to minimise the impact on residential amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

The submitted document 'Construction Management Plan' (Rev 1 – 15/2/23) and 'Addendum to Construction Management Plan' dated 4 July 23 (Traffic signs and delivery times) set out the details required under this condition.

The originally submitted document was amended to address minor environmental protection and highways concerns about delivery times and stop signage, and following these amendments, the proposed Construction Management Plan is considered to be acceptable in terms of managing the construction of the development.

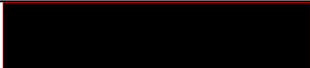
The submitted details are considered to be satisfactory in terms of the free flow of traffic and the impact on amenity in accordance with the reason for condition 4. The details are therefore considered to be acceptable and condition 4 can be discharged.

Conclusion and Recommendation

Whilst the details for condition 4 are acceptable, the details for condition 3 have not addressed the concerns raised under approved planning application 20211215. Condition 3 cannot be discharged and this application should be refused for the following reason:

The details submitted under condition 3 of planning permission 20211215 fail to address the concerns raised under the planning application with particular regard to the unjustified removal of existing healthy trees and lack of any replacement trees, contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014. The submitted details are therefore considered to be unsatisfactory in terms of the arboricultural impact and condition 3 cannot be discharged.

(See draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	5 September 2023	Dated:	6th September 2023