

Reference: EDC/20/0075

Site Address: Land at former Northfleet Cement Works, The Shore, Northfleet.

Proposal: Application for non-material amendment to outline planning permission reference EDC/16/0004 to alter the wording of condition 40 in respect of the College Road flint wall.

Applicant: Bellway Homes Ltd (Thames Gateway)

Parish / Ward: Northfleet North

SUMMARY

This application seeks amendment to a condition imposed on the outline planning permission to allow for some flexibility in respect of ensuring the development is sympathetic and respectful to the existing College Road flint wall.

In light of a structural survey and design evolution of the residential masterplan, it is accepted that it is not necessary to require strict retention of the wall, which is structurally unsound and would impose constraints in respect of place-making for this part of the redevelopment.

Accordingly, subject to photographic recording of the wall and agreement of an acceptable design that either re-provides or re-interprets the sense of enclosure along College Road prior to any demolition, the condition can be re-worded to allow for a more flexible approach. This position is supported by EDC's heritage advisors at KCC and GBC.

RECOMMENDATION:

Approval subject to the following condition and informatives:

CONDITION:

1. AMENDED CONDITION 40

The effect of this decision notice is to amend the wording of condition 40 attached to outline planning permission reference EDC/16/0004 that shall now read as follows:

- *The detailed master planning for the development hereby permitted (pursuant to condition 8) and the subsequent layout of the development submitted pursuant to condition 2 for Reserved Matters approval shall provide for the retention of the Lawn Road flint boundary wall and the retention and/or appropriate re-provision or re-interpretation of the College Road flint boundary wall. In the case of re-provision or re-interpretation of the College Road flint boundary wall, no demolition of the existing wall shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:*

- (i) *a historic building record of the wall carried out in accordance with a Written Scheme of Investigation that has been agreed in writing by the Local Planning Authority; and*
- (ii) *a detailed scheme for its re-provision or re-interpretation.*

Any repairs or alterations to the flint walls shall be first agreed in writing by the Local Planning Authority and carried out in accordance with the approved details and an agreed timetable.

Reason - In the interests of visual amenity and preserving the character and identity of College Road which may be regarded as a non-designated heritage asset, in accordance with adopted Gravesham Local Core Strategy Policies CS19 and CS20.

INFORMATIVES:

1. DETAILS REQUIRED BY RE-WORDED CONDITION 40

For information, the following sets out the expectations for the mitigation works required pursuant to condition 40:

- (i) Historic Building Record - Any walls to be dismantled for re-purposing of materials will need to be recorded in advance. Whilst agreement of a Written Scheme of Investigation to agree the scope of the recording is a requirement of the condition, informal advice provided by the Local Planning Authority at this stage is that it should take the form of a photographic record (with scales) to be incorporated into a simple report which contains clear plans to indicate the location of all photographs. The report should contain a description of the wall, the process of recording and any key features and, once complete, should then be submitted to the Kent Historic Environment Record.
- (ii) Detailed Scheme – To discharge this requirement it would be necessary to obtain formal approval of all reserved matters for the phase of residential development comprising the College Road frontage.

2. EXTENT OF THIS APPROVAL

For the avoidance of any doubt, the approval hereby granted is for a non-material amendment to the wording of condition 40 of outline planning permission EDC/16/0004 only. The revised wording of this condition is as set out in this decision notice. This approval does not amend any other part of outline planning permission EDC/16/0004.

3. POSITIVE AND CREATIVE

In accordance with paragraph 38 of the National Planning Policy Framework, Ebbsfleet Development Corporation, as Local Planning Authority, has taken a positive and creative approach to the proposed development, focusing on finding solutions. The applicant was provided with pre-application advice, further information was submitted to address concerns during the application process and the application was determined within the timetable established through a Planning Performance Agreement.

1.0 PROPOSAL

1.1 This application is made under s.96A of the Town and Country Planning Act 1990 (as amended) to seek changes to the wording of condition 40 of outline planning permission reference EDC/16/0004 as non-material amendments.

1.2 Condition 40 currently reads as follows:

- *The detailed master planning for the development hereby permitted and the subsequent layout of the development submitted pursuant to condition 2 for Reserved Matters approval shall provide for the retention of the College Road and Lawn Road flint boundary walls. Any repairs or alterations to the flint walls shall be first agreed in writing by the Local Planning Authority and carried out in accordance with the approved details and an agreed timetable.*

1.3 The proposed amendments seek to change the wording to allow for some flexibility in respect of the approach to the development being sympathetic and respectful to the existing College Road and Lawn Road flint walls. If approved this would allow for the appropriate re-provision or re-interpretation of the College Road flint boundary wall as opposed to requiring its retention. It does not propose to alter the existing requirements in respect of retaining the Lawn Road flint wall.

1.4 The application is accompanied by a covering letter from Savills dated 22nd May 2020. During the process of considering this application the following report was submitted to support the application:

- Report on visual inspection of Flint Boundary Walls for Ebbsfleet Riverside, Northfleet prepared by Walsh dated May 2020

2.0 RELEVANT PLANNING HISTORY

EDC/16/0004 - Outline application with all matters reserved for a mixed development including up to 532 dwellings and up to 46,000 sq. m employment floorspace. Approved by EDC on 8th June 2018.

EDC/20/0078 - Application for non-material amendment to outline planning permission reference EDC/16/0004 to amend the wording of condition 4 to replace the Building Heights Parameter Plan to allow for an increase in the maximum height of buildings in one location within the residential part of the site from 3 storeys to 4 storeys. Live application under consideration in parallel with this application.

EDC/20/0077 - Application for non-material amendment to outline planning permission reference EDC/16/0004 to allow for the relocation of the community facility involving (i) change to description of development, (ii) changes to the wording of condition 4 to replace the Land Use and Development Framework Parameter Plans and (iii) changes to wording of condition 14. Live application under consideration in parallel with this application.

3.0 PUBLICITY AND CONSULTATION

3.1. Due to the nature of this application, which is not an application for planning permission, it was not necessary to undertake public consultation as provisions relating to statutory consultation and publicity do not apply. The application was included on the EDC's weekly public register of applications received.

3.2 A single written representation was received on behalf of Tarmac who own and operate adjoining land to the east, and the following comprises a summary of their comments:

- Tarmac remind all parties that it controls land immediately east of the Mixed Use Development, and although it has no land directly bordering the proposed residential area it retains access rights through to the main access tunnels onto Thames Way which runs through the application site. Tarmac operates a Bulk Powders Import Terminal (with active use of 42 Wharf) and a rail siding, alongside temporary uses including the Packing Plant. Tarmac would reiterate it welcomes the potential redevelopment of a long-promoted scheme and wishes to take a collaborative approach to resolve key queries both through these and future applications.

3.3 In addition, KCC Heritage and Gravesham Borough Council were consulted on the application and their responses are summarised as follows:

KCC Heritage – On the basis of the information submitted, including a survey of the flint walls (Walsh, May 2020), KCC would have no objection to the proposed changes to the wording of condition 40 subject to reassurance on the house design along College Road to repurpose the flint and replicate a sense of the former wall, before the wall is demolished.

Any walls to be dismantled for re-purposing of materials will need to be recorded in advance. The recording should take the form of a photographic record to be incorporated into a simple report which contains clear plans to indicate the location of all photographs. The report should contain a description of the wall, the process of recording and any key features. The report could essentially be an updated version of the Walsh survey which could then be submitted to the Kent Historic Environment Record.

Gravesham Borough Council - The approved site wide Heritage Management Plan (EDC/19/0201) allows for an historic building recording exercise to be undertaken, in anticipation that there may be some changes to the existing flint wall, such as additional openings, reduction in height or restoration work, to mitigate against any historic loss. The draft masterplan seeks to remove the flint wall to open up development and access onto College Road in a form which is suburban in appearance and separate from the main development in terms of orientation and access.

GBC's Conservation Architect has commented that the use of flint as a walling material to boundaries is synonymous with the past history of chalk quarrying and the associated cement industry in the area. These types of high flint wall boundaries are now rare in the area for the reasons of their inherent construction, and raised concerns with an original (now supersede) masterplan proposal which was to remove them and replace with planters as that would result in a loss of the local identity. It was advised that it would be preferable to retain or rebuild them in their existing height and form, adopting the lime based mortars that allow them to be constructed without expansion joints as would be required using modern construction techniques. An appropriately qualified historic building contractor would be able to rebuild these walls in their original form and detail. It is also noted that there has been some unsympathetic rebuilding of the flint wall using a modern out of character brick with incorrect brick detailing to the gate pier that has been reconstructed.

However, the Borough Council notes that extensive investigations have been undertaken into the structural stability of the College Road flint wall and the conclusions are noted that due to the weak nature of the materials used to construct the wall that it is anticipated that the removal of the trees behind the wall and the releveling will significantly destabilise the wall which will lead to collapse during these works and therefore that it is recommended that the wall be demolished and the flint wall material used more purposefully. Whilst this will be a disappointing outcome the reasons are acknowledged from the survey work undertaken and it is noted that a report documenting and recording the wall will be undertaken in order to mitigate the potential loss of historic fabric.

4.0 DEVELOPMENT PLAN

- 4.1 The development plan comprises the adopted Gravesham Local Plan Core Strategy September 2014, saved policies from the adopted Gravesham Local Plan First Review 1994 and the Kent Minerals and Waste Local Plan 2020.
- 4.2 Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 215).
- 4.3 The policies relevant to the consideration of this application are set out below:

Gravesham Local Plan Core Strategy (2014)

- Policy CS01 - Sustainable Development
- Policy CS03 - Northfleet Embankment and Swanscombe Peninsula East Opportunity Area
- Policy CS20 - Heritage and the Historic Environment

5.0 PLANNING APPRAISAL

- 5.1 The procedure for allowing the consideration of non-material amendments is included under s.96A of the Town and Country Planning Act 1990 (as amended). The sole consideration in determining this application is whether or not the proposed amendment would comprise a non-material change in the context of the approved scheme. There is no statutory definition of 'non-material' but, as stated in National Planning Practice Guidance, the Local Planning Authority must be satisfied that the amendment sought is non-material in order to approve such an application.
- 5.2 This application is submitted following pre-application correspondence and discussion between parties in respect of the residential masterplan, including specific discussions in respect of the approach to development along the College Road boundary of the site.
- 5.3 The reason for imposition of condition 40 was in the interests of visual amenity and preserving the character and identity of College Road which may be regarded as a non-designated heritage asset, in accordance with adopted Gravesham Local Core Strategy Policies CS19 and CS20. Most notably Policy CS20 gives high priority towards the preservation, protection and enhancement of heritage and the historic environment as a non-renewable resource which is central to the regeneration of the area and the reinforcement of sense of place. When considering the impact of development on non-designated assets, the policy states that regard shall be paid to the scale of any harm or loss and the significance of the heritage assets.

- 5.4 The approved site wide Heritage Management Plan (EDC/19/0201) allows for an historic building recording exercise to be undertaken, in anticipation that there may be some changes to the existing College Road flint wall, such as additional openings, reduction in height or restoration work, to mitigate against any historic loss. Subsequent to this approval there has been more detailed consideration of the pros and cons of retaining the existing wall through design evolution of the residential masterplan, in addition to the developer undertaking a structural survey of the wall. The structural survey concludes that the weak nature of the materials used to construct the wall coupled with the requirement for site re-grading to facilitate the approved redevelopment would significantly destabilise the wall and would lead to collapse. This has been accepted by heritage advisors from the Borough and County Councils. Notwithstanding this, the residential masterplan process has identified constraints over retention in terms of practical issues as well as diluting place-making benefits.
- 5.5 The principle of adding flexibility to condition 40 is therefore accepted, subject to the developer carrying out a recording exercise of the wall and obtaining detailed design approval for the applicable phase of redevelopment, both prior to any demolition works. The proposed re-provision and/or reinterpretation would be an important aspect of the scheme to seek to retain the character and history of College Road, and commitments have been made by the developer to re-purpose the flint into the development.
- 5.6 Having established the principle is acceptable, it is necessary to consider the how condition 40 is re-worded. The wording initially suggested by Bellway was not accepted as it proposed blanket removal of any reference to the College Road flint wall. This was not acceptable because it is necessary to retain a level of protection and control for the College Road flint wall to prevent potential demolition in advance of the necessary mitigation, which should comprise its recording and agreement of the form of its re-provision and/or re-interpretation.
- 5.7 The scope of the building recording was established in the approved Heritage Management Plan – a written scheme of investigation should be approved to agree the final scope and subsequent feedback from KCC Heritage has advised this should comprise a photographic survey incorporating the structural survey drawings and a written description, and that previously suggested laser scanning would not be necessary due to the age of the wall.

6.0 HUMAN RIGHTS

- 6.1 The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation, is compatible with the Act.

7.0 PUBLIC SECTOR DUTY

- 7.1 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

7.2 It is considered that the application proposals would not conflict with objectives of the Duty.

8.0 CONCLUSION AND RECOMMENDATION

8.1 It is concluded that the proposed change to the wording of condition 40 can be accepted as a non-material amendment, both in terms of procedure and principle. This has been accepted by heritage advisors at KCC and GBC and the proposed re-wording has been agreed with the developer.

8.2 It is therefore recommended that this application is approved.