

Reference: EDC/20/0078

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 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.

Applicant: Bellway Homes Ltd (Thames Gateway)

Parish / Ward: Northfleet North

SUMMARY

This application seeks amendments to the outline planning permission to allow for an increase in the maximum height of buildings located along the southern boundary of the east-west Fastrack route through the site from 3 storeys to 4 storeys. The mechanism for this is to substitute the outline approved Building Heights Parameter Plan.

This submission follows design evolution of the residential masterplan which identified that higher buildings would provide an enhanced sense of enclosure and natural surveillance over this principal movement corridor and reinforce its hierarchy within the site. Further to this design support in principle, the judgement for this application is whether the proposed change would be non-material. In the context of the wider scheme, which comprises a major redevelopment on a previously developed site that allows for building heights up to 7 storeys on the opposite side of the Fastrack corridor, the proposed increase of one storey is considered to be non-material.

RECOMMENDATION:

Approval subject to the following condition and informatives:

CONDITION:

1. RE-WORDED CONDITION 4

The 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 LAF001/91 Rev P: Development Framework Plan*
- *Drawing No. EBR-BPTW-XX-00-DR-A-0132 Rev.C01 – Proposed Building Heights Plan*

- Drawing No LAF001/86 Rev H: Green Space Plan
- Drawing No LAF001/87 Rev L: Access Parameters Plan
- Drawing No LAF001/88 Rev H: Land Use 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.

INFORMATIVES:

1. EXTENT OF THIS APPROVAL

For the avoidance of any doubt, the approval hereby granted is for non-material amendments to the wording of condition 4 of outline planning permission EDC/16/0004 only. The revised wording of this condition is as set out in this decision notice above. This approval does not amend any other part of outline planning permission EDC/16/0004.

2. 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/agent was provided with pre-application advice. The application was acceptable as submitted and 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 4 of outline planning permission reference EDC/16/0004 as a non-material amendment.
- 1.2 The proposed amendment seeks to alter the maximum building heights permitted along the southern boundary of the east-west Fastrack route through the site from 3 storeys to 4 storeys. This non-material amendment application therefore seeks approval to substitute the original approved Building Heights Parameter Plan with a revised Building Heights Parameter Plan. If approved the re-worded condition would remove reference to the original drawing and add reference to the revised drawing.
- 1.3 The application is accompanied by the following:
- Drawing No LAF001/85 Rev K: Building Heights Plan (Existing Plan)
 - Drawing No. EBR-BPTW-XX-00-DR-A-0132 Rev.C01 – Proposed Building Heights Plan (Proposed 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/20/0077 - 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. 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.
- Whilst Tarmac does not object to the proposed change in maximum building heights, they reiterate that consideration should be given to the interaction and relationship with employment parcels (and wider Tarmac operations) at reserved matters stage, and it should be confirmed that the associated change would have no material environmental impact.

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

Gravesham Borough Council – It is not indicated as to how many residential units this will affect but in townscape terms the increase in building height in this specific location would probably allow a gradation of building heights across the site, the topography would be sloping down in this area thus giving less prominence to the increase in height and it would appear more logical in townscape terms with higher buildings on the opposite side on the riverside area and creating a coherent townscape approach to development fronting on to the Fastrack route. The proposal will allow densities to be maximised subject to all other planning considerations.

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 policy most relevant to the consideration of this application is set out below:

Gravesham Local Plan Core Strategy (2014)

- 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 is submitted following pre-application discussions with the developer in respect of a residential masterplan. Through this process, which has been informed by extensive site analysis and evolution of residential masterplan to a much greater level than at the original outline application stage, it was identified that the scheme could be improved through design and place-making benefits if the residential buildings fronting onto the identified Fastrack route were up to four storeys in height. In principle, and subject to appropriate detailed design at the reserved matters stage, this would provide an enhanced sense of enclosure and natural surveillance over this principal east-west movement corridor and reinforce its hierarchy within the wider movement network. The principle of this building height was tested through pre-application engagement with EDC officers, the planning committee and the independent design forum and found to be a welcome approach.
- 5.3 However, notwithstanding the above, the issue to consider is whether the proposed increase in maximum heights for buildings within this part of the scheme from 3 storeys to 4 storeys can be considered as being a non-material change. In the context of the wider scheme, which comprises a major redevelopment on a previously developed site that allows for building heights up to 7 storeys on the opposite side of the Fastrack corridor, and that the location of the proposed building height increase is not adjacent to existing sensitive buildings or uses, the proposed increase of one storey is considered to be non-material.
- 5.4 In terms of environmental impacts and reference to the original EIA, the proposal does not change the quantum of development proposed but instead allows for modest reconfiguration of the massing of built form by allowing a fourth storey to buildings fronting the proposed Fastrack corridor. Due to the location of the buildings to be increased in height, which are set back behind the larger riverfront apartment blocks, this increase in height would have material impact on wider townscape vistas.

5.5 It is therefore accepted that the proposed change to the maximum building heights parameters can be considered as a non-material amendment to the approved parameter plan.

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 therefore concluded that the proposed change to the building heights parameter plan can be accepted as a non-material amendment, both in terms of procedure and principle.

8.2 It is therefore recommended that this application is approved.