



Delegated Report

Application No: 20211109

Location: BRT Properties, Top Yard, Hardys Corner, 2 Vale Road, Northfleet

Description: Application for approval of conditions 7, 8, 9, 10, 11 and 15 attached to planning permission reference number 20190727 relating to air handling system (7), hard landscaping scheme (8), external lighting (9), cycle storage facilities (10), refuse arrangements (11) and soft landscaping scheme (15).

Applicant: BRT Properties Kent Ltd

Submitted Documents/Plans

Application form received 9 September 2021.

Cover letter received 9 September 2021.

Drawing no. 6223-PD-23 (refuse and cycle stores proposed plans) received 9 September 2021.

Drawing no. 6223-PD-24 (proposed landscaping plan including exterior lighting) received 9 September 2021.

Drawing no. 10 (flat 10 – air handling system) received 10 September 2021.

Drawing no. 03 (flat 3 – air handling system) received 10 September 2021.

Drawing no. 06 (flat 6 – air handling system) received 10 September 2021.

Drawing no. 09 (flat 9 – air handling system) received 10 September 2021.

Drawing no. 01 (flat 1 – air handling system) received 10 September 2021.

Drawing no. 05 (flat 5 – air handling system) received 10 September 2021.

Drawing no. 07 (flat 7 – air handling system) received 10 September 2021.

Drawing no. 08 (flat 8 – air handling system) received 10 September 2021.

Drawing no. 04 (flat 4 – air handling system) received 10 September 2021.

Drawing no. 02 (flat 2 – air handling system) received 10 September 2021.

Relevant Planning History

20190727	Erection of a two storey building with rooms in the roof space to provide 10 x two bedroom self-contained flats, with associated access, car parking and amenity space.	PER	29.10.2019
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Consultations, Publicity and Representations

GBC Highways Officer

No objection, as the cycle stores are not directly adjacent to the public highway.

However ideally all the cupboard doors should either all open inwards or through a 180 degrees and be flush with the wall to ensure the footways are not obstructed or partially blocked when the doors are open. As it is only a minor detail maybe it can be added as an informative.

GBC Waste

No objections to the refuse and recycling information provided.

GBC Regulatory Services

The conditions relevant to this Service are condition(s) (7) and (9) of planning permission 20190727.

Lighting

These comments will be focusing on Condition (9) only, which states:

9. Prior to the first occupation of the development hereby approved, details of all proposed external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details and no additional external lighting shall be provided on the site.

This service is overall satisfied with the information provided and condition (9) of planning permission 20190727 can be discharged. It is however important to understand that Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is therefore vital that no additional external lighting shall be provided on site.

Air quality

The applicant has not made reference to the informative in which it is advised to contact the council to request the checklist of information which must be submitted as part of the air handling scheme. As such the information submitted is not sufficient for us to consider the scheme for approval as not all of the relevant information has been provided. For example, whilst ten plans have been submitted showing the layout of the ducting and includes the air flows for each flat, the drawings also include text recommending options to the customer ie they are not drawings or details of what is actually being proposed as part of the scheme. Also there are no details of the noise attenuation, the installer, supplier, passive vents, etc etc. Nor are there any drawings of the elevations or roof scape showing the location of the inlets and outlets etc.

The final details need to be agreed with the ventilation company and the applicant advised to complete all parts of the attached checklist for submission along with the relevant drawings currently omitted from this application 20211109 so that this service can consider the scheme for approval. All flats must be included in a checklist - the attached checklist allows for the applicant to complete the details for three flats on one checklist or they can complete a checklist for each flat.

Once the scheme has been approved it must then be installed as approved and commissioned with the report being submitted as well as confirmation of the system fulfilling its purpose so as to pressurise the apartments whilst the windows may or may not be open. Once all of these parts of the condition are satisfied we can look at the discharge of the whole condition in one go as it has not been divided up into smaller parts which could have been discharged over time.

Analysis

This is an application for the approval of conditions 7, 8, 9, 10, 11 and 15 of planning application reference 20190727.

Condition 7:

Notwithstanding the details shown on the approved plans and application form before any above ground works commence a detailed scheme for an air handling system for dust and noise mitigation shall be submitted and approved in writing by the Local Planning Authority. The agreed scheme shall then be installed to the satisfaction of the Local Planning Authority prior to first occupation of any of the flats. The Local Planning Authority shall be provided with a written commissioning report from a competent ventilation engineer that the approved system has been incorporated into the flats and that it fulfils its purpose. An inspection will also be carried out by an officer of the council to see the system in place in suitable working order. The system shall be maintained in full working order at all times. For the avoidance of doubt informative 9 provides further clarification on what information is required to discharge this condition.

Reason: To ensure a satisfactory environment for future residents in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

The manufactures information for the proposed air handling system designed for dust and noise mitigation has been submitted in support of discharging this condition.

The applicant has not made reference to the informative in which it is advised to contact the council to request the checklist of information which must be submitted as part of the air handling scheme. As such the information submitted is not sufficient. Also there are no details of the noise attenuation, the installer, supplier, passive vents, etc etc. Nor are there any drawings of the elevations or roof scape showing the location of the inlets and outlets etc.

The final details need to be agreed with the ventilation company and the applicant advised to complete all parts of the checklist for submission along with the relevant drawings currently omitted from this application 20211109 so that this service can consider the scheme for approval. All flats must be included in a checklist.

Once the scheme has been approved it must then be installed as approved and commissioned with the report being submitted as well as confirmation of the system fulfilling its purpose so as to pressurise the apartments whilst the windows may or may not be open. Once all of these parts of the condition are satisfied we can look at the discharge of the whole condition in one go as it has not been divided up into smaller parts which could have been discharged over time.

Therefore this condition cannot be discharged.

Condition 8

*Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be completed in accordance with the approved details prior to the completion of the development or the first occupation of any of the residential units whichever is sooner. The scheme shall include:
proposed boundary treatments;
proposed finished levels and contours;
details of any retaining walls, steps, railings, walls, fencing, gates or other supporting structures.*

Reason: To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

Drawings 6223-PD-23 and 24 have been submitted in support of discharging this condition. The pavers are labelled as 'non - permeable' which usually raises concerns with regards to how surface water will be dealt with. However, condition 17 of 20190727 states that there shall be no infiltration of surface water drainage into the ground so this would accord with this condition. It is noted that condition 4 has not yet been discharged or even submitted for discharge and this requires details for sustainable surface water drainage once the site has been cleared.

The boundary treatment is shown to be acoustic fencing to the north, west and south which will not be readily visible from the street and is acceptable. Inside the fencing will be hedging which will soften the appearance within the site. To the front the existing stone wall is to be retained.

The front boundary treatment to the road surrounding the amenity area states 'secure gated fencing' but provides no details of appearance, materials, height etc. This is key given it fronts onto the road.

The front bin stores appears to be surrounded by boundary treatment but no details are provided of the height, just the materials (stone wall).

The gates to the amenity area from within the site and the bin store that is within the site are also not detailed with regards to appearance, materials or height.

The details are lacking and therefore are insufficient to discharge this condition.

Condition 9

Prior to the first occupation of the development hereby approved, details of all proposed external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details and no additional external lighting shall be provided on the site.

Reason: In order to ensure the development does not cause harm to residential amenity by reason of the installation of intrusive lighting and in accordance Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

Drawing no. 6223-PD-24 has been submitted in support of discharging this condition. The details are considered acceptable and condition (9) of planning permission 20190727 can be discharged.

Condition 10

Prior to the first occupation of the development hereby approved details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times. For the avoidance of doubt these details shall include a number of secure bike storage lockers.

Reason: In order to encourage options for sustainable travel in accordance with Policy CS19 Gravesham Local Plan: Core Strategy (September 2014) and saved Policy P3 of Gravesham

Local Plan First Review (1994).

Drawing no. 6223-PD-23 has been submitted in support of discharging this condition. The details are acceptable as the cycle stores are not directly adjacent to the public highway. However ideally all the cupboard doors should either all open inwards or through a 180 degrees and be flush with the wall to ensure the footways are not obstructed or partially blocked when the doors are open. As it is only a minor detail it could be added as an informative. The details in terms of positioning and arrangement are acceptable but the materials and appearance will be dealt with under condition 6.

Condition 11

Prior to the first occupation of the development hereby approved details of the refuse arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores. The approved refuse arrangements shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times. For the avoidance of doubt the immediate area outside the bin store should be level with the road, should not include an incline and a dropped kerb shall be provided.

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

Drawing no. 6223-PD-23 has been submitted in support of discharging this condition. The details in terms of positioning and arrangement are acceptable but the materials and appearance will be dealt with under condition 6.

Condition 15

Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans a scheme detailing the proposed soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following first occupation of the dwellings. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and species during the next available planting season.

Reason: To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development, in accordance with adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

Drawing 6223-PD-24 has been submitted in support of discharging this condition. The soft landscaping scheme shows sufficient hedge planting and tree planting however, concerns are raised with regards to the areas of grass/astroturf. It is not clear which areas are to be laid to grass and which are to be laid to astroturf. This is important to know because large areas of astroturf have the potential to appear as a poor replica.

Conclusion

Condition 7 cannot be discharged. The applicant has not made reference to informative 9 on the decision notice 20190727 that advises the Council is contacted to obtain the checklist of information which must be submitted and, as a result of this, the information is insufficient. No details of the noise attenuation, the installer, supplier, passive vents, etc. have been provided and there are no drawings of the elevations or roof scape showing the location of the inlets and outlets etc. The details therefore do not comply with the objectives of Policy CS19 of the Core Strategy 2014 with regards to a satisfactory environment for future residents.

Condition 8 does not include full details of boundary treatment, such as appearance, materials and heights, particularly for front boundaries and gates within the site, and therefore cannot be assessed against the objectives of Policy CS19 of the Core Strategy 2014 and cannot be discharged.

Condition 15 does not clearly demonstrate where the areas of grass are to be located and where the areas of astroturf are to be located. This is important in order to understand how the use of these materials will impact on the character and appearance of the development and subsequently the proposal cannot be assessed against the objectives of Policy CS19 of the Core Strategy 2014 and cannot be discharged.

Recommendation:

Refusal of conditions

See draft Decision

Case Officer: AW	Team Leader: Miss Faye Hobbs
Signed: 	Signed: 
Dated: 19 October 2021.	Dated: 20 October 2021