

Reference: EDC/20/0077

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 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.

Applicant: Bellway Homes Ltd (Thames Gateway)

Parish / Ward: Northfleet North

SUMMARY

This application seeks amendments to the outline planning permission to relocate the proposed community building from The Hive (east of Hive Lane) to the riverfront (east of Robins Creek).

Whilst acknowledging there are some local concerns, having regard to physical distances and improved connections that would be provided as part of the development, the proposed modest increase in size being offered, as well as the benefit it would have by reinforcing and supporting activity and vibrancy of the Northfleet River Park, the proposed relocation is considered to be acceptable in principle.

However, ultimately the question for this assessment is whether the proposed relocation can be regarded as a non-material amendment to the outline planning permission. In the context of the wider community provision and benefits that would be delivered as part of the development to support integration and cohesion between old and new community, most notably creation of three public parks, it is accepted that relocation of a modest community building within the site boundary can reasonably be regarded as a non-material amendment.

Having established this position, in terms of logistics this would require amendment to the description of development, the wording of condition 14 to establish a trigger for delivery and substitute parameter plans.

RECOMMENDATION:

Approval subject to the following conditions and informatives:

CONDITIONS:

1. AMENDED CONDITION 4

An effect of this decision notice is to amend the wording of condition 4 of EDC/16/0004 to read as follows:

The details to be submitted in accordance with condition 2 shall accord substantially with the following plans:

- *Drawing No LAF001/052 Rev S: Mixed Use Planning Application Boundary*
- *Drawing No LAF001/066.01 Rev H: Existing Ground Levels*
- *Drawing No LAF001/080.01 Rev K: Proposed Ground Levels*
- *Drawing No LAF001/080.02 Rev G: Existing and Proposed Ground Sections*
- *Drawing No. EBR-BPTW-XX-00-DR-A-0130 Rev.C01 - Development Framework Parameter Plan*
- *Drawing No LAF001/85 Rev K: Building Heights Plan*
- *Drawing No LAF001/86 Rev H: Green Space Plan*
- *Drawing No LAF001/87 Rev L: Access Parameters Plan*
- *Drawing No. EBR-BPTW-XX-00-DR-A-0131 Rev.C01 - Land Use Parameter Plan*

Reason - The environmental impacts of the development have been assessed in relation to the parameters of the development shown in the submitted drawings. In order to ensure the development proceeds on the basis of the assessed parameters.

2. AMENDED CONDITION 14

An effect of this decision notice is to amend the wording of condition 14 of EDC/16/0004 to read as follows:

Applications for approval of Reserved Matters to be submitted pursuant to condition 2 shall, in respect of the phase of development comprising the community facility (as identified on the approved Development Framework Parameter Plan and Land Use Parameter Plan), include provision of a community facility comprising not less than 200sqm floorspace (net). The community facility shall be constructed and available for use in accordance with a timetable to be set out in the Phasing and Implementation Strategy to be approved pursuant to condition 7.

Reason - In order to ensure that the development contributes towards on-site community development and integration, in accordance with adopted Gravesham Local Plan Core Strategy Policy CS03.

INFORMATIVES:

1. AMENDED DESCRIPTION OF DEVELOPMENT

An effect of this decision notice is to revise the description of development for outline planning permission reference EDC/16/0004 to read as follows:

Outline application for a mixed development and comprising:

- up to 532 Homes, related car parking and landscaping (C3)
- up to 46,000 sq. m Employment Floorspace, related car parking, servicing and landscaping (B1/B2/B8);
- Mixed Use Neighbourhood Centre comprising mix of: up to 850 sq. m retail/cafe/takeaway floor space (A1/A2/A3/A5); residential uses (C3); and related car parking and landscaping;
- Community centre (D1);
- Riverside Food and Drink Uses comprising up to 500 sq. m of pub or food and drink uses (A3/A4);
- Public Open Space including riverside promenade, public park with equipped play areas and playing field with shared public/school use, multi-use games area and wildlife corridors;

- Fastrack Link to provide a segregated link across the site along with Fastrack stops
- Street and Footpath Network to provide access to development and maintain and enhance existing public rights of way, including a bridge link between Hive Lane and Factory Road;
- Access Improvement to Grove Road/The Creek and The Shore/Crete Hall Road and associated highway improvements;
- Supporting Services and Infrastructure including new utilities, enhanced flood defences and providing for access to cliffs and tunnels;
- Ground re-grading to create efficient development and open space platforms and to raise land to address flood risk ; and
- Other Minor Works and development ancillary to the main proposals including the demolition of existing buildings and the retention of tunnels and facing walls adjacent to Lawn Road.

2. EXTENT OF THIS APPROVAL

For the avoidance of any doubt, the approval hereby granted is for non-material amendments to the description of development and the wording of conditions 4 and 14 of outline planning permission EDC/16/0004 only, as set out above. This approval and 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 a change to the outline planning permission reference EDC/16/0004 as non-material amendment.
- 1.2 The proposed amendments seek to allow for the relocation of the community facility to be provided as part of the residential development from land to the east of The Hive Local Centre to the riverfront adjacent to Robins Creek.
- 1.3 To accommodate the proposed change would require the following:
 - (i) change to description of development (to list “community centre” as a separate bullet point rather than it being listed as part of the mixed use neighbourhood centre)
 - (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 to incorporate a revised trigger for provision.
- 1.4 The application is accompanied by the following:

- Drawing No. LAF001/91 Rev.P - Development Framework Parameter Plan (Existing Plan)
- Drawing No. LAF001/88 Rev.H - Land Use Parameter Plan (Existing Plan)
- Drawing No. EBR-BPTW-XX-00-DR-A-0130 Rev.C01 - Development Framework Parameter Plan (Replacement Plan)
- Drawing No. EBR-BPTW-XX-00-DR-A-0131 Rev.C01 - Land Use Parameter Plan (Replacement Plan)
- Covering letter from Savills dated 22nd 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/20/0075 - 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. Live application under consideration in parallel with this application.

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.

3.0 PUBLICITY AND CONSULTATION

- 3.1. Due to the type application, which is not an application for planning permission, it would not usually be necessary to undertake public consultation as provisions relating to statutory consultation and publicity do not apply. However, due to the nature of the application relating to proposed relocation of the community facility it was considered necessary and appropriate to undertake some local consultation in addition to publicity being undertaken pursuant to the separate but inherently interlinked detailed residential masterplan submission.
- 3.2. The application was therefore publicised by publication of a press notice and display of 6no. site notices in June 2020. The application was also included on the EDC's weekly public register of applications received and notification sent to local ward councillors. The application was also re-publicised by publication of another press notice and display of additional site notices in September 2020.
- 3.3. It is also relevant to note that wider spread publicity, including sending letters to surrounding residential and commercial properties as well as local community groups and organisations, was undertaken for the parallel application for approval of a residential masterplan for this site which includes details of the proposed location for the community facility. This in addition to the public consultation undertaken by Bellway Homes that ran between April and May 2020, the feedback from which is set out in the applicant's Statement of Community Involvement that accompanies the masterplan submission.

3.4 During the process of considering this application EDC officers and the applicant has been in discussions with local ward councillors in respect of the wider provision of community facilities to be provided as part of the proposed development and within Northfleet more generally.

3.5 **2no. written representations** have been received to this application, 1 no. of behalf of the local ward councillors and 1 no. from an adjoining landowner, as follows:

Northfleet North Ward Councillors Sullivan, Scollard and Singh

Object to the application, comments applicable to this application summarised below (full response in Appendix 1):

- Perceived low level of public consultation and engagement;
- Concerned re. proposed relocation of the community centre.

Adjoining Landowner – Tarmac

As an adjoining landowner, Tarmac were notified of the application and the following comprises a summary of the representation submitted on their behalf:

- 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.

3.6 In addition, Gravesham Borough Council were consulted on the application and their response is summarised as follows:

Gravesham Borough Council – The submitted proposal gives no indication at this stage to the nature of the community facility but only that the intention is to relocate it from the area shown within the approved framework plan and mixed use area next to the Hive to a landmark building within the riverside frontage. However the original outline proposals and consent always envisaged a retail/café type facility alongside the riverside to add vibrancy to the river frontage.

There should be evidence with this application setting out the consultation undertaken and outcomes upon which this application is based. The covering letter makes no reference to any Statement of Community Involvement (SCI) or evidence.

The Borough Council consider that the application departs from Policy CS03 which states that the purpose of extending the Hive and improving local community facilities in that location was to ensure that there was integration between the old and new communities, rather than reinforcing a sense of division by making it harder for existing communities to access community facilities delivered as part of the new development. The Borough Council does not consider the applicant's proposal to increase the size of the building by 20sqm, thus perhaps by one additional room, addresses this concern.

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 2016.
- 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 determination 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 CS10 - Physical and Social Infrastructure
- Policy CS19 – Development and Design Principles

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 seeks approval to relocate the proposed community centre from land east of the Hive Local Centre to the western end of the riverside promenade adjacent to Robins Creek. In terms of context, this would involve relocating the building by approximately 400 metres.
- 5.3 The purpose of requiring the development to deliver a community centre was in order to ensure that it contributes towards on-site community development and integration, in accordance with adopted Gravesham Local Plan Core Strategy Policy CS03. At this stage, irrespective of its location, the form and function of the community centre is not established, although the purpose for requiring it is to provide a useful local venue for community activities such as a playgroup, pensioner clubs and children's activities. In terms of its size, the outline consent requires it to be at least 180 sqm (net), although as part of the negotiations on this application the developer has offered to increase this minimum floorspace by 10% (i.e. c.200sqm (net)). In either location it is anticipated that the community centre would occupy a ground floor unit within a larger residential building.
- 5.4 In place-making terms, the applicant considers that relocating the community facility would have the benefit of assisting in the creation of an active frontage along the riverside that aligns with EDC's wider aspirations to create activity along the riverfront. It is acknowledged by officers that this would complement and reinforce

activity along this section of the riverside promenade to support the attractiveness and function of the strategic Northfleet Riverside Park identified in the Ebbsfleet Implementation Framework. Provision of a community building within this park setting would also provide ancillary spill out space and therefore provide further opportunities for different uses that would not exist in the originally approved location, thus potentially supporting and reinforcing its commercial viability.

- 5.5 However this proposed relocation has raised some concern from the Borough Council and local ward councillors concerned that this location would be less accessible to the existing Northfleet community and would miss an opportunity to create an integration point between the existing and extended community.
- 5.6 No written representations were from local residents or community groups (aside from the local councillors) on this matter in response to statutory publicity undertaken by EDC as part of the planning application process. Comments received to the public consultation undertaken by the developer prior to submission did identify that local community facilities need enhancement but no specific comments were made in respect of relocating the approved community building, as summarised in the Statement of Community Involvement that accompanies the parallel masterplan application.
- 5.7 In terms of the planning policy position, the land subject of this application lies within the Old Northfleet Residential Extension Key Site as defined in the Gravesham Local Plan Core Strategy (LPCS) for which the applicable part of Policy CS03 reads as follows:
- *“This will provide a residential development of around 530 dwellings, open space, an extension and improvements to the Hive local centre and provision of community facilities.”*
- 5.8 Whilst the Borough Council refer to the proposed change of location being contrary to Policy CS03, it is evident from the above policy text that the provision of community facilities is not directly associated with the expectation for extension and improvement to the Hive local centre. Furthermore, this application does not seek to amend the outline planning permission in respect of it allowing the potential provision of additional retail floorspace adjacent to the Hive Local Centre. It is therefore not accepted that this change represents a departure from the adopted planning policy.
- 5.9 The concerns expressed by the Borough Council reflect those of a local ward councillor, namely that the proposed relocation would reinforce a sense of division between the old and new communities by making it harder for existing communities to access community facilities to be delivered as part of the new development.
- 5.10 In considering the issue in question, it is relevant to note that in either location the community building would be within a 5 minute walk for residents of the existing and future community. Furthermore these routes would comprise a series of new and enhanced pedestrian and cycle paths to be created by the development, ensuring they would be safe, attractive and inviting for residents to use. This provides some perspective to the actual rather than perceived impact of the proposed change.
- 5.11 Furthermore, in terms of community facilities to be delivered as part of the development, it is important to acknowledge that the community building is only one element. Other components of the development that would make important contributions to community cohesion and integration include provision of 3no. public parks (including enlarging and improving the existing park directly adjacent to The

Hive), a community accessible 'out of hours' school playing pitch, enhanced public transport connections and a new pedestrian and cycle bridge linking to the local primary school and aforementioned playing pitch. The community offer also includes creation of local job and training opportunities during the construction stage as required by the outline consent as well as 30% on site affordable housing.

- 5.12 In concluding that the proposed change is acceptable and can be regarded as a non-material amendment it is necessary to consider how this change needs to be incorporated into the outline consent, i.e. what changes are necessary. The necessary amendment relate to a slight change to the application description (to treat the community building separately from the neighbourhood centre), reference to replacements plans in the list of approved plans (condition 4) and revised condition to include a mechanism for ensuring the timely delivery of the community building (condition 14), as summarised in the above recommendation.

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, in the context of wider community provision within the development, it can be accepted that the proposed relocation of a small community building can be considered as a non-material amendment to the scheme.
- 8.2 Furthermore, in terms of acceptability of the proposal, whilst acknowledging that it would move the community building away from a point of physical transition between old and new communities, it is not considered that relocation of the community building should necessarily be regarded as undermining the sense of integration between the old and new communities.
- 8.3 It is therefore recommended that this application is approved.