

# Urban Gravesham

The Civic Society for Gravesend & Northfleet



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27/02/13

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Dear Mr Gilbert

**Application GRAVESHAM BOROUGH COUNCIL 2012 0931, Heritage Quarter.**

*Hybrid application (Outline permission & Full Planning Permission) for the demolition buildings & redevelopment of land in Gravesend Town Centre known as The Heritage Quarter (Split into the Western & Eastern Quarters). The Western Quarter being The West Street & St. George's Centre Car Parks, St. George's Church & Gardens, Part Of The Existing St. George's Centre & The River Walkway Between Elizabeth Gardens & Town Pier. The Eastern Quarter being Horn Yard & Market Square, St. Andrews Gardens and Clarendon Lawn, Royal Pier Road.*

This letter and the attached report sets out the objections and other comments on behalf of Urban Gravesham, the Civic Society for Gravesend and Northfleet, in respect of the above application for planning permission. This is our initial letter and we reserve the right to comment in more detail.

## **URBAN GRAVESHAM**

The Society was established in 2005. It has a large number of subscribing members in the Borough of Gravesham, including the area which is the location of the planning application 20120931. The application documents describe the Society as "self appointed", but in fact the membership of Urban Gravesham is open to all people living and working in the Borough. Its committee is elected annually at a General Meeting to which all members are invited. It is non-political and has no affiliation to any political party. It is a member of the Kent Federation of Amenity Societies and Civic Voice- the national charity for the Civic Movement in England.

This letter has been the subject of full consideration by the Committee of Urban Gravesham and has its unanimous support. The very well attended Annual General Meeting of the Society held in February 2013 also voted unanimously to oppose the development proposals.

Strong and fundamental planning objections to the scheme mean that the applicant's entire approach to the development of the Heritage Quarter is unacceptable and cannot be overcome by the imposition of conditions.

In summary, the proposals would:

- Be contrary to the adopted development plan, the Heritage Quarter Development Brief 2005 and the NPPF;
- Cause substantial harm to the setting of designated heritage assets, causing substantial harm to the historic character and appearance of the conservation areas and the settings of listed buildings and Conservation Areas contrary to sections 66 of the Listed Buildings Act 1990, policies in the statutory Local Plan and paragraphs 131 to 133 of the NPPF 2012 and in direct conflict with the Gravesend Heritage Quarter Development Brief 2005.
- Damage local character and distinctiveness contrary to paragraph 131 of the NPPF by erecting bulky and oppressive buildings that are grossly out of scale, poorly sited, unattractively designed;
- Lead to the loss of over 100 mature and statutorily protected trees in or adjacent to the town centre Conservation Areas;
- Create a predominance of small and undersized flats, single aspect served from long corridors with no natural light and, in the Western Quarter, clad around a multi storey car park. The living conditions for the future residents will be very poor indeed.
- Fail to promote mixed communities, contrary to the policies of the NPPF.
- Fail to provide sufficient or appropriate affordable housing on or off-site. The scheme provides only 15% affordable housing on site instead of the 30% required by policy. The scheme is socially divisive with the affordable housing provided in tiny, poorly located single aspect flats, with windows sealed because of air pollution, facing Bath Street or facing north in the Western Quarter.
- No affordable housing at all is provided in the Eastern Quarter – which is exclusively for market housing. The application is social segregation of the worst kind and contrary to the NPPF's requirement for new development to create mixed communities.
- Cause serious harm to the living conditions of residents of existing properties, particularly in West Street, with adverse impacts on their daylight and sunlight, noise environment, air quality, privacy, and outlook;
- Cause serious harm to the amenity of public spaces and buildings, including, in particular, the Medical Centre which will be overshadowed by high development which will be oppressive and cause harm to the health of users of the buildings and spaces;
- Cause blight and sterilize land around the site which currently has the benefit of planning permission by causing unacceptable shadowing and loss of light to habitable rooms in other development already approved by the Council;
- **Either** draw retail trade away from the existing primary shopping frontage, increasing the likelihood of harm to the viability of the existing retail area; **or** echo the poor quality and high vacancy rate of the St George's Centre. Or, worst of all, both.
- Reduce the net quantity of public car parking in this part of the town; an area where public parking is in high demand and fail to provide the additional parking required to serve the retail, hotel and café restaurant proposals in the application.

The application proposals could be reasonably refused for all or any of the above reasons. In addition, the scheme will:

- Fail to provide for the diversity of cultural, leisure and business uses that will be necessary to sustain the town centre in the face of changing retail trends;
- Fail to maintain or enhance what is unique about Gravesend and which distinguish it from retail competitors elsewhere;
- Provide a substandard and low grade environment for those who wish to live, work, visit and shop in the town and reinforcing the image of the town as a low grade place.

Overall, the scheme is an old fashioned, out-of-date 'any-where-ville' regeneration scheme that fails to grasp present day challenges of changing retail trends and changes in the housing market. It is a ruthless exercise in packing as much cheap development onto the sites as possible. In any context the scheme would be pedestrian and disappointing, but in this context it is outrageous in its clumsy disregard for the precious townscape that it will so seriously damage and for the interests of the local community who will have to live with it.

The Edinburgh House proposals would finally destroy any claim of the town to be a "Heritage Town" on the Thames. If implemented, the scheme will be hugely damaging to both the character and the vitality of Gravesend's town centre and historic core.

Urban Gravesham does, however, fully support the principle of development on sites PM1 and 2 identified in the 1994 Local Plan. Further, we recognize that proposals could, at least in theory, bring new development and potentially significant employment to Gravesend in the middle of a recession. The proposals should therefore be refused only if there are overwhelming reasons to do so that outweigh the benefits. However, having looked at the proposals in detail UG has concluded that there are powerful reasons to believe that the benefits are overstated and that the effect of the development, far from bringing new jobs, homes and businesses and the enhancement of the prosperity of the town, will instead have the opposite effect:

**1) Applicant's claim: "The scheme will bring new homes to the town centre."**

UG's Answer: The new scheme will create the future slums of Gravesend.

New housing could be developed on the sites but it should be high quality, providing its full share of affordable housing, but in decent houses suitable for a mixed community, rather than the tiny substandard dwellings proposed in the application, presumably intended to be cheap and attractive to buy-to-let landlords and London Boroughs affected by the housing benefits caps, who already see Gravesham as the place to dump their hapless homeless families. Urban Gravesham says: There is no need for further small, high density housing development in the town centre. Such development as proposed in the scheme would consolidate Gravesend's image as a low grade, poor quality place to live and damage its prospects of regeneration.

**2) Applicant's Claim: The scheme will bring between 729 and 831 permanent full time (or FTE) jobs to the town**

UG's Answer: The new jobs claimed by the applicant are exaggerated. The main source of permanent new employment claimed is in the retail and A3 units- mostly poorly paid

and part time. For those jobs to be delivered, it would be necessary to be sure that the effect of the development is not simply to cause existing employers and retailers simply to move their operation into the new centre. Tesco has already been identified by name as the future supermarket “anchor store”. Without any mechanism proposed in the application to ensure that this does not happen to the other units, there is nothing to prevent existing shops (M&S, Debenhams, BHS, Primark) from simply shifting to the new floorspace in the Heritage Quarter Centre. Thus, far from regeneration and jobs, the scheme would cause large parts of the traditional centre to die; a ghost town.

**3) Applicant’s Claim: *The town needs new retail space.***

UG’s Answer: There are dozens of empty units in the town. There is simply no reliable evidence to show that new footfall will happen on the scale required to fill Gravesend’s empty shop units and to increase Gravesend’s shopping floorspace in this way. The issue will be tested in the forthcoming Core Strategy EIP in August 2013, where the claims that significant new retail can be attracted will be tested by an independent inspector. That may explain the unholy rush by the developer to have the application decided before their theory can be tested. Furthermore, if Gravesend is to maintain its place in the ‘retail hierarchy’ it can only do so by competing effectively with other centres. This requires quality and distinctiveness- not the down market destructive scheme that is proposed.

**4) Applicant’s claim: *Gravesham needs regeneration or it will die.***

UG’s Answer: To succeed, regeneration would need to make the most of what makes Gravesend special and different- its history, its amazing riverside location, its cultural heritage- rather than providing more of what is already a proven failure; nondescript retail development and cheap substandard housing. Gravesend needs to use new development to provide a more interesting and attractive town, so people who do not currently come here to spend money would be enticed to do so. This remains a town of some 90,000 people, with almost no recreational facilities, especially for young people; no cinema, dance or concert hall, theatre, gallery or museum. The spectacular Market Square site could have provided the perfect location to bring back the 40% of Gravesham residents that never visit the town centre. The application scheme would deliver none of the things needed to bring people and prosperity back to the town.

**5) Applicant’s claim: *Gravesham would be crazy to turn down £74 million of investment.***

UG’s Answer: The applicant’s failure to provide any viability statement as part of the application raises serious concerns whether this scheme will ever be built in its current form. The original 30 storey tower was said, at the time, to be essential to the viability of the scheme. It’s gone- but the viability gaps have not been explained.

Developers Edinburgh House have no track record of successful development of this kind or at all. Their incompetence has already blighted the town for over seven years.

**6) *The developers would sue the Council if this scheme were to be refused.***

UG's Answer: Some Councillors still seem to believe this myth, although as far as UG is aware not even the developers are claiming that this is the case.

**7) *There is no future for the Town Centre if this scheme is refused:***

UG's Answer: If this scheme is refused the Council will be released from its Development Agreement and these key sites could be the subject of a different approach. New and more attractive development is likely to come forward in due course. UG can see that the thought of £74 million being spent in the town centre is very tempting but this scheme will be with us for the foreseeable future and it is essential to get it right. There is no doubt that, given clear and firm guidance, a good scheme could be promoted with the support of the Gravesham community, rather than in the teeth of its opposition.

"Get it right" is more important than "get it now".

There are numerous sound and defensible reasons which justify the refusal of this application. The reasons for a possible grant of planning permission do not outweigh reasons for refusal. Urban Gravesham therefore urges the Council to reject these proposals forthwith.

Our detailed objections are set out in the attached report.

Yours sincerely,

Gill Emerson, Secretary Urban Gravesham.

**URBAN GRAVESHAM REPORT:**

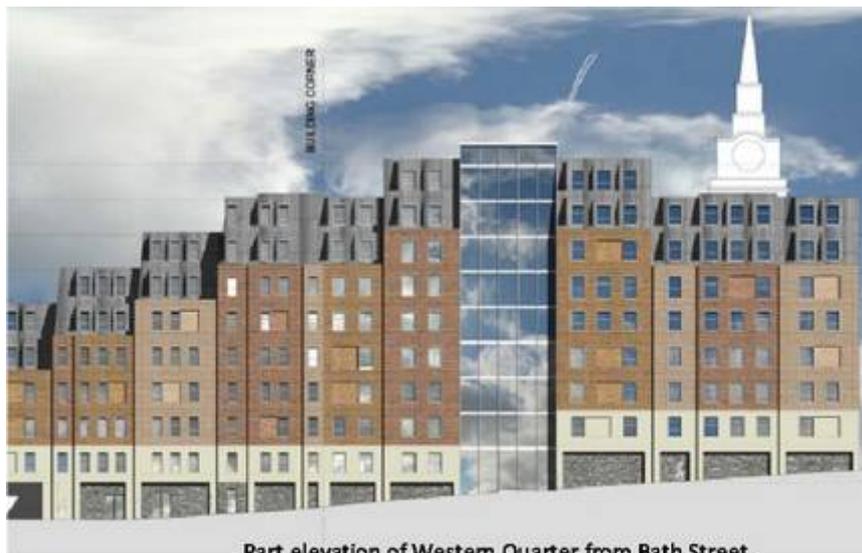
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**February 2013**

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## EXECUTIVE SUMMARY

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In addition, the scheme will:

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## THE APPLICATION SITE(S)

The application relates to two sites, to the east and west of the ancient High Street, an important Conservation Area containing many historic buildings. Both sites contain areas laid out for over fifty years for open parking.

The Western Quarter ("WQ") adjoins St George's Church. St George's shopping centre, developed in the 1980s and showing its age, underused and with many long term vacancies is to the south of the Church and access to its multi storey car park is via the roundabout at the northern end of Bath Street. The northern edge of the WQ faces West Street. The WQ site is identified in the 1994 Local Plan as Proposal PM2 in which it may be promoted as a "*major landscaped public space*".

The Eastern Quarter ("EQ") includes the Market Square, a versatile open parking area used on Saturdays for market stalls with spectacular views of the River Thames and St Andrew's Gardens, a park well used by the public and in part a registered Town Green. It is identified in the 1994 Local Plan as Proposal PM1 as a site for mixed use for offices, residential shopping and public car parking and the retention of the market. In considering any detailed proposals the policy states, "*...the Council will have particular regard to its townscape and conservation policies...*"

The car parking area and St Andrew's Gardens were created largely during the 1950s as part of the "slum clearances", which robbed the Town of much of its close packed medieval street pattern. The sensitivity of the sites lies in the wealth of historic buildings that provide their context, including four of Gravesend's icons; the old Town Hall, by Amon Henry Wilds' (Grade 2\*), the Town Pier of 1834 by Tierney Clark (Grade 2\*) the St George's Church (Grade 2\*) of 1720 which contains the grave of Pocahontas and the St Andrews Mission Church of 1880 by Street, architect of the Law Courts in the Strand. Both West Street and the High Street contain numerous historic buildings many of which are listed.

Overall, Gravesham has a rich and fine grained architectural and historic heritage which is very much evident in the Heritage Quarter area. Urban Gravesham therefore would support the principle of careful and appropriate redevelopment of the Heritage Quarter, as promoted in the Council's "*Heritage Quarter Development Brief 2005*".

The sites within the Heritage Quarter are the jewel in Gravesham's crown with the potential to provide high quality development that could lead to the regeneration of the town by:

- reinforcing the unique qualities of Gravesend's character;
- making it an attractive place to live, work, and shop,
- and so serve the town centre well in the face of retail, employment and leisure competition from other town centres, supermarkets and out-of-town centres such as Bluewater.

Regeneration is not a choice between preserving the town's historic character or encouraging development- if genuine regeneration is to be achieved then it must be both. In our 2008 letter of objection to the previous Edinburgh House Planning Application, we stated:

*'Urban Gravesham believes that a careful 'conservation led' regeneration approach should be maintained. It plays to Gravesend's strength as an attractive sub regional centre with a unique and interesting history and an outstanding riverside setting. Amidst the mass of new development envisaged as a part of the wider Thames Gateway project, Gravesend can still maintain its identity as a special place. Within this wider context its historic character will bring its own economic and social benefits and is the best basis for a healthy and vital long term future. The town centre still faces challenges and there is more to be done- but change needs to be managed carefully and with the agreement of the whole community.'*

The above remains true today.

## PLANNING APPLICATION: PROCESS, FORMAT, AND CONTENT

### *Prematurity:*

The scheme has been submitted just ahead of the submission of the Draft Gravesham Local Plan Core Strategy December 2012 (the “Core Strategy”) to the Secretary of State. It represents a very significant and controversial change to existing local plan policies that emphasise that developments should be in keeping with their surroundings, and which did not envisage development on anything like the scale proposed.

It is quite likely that, by the time the S106/ negotiations are complete and the application has its final approval, the Core Strategy will be adopted or in its final stages. In this context, the application is premature and will pre-judge decisions as to the location, scale and nature of major development in the urban area that should be decided through the local plan process.

The prematurity of the proposals, having regard to the advanced status of the emerging local plan, would be a sound basis for refusal of the application. We urge the Council to refuse it accordingly.

### *Public Consultation:*

The National Planning Policy Framework paragraph 66 states: “*Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.*”

However, the applicant has not carried out any significant pre-application consultation:

- The applicant’s representatives attended a Forum organised by the Council, but the Forum meetings did not provide a genuine opportunity to discuss the proposals. Despite the request from Urban Gravesham, the meetings had no identified remit, and were not open to the public.
- A single day’s exhibition of certain aspects of the proposals was held by the applicants. Very little notice or publicity was given and there was no independent monitoring of the process. The information which was presented was both selective and partial and gave a misleading impression of the impacts of the proposals.

Overall, there has been no genuine attempt to consult the public or to take note of their opinions. The applicant’s Statement of Community Involvement is largely a bogus and misleading public relations exercise.<sup>1</sup>

### *Separate applications:*

The proposals are presented as a single “hybrid” application. In fact, they are two separate applications which have no physical connections and which are in all respects independent, apart from the absence of affordable housing in the “Eastern Quarter” and reliance on the Western Quarter to provide a proportion of affordable housing. There is no mechanism

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<sup>1</sup> For example the Statement reports the favourable answers to a question as to whether the consultee approves of additional parking provided by the scheme, without making it clear that, in fact, the scheme will result in a **reduction** in public parking

proposed to tie the two parts of the scheme together or to ensure that one is delivered before the other.

There is no reason why the proposals for St Andrews Gardens should be part of the proposals and given that a significant part of the upper gardens is a registered Town or Village Green (a fact not mentioned in the application) these proposals would be unlawful, if implemented, if any development takes place on any part of the registered Town Green.

#### *Outline application:*

Despite being requested to provide a detailed application<sup>2</sup>, the Western Quarter is in outline with (some) illustrative elevations and design details, but details such as the number of dwellings and internal layout of the residential accommodation not stated or shown.

The Western Quarter is where the affordable housing component would be provided; yet it is not clear what numbers of units of each size (1 or 2 bedroom) are going to be provided. The Environmental Statement is unable to assess the living conditions accurately, as a result.

Given these shortcomings and the particular sensitivity of the site and its relationship with the Grade 2\* Church, the Western Quarter should have been a detailed application. The Council should insist on this, as set out in the letter from Clive Gilbert to EHEL dated 20 July 2011.

#### *Viability Assessment*

No viability assessment of the proposals has been submitted by the applicants at the date of writing this report.

There is nothing in the application documents to show that the scheme will provide adequate contributions to infrastructure. No heads of terms have been submitted for a section 106 obligation and the Council has no CIL Schedule. In these circumstances it is not possible to be satisfied that the scheme will deliver appropriate contributions to infrastructure.

It is understood that the applicant has been requested to provide a viability assessment. We reserve our right to comment further if and when such an assessment is provided. In the meantime the application cannot be determined in advance of the provision of, and consultation on, such information.

In the meantime, however, UG's view is that the viability of the scheme is dubious. Small cheap flats, in a town where there are unimplemented permissions for 6000 flats, and additional retail floorspace as an extension to the part vacant 1970s St George's Centre (10 units vacant as at the date of this letter) is not a convincing regeneration scheme.

If left unimplemented or uncompleted (quite likely given the scale and nature of the proposals, the current development economy and difficulties in raising development finance) it is likely to lead to the long term sterilization of this part of the town- preventing alternative regeneration proposals from coming forward, as has happened with the same developer in Castleford, Yorkshire.

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<sup>2</sup> See letter from Clive Gilbert to EHEL 20 July 2011

## SCALE, CHARACTER, AND DESIGN

### *Scale:*

The provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged in this application. They impose a statutory duty on the Council to pay special regard to the effect of development on the special historic character and appearance of the conservation areas and their setting and in respect of the setting of listed buildings.

The development proposals are directly contrary to NPPF. Paragraph 131 of NPPF states:

*“In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 132 states:

*‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.’*

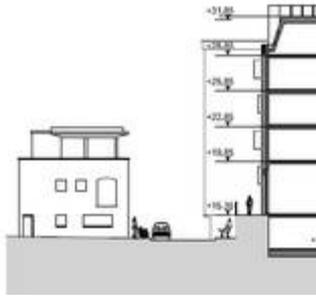
The application proposes large-scale development, which bears no relationship architecturally with any of the historic features of the area, which would take place on both sides of the medieval High Street. This would rise from the Town Pier on the river front to the heart of Gravesend Town Centre, The scheme would bring **exceptionally dense and bulky development of between 5 and 9 storeys high**<sup>3</sup> adjacent to the smaller scale 3-4 storey High Street<sup>4</sup>. The vastly bigger scale of the proposed buildings of both the Eastern and Western Quarters will:

- fundamentally affect and cause substantial harm to the historic character and appearance of the area, including the hierarchy and prominence of the principal landmark buildings of historic and cultural importance.
- create some truly grim and unpleasant spaces- for example between E03 and the back of High Street properties, and along Bath Street.

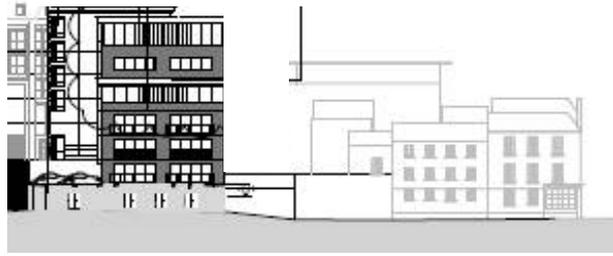
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<sup>3</sup> E01- 5/6 storeys, E02, E03- five storeys; W01 five storeys, W02 six storeys, W03 6/9 storeys.

<sup>4</sup> The storey heights of the proposed development are 4.5m on the ground floor, and 3m for the upper storeys. This is much greater than the storey heights of most surrounding traditional buildings. By way of comparison, the 3 storey Gravesend Medical Centre is about the same height as the 2<sup>nd</sup> storey of building E01 whilst the 4-storey St Andrews Court buildings are no higher than the 2.5 storeys on building E01.



*Gravesend Medical Centre dominated by E01*



*High Street- Historic Buildings dominated by Building E03*

The minor reduction in scale (as compared to the previous failed application) of some parts of both Quarters has allowed some strategic views towards St Georges Church from the river<sup>5</sup> to be retained. Overall, however, the whole development will still stand out as being an extremely prominent alien object in strategic views- from the river, Windmill Hill, etc., and from more local townscape views- along West Street, Crooked Lane, The Terrace, and Bath Street.

Were the historic core rather bigger and separated by a greater distance from the development sites the problem would not be so acute. However, in this case the term ‘engulfing’ as applied to the intricate and delicate townscape of the Heritage Quarter, is entirely appropriate.

The Townscape, Heritage and Visual Impact Assessment that seeks to justify these proposals makes judgments about the effect of the scheme. There is general assumption that development will improve upon the existing character of the car parks. Given the huge scale of the scheme we can not agree with this. In addition, the limitations of the Impact Assessment methodology have to be realised- it does not measure architectural quality or the contribution the development makes to local character and distinctiveness.

Even when considered in isolation from other reasons for refusal, the harm caused to the settings of listed buildings and conservation areas and the severe adverse effect on the special character and appearance of the area would be sufficient to justify refusal of the application.

More detailed criticisms of the Townscape, Heritage and Visual Impact Assessment are laid out in Appendix 1.



*Outline of Eastern Quarter buildings viewed from The Terrace.*

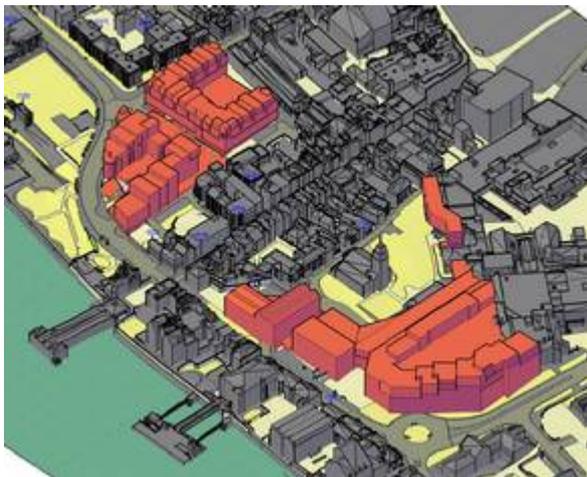
<sup>5</sup> It is ironic that few Gravesend citizens will see have an opportunity to experience these views.

### *Townscape Character:*

The traditional character of the historic core of Gravesend is generally of a small scale (in plan form and size) streetscape centred around the High Street, with only buildings of cultural and civic importance standing out from the general background- specifically the Town Hall and St Georges Church. Streets are relatively narrow and the traditional lanes are narrower still. Buildings are rarely more than 8-11 metres in height (i.e. 3-4 storeys high with relatively low floor to ceiling heights) and a vertical rhythm is created by the narrow plots on which each building stands. Overall, this fairly intricate townscape pattern can be described as 'fine grained.'

Fitting large modern buildings into this context is a challenge. The original St Georges Centre succeeds, at least in part, because it is relatively low and has a low key and discrete design. The recent housing of White Hart Yard is successful because it is similar in scale to existing buildings, follows the same narrow plot widths and steps down the hill in the same way as traditional buildings. Elsewhere there are good recent examples of easing large floor plate shopping centres into traditional townscape- for example at Bury St Edmunds<sup>6</sup> and at Sloane Square in London- it is ironic that both are picked out as examples of good design in the Design and Access Statement that accompanies the present application and yet not followed in the submitted scheme.

The Edinburgh House application fails to rise to the challenges. Buildings are large and bulky. Spaces between buildings (for example Bank Street and Hole-in-the-Wall Alley) are themselves over-scaled as compared to streets, lanes and alleys of traditional townscape and do not match the intimacy or variety of the historic parts of the Quarter. Overall, there is little variety or hierarchy in the layout and scale of the buildings and streets.



The Western Quarter layout is particularly odd- three large lumps of buildings spaced out along West Street. No attempt is made to recreate or mimic traditional streetscapes.

Also odd is the way the three Western Quarter blocks do not follow a common building line along West Street. Instead, Block W01 stands forward of W02, which stands forward of W03. The buildings rise in height from W01 to W03.

It would seem that the location of buildings is dictated, not by a desire to create a traditional or attractive street frontage, but by the sole need to reduce the extent to which the scheme would fall foul of day-lighting and overshadowing guidelines (which are not achieved in any case). This not an adequate way of achieving high quality urban design and is a direct result of trying to pack too much development onto the site.

<sup>6</sup> <http://www.millerdevelopments.co.uk/arc-bury.aspx>

Although there is a glimpsed (but heavily obscured) view of the Church between two of the Western Quarter blocks, there is no view of the Church from the Bath Street/West Street roundabout, or as one approaches the town centre along West Street from the east. This is missed opportunity- one that is symptomatic of the general lack of sensitivity of the proposals. It is noted that the importance of this link is recognised in the Core Strategy at Figure 13 of the emerging Core Strategy.

The Eastern Quarter also fails to provide good design and to fully integrate with the existing townscape as required by the emerging Core Strategy<sup>7</sup>. The design of the facades attempts to replicate the traditional vertical proportions that derive from narrow traditional plots. However, the design lacks any delicacy in itself, and this attempt to respond to local character is overwhelmed by the scale and bulkiness of the buildings, their north/ south orientation<sup>8</sup> and the clumsy way (a series of large retaining walls) in which the buildings step down the slope towards the river.

Overall, the Eastern Quarter is a grossly inappropriate scheme to be built on the most valuable and sensitive site in the Town Centre - it is a large, high density but sub standard housing scheme with a hotel and various A3 uses and car parking on the ground floor, together with ephemeral and inappropriate proposals for St Andrews Gardens.

*Cheap, 'skin deep' architectural quality:*

Urban Gravesham has previously criticised the architecture of the Eastern Quarter as shown on the failed planning application as 'heavy and crude.' Since then, there have been only minor alterations to the height of parts of two of the buildings within the Quarter. This has failed to overcome the unsympathetic quality of the architecture. Nor is the architecture successful in disguising the fact that the buildings are large and bulky and out of place.

The Western Quarter is submitted in outline only, and the images are therefore illustrative of what the scheme could look like, as opposed to what it will look like. However, the illustrations depict an architecture that is utterly absurd. The concept, of putting little 'Whitstable' type boxes of flats on top of a modern shopping centre is a bad architectural joke at the expense of Gravesend.

We are astonished at how apparently cheap the architecture is around the church- flimsy glass and brick facades with a minimum of detail- in place of the deep-set piers, brick arches and recessed glazing that could have been used to create interest. An obvious improvement would be to add canopies to the retail extension to provide at least some architectural detail, and to create pleasant shaded space in the rather harsh area round the Church.

These points were made at forum meetings by Urban Gravesham. The Edinburgh House response was- '*we can't afford it*'.

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<sup>7</sup> Gravesham Local Plan Core Strategy paragraph 4.6.27

<sup>8</sup> As compared to the east/west orientation of buildings and spaces branching out from the High Street.

### *Blank and featureless ground floor frontages:*

The overall grimness of the scheme is exacerbated by the lack of 'active frontages' in many areas- along West Street the ground floor frontage consists of the blank edges of a multi storey car park, whilst the Market Square development sits on its own podium and will therefore be inaccessible from Bank Street or Queen Street. This separation is grim in itself and is not good enough for a town centre area which is regarded by the applicants as a crucial part of the 'retail circuit'.

The blank frontages are an inevitable consequence of trying to squeeze too much into traditional streetscapes. They should not be regarded as acceptable.

### *Street trees:*

The scheme would lead to the direct loss of over 100 mature trees, many of which are protected as they fall within conservation areas. These trees give this part of the town a pleasant leafy quality.

Whilst it is understandable that some of these are to be removed to allow the area to be developed some of the trees are important townscape features in their own right. For example, West Street is currently graced by a set of three large and magnificent plane trees. Two of the three of these trees are to be removed as part of the development proposals. There is no excuse for this- proposed buildings could easily be set back, or made more narrow, to allow for the preservation these trees (and incidentally for better daylight and overshadowing conditions for existing West Street flats opposite).

The fact that significant street trees are to be removed is symptomatic, yet again, of development greed.

### ***Planning Policy- Design***

Paragraph 58 of the NPPF states:

*...Planning policies and decisions should ensure that development...responds to local character and history, and reflects the identity of local surroundings and materials...*

Paragraph 131 states:

*In determining planning applications, local planning authorities should take account of ... the desirability of new development making a positive contribution to local character and distinctiveness.*

The scheme has its own identity and character, but it is far too big, crude and insensitive to reflect any kind of existing local identity. Given that the character of the existing area is so distinct and worthwhile, this is not good enough. The scheme is contrary to the aims of the National Planning Policy Framework with regard to good design and the historic environment.

The draft Local Plan Core Strategy contains the following policies:

Policy CS19: Development and Design Principles:

*'new development will be visually attractive... reinforce the character of local built heritage... integrate well with the surrounding area...Account will be taken of scale, heights...layout...'*

Policy CS20: Heritage and the Built Environment:

*'The Borough Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non renewable resource, central to the regeneration of the area and the reinforcement of sense of place...'*

The 1994 Local Plan (still the extant set of planning polices for the Borough) contains the following policies:

Policy TC1:

*'Applications will be considered in accordance with the following design principles...The scale and massing of the buildings will be in keeping with their surroundings...'*

Policy TC3:

*'...Development within or affecting conservation areas...will be expected to make a positive contribution to the conservation area...'*

Policy PM 1 identifies the Eastern Quarter as a site for mixed use for offices, residential shopping and public car parking and the retention of the market. In considering any detailed proposals the policy states, *"...the Council will have particular regard to its townscape and conservation policies..."*

Even the briefest analysis of scale, height and layout of the current planning proposal as compared to the existing historic environment of the High Street, West Street and Queen Street reveals the huge contrast in scale and layout. It is impossible to see how this vast out-of-scale scheme can possibly *'reinforce the character'* and sense of place of the Heritage Quarter. Instead it demonstrably overwhelms it.

Overall, the scheme very obviously fails to comply with the NPPF and with policies in both the draft Local Plan and the existing Local Plan.

The Council may well be tempted make the judgment that the regeneration benefits of the scheme outweigh the damage to the historic environment. However, this would mean the abandonment of draft local plan policies even before they are finalised. Such a decision would certainly call into question the credibility of the draft Local Plan and the Council's commitment to using it as a basis for sound decision making. Irrespective of this, we would not agree with the validity of such a judgment. As the National Planning Policy Framework makes clear:

*'...local planning authorities should take into account 'the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring...'*

The Gravesend Heritage Quarter Development Brief, 2005<sup>9</sup> states (amongst other criteria) that the development should:

- enhance the 'urban grain' of the town and at the same time respect the scale, massing and height of existing buildings;
- embrace local distinctiveness;
- feature 'fine grain' development in order to create building forms that are flexible in meeting changing markets and consumer demands;
- promote the town's historic qualities.

The development brief specifically states that:

*...buildings should be a maximum of 3 or 4 storeys round the perimeter of the proposed development unless the increase does not adversely impact on the character of the surrounding area ...*

The development that is the subject of the planning application is obviously very different from the one envisaged by the development brief. Urban Gravesham's view is that the principles laid down in the development brief are sound and are capable of forming the basis for the assessment of the scheme. In this respect, it is quite clear that a return to the principles laid out in the brief would mean the rejection of the current proposals.

In summary, the scheme, by way of its gross scale and lack of sensitivity to its surroundings, is contrary to the Gravesham Local Plan 1994, the Heritage Quarter Development Brief 2005, the National Planning Policy Framework 2012. A decision to approve the scheme would therefore disregard the statutory basis for planning decisions as laid down in section 38(6) of the Planning and Compulsory Purchase Act 2004, section 70 of the Town and Country Planning Act 1990 and section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas ) Act 1990.

The extent to which the applicants have failed to understand the needs of the application sites, their sensitivity, and their potential, is breathtaking.

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<sup>9</sup> Although not adopted, the brief, along with Appendix A 'Planning and Design Framework' forms the basis of the development agreement between the Council and the developers Edinburgh House.

## RESIDENTIAL DEVELOPMENT

### *Layout and Effect on Living Conditions of Future Residents of the Development*

The comments in this section are given with regard to the floor plans provided as a part of detailed application for the Eastern Quarter.

The residential element of the development consists entirely of flats arranged in large monolithic blocks. To achieve maximum density and to ensure cheap construction, the flats are served by long internal hotel type corridors with a minimum of stairs and lifts. The accommodation is substandard in many ways:

- With the exception of the minimal number of 3-bed flats, and the few 2-bed corner flats, the flats are small and cramped. The accommodation fails to meet the widely recognised London Housing Space Standards<sup>10</sup> and fails the 'Housing Quality Indicator' Standards set by the Homes and Communities Agency for affordable homes.
- A substantial proportion of flats (both 1 and 2 bed) have no storage space. There will be nowhere to store ironing boards, pushchairs and other items;
- Many of the two-bedroom flats have no room for all of the occupants to sit down and watch television together, no room for visitors' chairs, no room for bookcases, and no room for a host of other ordinary items of furniture.
- Some flats have no outdoor amenity space. Elsewhere, amenity space is provided by small balconies, many of which have no room for outdoor tables and chairs.
- The very long and narrow access corridors receive no natural daylight or views out and are cramped, unpleasant and intimidating.<sup>11</sup>
- There are insufficient lifts and stairs to provide easy and convenient access to the corridors serving the flats.
- Most of the flats are single aspect- i.e. have windows that face out in only one direction. North facing flats will receive very little (if any) sunlight.
- There are only two service risers shown on the floor plans of E01. If there are to be more than two restaurants then extraction flues will have to be fixed to the outside of the building. This will not improve architectural quality or residential amenity.
- It is estimated that between 36 and 40 children<sup>12</sup> will live in the flats of the Eastern and Western Quarters. The accommodation is cramped and unsuitable for children.
- It is stated that majority of flats will meet Lifetime Homes standards. However, this is meaningless given the wheelchair turning space allowance is achieved by absence of furniture rather than the provision of adequate space within each flat.

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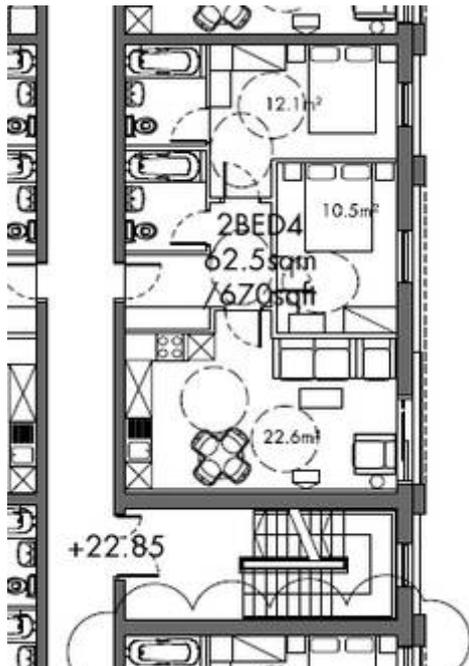
<sup>10</sup> Although the document was compiled for London, the standards within it are based on well-researched anthropomorphic data and are relevant to any housing. Other authorities in Kent (Medway and Ashford) have adopted their own housing standards based on the London Standards.

Paragraph 9.9.34 of Chapter 6 of the Environmental Statement claims that the majority of the proposed units meet the London Standards. This is simply untrue. There is no detail for size and layout for units in the Western Quarter and most units in the Eastern Quarter do not meet London Standards.

<sup>11</sup> Research (Living at Superdensity) indicates that there should be no more than 8no. flats per floor, and no more than 23no. flats in total per stairwell/ lift core- unless security/ concierge arrangements are in place. Block E01 has 24 flats per floor- 120 flats in total served by three cores (but only two lifts)- all connected to each other by hotel type corridors.

<sup>12</sup> Environmental Assessment- Chapter 6 Socio-economics.

Typical 62.5 sq.m 2-bed/ 4-person flat (58.76 sq.m without en-suite)

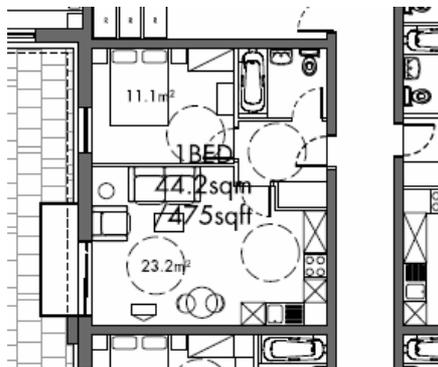


- Long hotel type access corridor serving many flats
- Awkward bedroom layout- chest of drawers difficult to access, no room for dressing table or chair
- Ensuite takes up space that could be used to create more adequate living room, plus more storage.
- Minimal storage in hall- too narrow for push chair and many other items.
- Cramped living room and kitchen- no room for bookcases (or other storage), visitor's chair, occasional tables. Difficult for 4<sup>th</sup> person to watch TV.
- No balcony or other outdoor amenity space
- Cramped stairwell serving many flats.

London Standards: 70sq.m. (excluding en-suite),  
 HQI standards 67-75sq.m. (excluding en-suite)

NB: the layout does not show the furniture required by the London or the HQI Standards.

Typical 44.2 sq.m. 1-bed/2 person flat (Note: smallest 1-bed/2person flat is 37.8sq.m.)



- Awkward bedroom layout- impossible to open wardrobe doors, no room for dressing table or chair.
- Cramped living room and kitchen- no room for bookcases, storage units, or visitor's chair
- Outdoor balcony too small for table or chairs
- As with two bedroom flats- Lifetime Homes Standards are met- but only by omitting items of everyday furniture.

London Standards: 50sq.m.  
 HQI standards 45-50sq.m.

NB: the layout does not show the furniture required by the London or the HQI Standards.

Whilst layouts for the Western Quarter have not been shown in any detail, it is evident that the flats proposed for this Quarter are also small and almost universally single aspect. North facing flats within the Western Quarter will receive little, if any, sunlight, and will have only a single outlook over the noisy and polluted environment of West Street and Bath Street. Those within Block W02 facing West Street will require mechanical ventilation in order to allow ventilation without having to open windows.<sup>13</sup> The Council's Environmental Health officer has pointed out that these flats may well overheat in the summer.

It is obvious that the proposed flats fail to meet decent standards for housing.

Urban Gravesham contends that the flats of both the Eastern and the Western Quarters, if attractive to purchasers at all, will be attractive mainly to those at the bottom end of the market, and to buy-to-let investors. The population that will live in the flat blocks will not therefore be mixed, and will not have a long-term stake in the area.

Urban Gravesham's view is that these buildings could well be the slums of the future. It is quite appalling that the Council is contemplating such proposals as the basis of a development partnership. This is not, by any stretch of the imagination, sustainable development. It is poor design, contrary to national policy and unacceptable in principle.

#### *Daylight and sunlight for new development:*

Chapter 17 of the ES shows that 5% of the façade area within the Western Quarter would not meet industry standards for light availability.<sup>14</sup> Whilst this is high failure rate for new development, we note that the assessment includes all facades. It is inevitable that the failure of north facing facades will be much higher than 5%.

The overshadowing/ sunlight analysis shows that a high proportion of flats within the Western Quarter would fail to meet industry standards for sunlight. Given that the substantial proportion of flats are north facing, this is not surprising.

Overall the figures present a compelling argument for dual aspect flats with windows and rooms to both the north and the south.

The effect of the Eastern Quarter on adjacent buildings is equally harmful. The effect on the Medical Centre is so severe that the Practice Manager Timothy Downs has been moved to write to the Council in the following terms:

*"Patients' welfare would be seriously compromised if the Centre were to be plunged into the perpetual shadow and subjected to the significant overlooking if planning permission were granted."*

The applicant's Daylight Assessment Report is criticised in the same letter as:

*"..wholly flawed and comes to an incorrect and highly misleading conclusion."*

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<sup>13</sup> West Street and Bath Street are within an Air Quality Management Area (AQMA).

<sup>14</sup> VSC- given that the blocks are not yet designed, it is not possible to test individual windows or illuminance in individual rooms.

### *Effect on Living Conditions of Residents of Existing Dwellings in the Town Centre*

The proposals are for substantial high buildings of some 4-5 storeys on top of a “podium” which incorporates car parking on the ground floor. The development rises almost directly from the back of the pavement and the highway alignment is narrowed accordingly. The result is that the new buildings facing West Street:

- have no active street frontages,
- are considerably higher than the existing buildings that line West Street
- are in very close proximity to the principal facades of existing buildings and located to the south of (and therefore overshadowing) existing buildings.

The effect will be oppressive, will lead to overshadowing, loss of daylight and sunlight and a gloomy outlook where currently the local scene is one of trees, open parking areas and the character and interest of the views to the Church and its churchyard.

The proposals would have a harmful effect on the future living conditions of residents of existing dwellings, particularly those in West Street. It is important to bear in mind that many of these residents are elderly and are therefore likely to spend a significant part of their day within their homes, such that the effect on their living conditions affects them for a greater part of the day than those who, for example go out to work or school.

In more detail:

#### Daylight:

The Environmental Statement identifies (but then seeks to underplay) the fact that a large number of properties will be severely affected loss of daylight and sunlight. In summary it claims that only a small percentage of rooms and dwellings tested will, as a result of the development fail to meet established standards for daylight and sunlight.

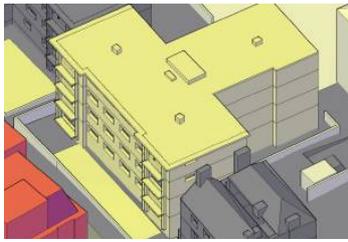
Whist its percentage figures may be mathematically accurate, they include in the calculation rooms and flats that are scarcely affected by the development so as to increase the denominator. This is somewhat disingenuous.

A further breakdown of the results shows that the majority of rooms in existing buildings that face directly onto the development along West Street and Queen Street are affected by the development to the extent that the rooms no longer meet accepted standards for daylight<sup>15</sup>.

Rooms on the ground floors of the relevant facades plus rooms on all floors of the relevant facades of all of St Andrews Court, 88 West Street, the Rum Puncheon and most of the Regents Court are affected.

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<sup>15</sup> The two measures of daylight are Vertical Sky Component (VSC)- in simplistic terms the percentage of unobstructed daylight hitting the centre of a window, and Average Daylight factor (ADH)- again in simplistic terms the average illuminance within a room at a height of 850mm (i.e. desk height). The standards are laid down by the Building Research Establishment (BRE).



*Overshadowing by E01, E03:*

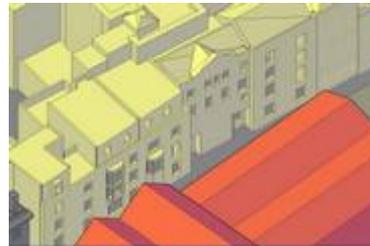
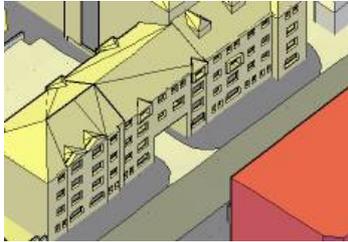
*St Andrews Court (left) and 12-14 High Street (right).*

*Note: the overshadowed part of 12-14 High Street has planning permission but has yet to be built.*



*Overshadowing by W02, W03:*

*Regents Court (left) and Melbourne Quay (right)*



If the development were to go ahead then the residents of Crawley Court, Melbourne Quay and particularly Regent Court and St Andrews Court would appear to have a valid prima facie cause of action against Edinburgh House or subsequent developers for interference with the residents’ “right to light”.<sup>16</sup>

Although the existence of private rights are not normally relevant to planning decisions, the existence of an actionable third party right in tort which would prevent the scheme being carried through in the form proposed and which could undermine the viability of the scheme is a material consideration. Given the severity, extent and scale of the impact on rights to light and living conditions, the grant of consent for such a scheme may well be challengeable for perversity.

Overshadowing:

Overshadowing plans are provided that show that on the 21<sup>st</sup> of March a substantial proportion of West Street is cast into shadow all day by the development (this is particularly acute adjacent to Regent Court, the Rum Puncheon and 88 West Street). Building E01 within the Eastern Quarter similarly casts a shadow across Bank Street for most of the day. Given that this date is the equinox, it is evident that these streets will be in shadow for at least half the year, and very possibly for most of the year.

The plans can not show the extent to which individual building facades are in shadow. This is done instead by a measure of the amount of direct sunlight reaching each room which is in turn assessed against industry standards<sup>17</sup>.

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<sup>16</sup> As in the recent High Court decision in the case of HKRUK II (CHC) Ltd v Heaney. The Court held that damages were not an appropriate remedy for the interference in the right to light enjoyed by a neighbouring building, and so granted an injunction to the owner of the neighbouring building. The effect of the judgment is that the developer will have to remove the offending part of its completed works - at a cost of between £1m and £2m – in order to remedy the interference.

<sup>17</sup> Annual Potential Sunlight Hours (APSH)

Chapter 17 of the ES states that 85% of rooms tested in existing buildings would continue to receive adequate sunlight<sup>18</sup>. This means that 15% of the rooms fail- a substantial proportion, especially when it is considered that the majority of rooms tested would previously have enjoyed standards that were well in excess of the minimum.

Once again this 85% figure is misleading in that it includes a lot of rooms that are scarcely affected by the development. The proportion of rooms directly facing the development that would fail to meet minimum sunlight standards will be much higher.

### The Environmental Statement

The ES attempts to justify overshadowing, plus the loss of daylight and sunlight on the surrounding areas by stating that:

*'...given the urban context of the site, the dense nature of the urban environs and the recognised need for redeveloping the site, these results should be considered acceptable.'*<sup>19</sup>

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This statement would perhaps be understandable if the proposed development was to be a similar scale to buildings within the surrounding area. However, as a means of justifying higher development that will inevitably have a greater effect on its surroundings, this reasoning is wholly objectionable.

### Air quality and noise:

The effect on air quality and noise can only be negative, given the “canyon effect” of a high reflective hard surface. The canyon effect is noted in the Pollution Chapter of the ES, but is not noted in the Noise Chapter. This does not seem credible. Never-the-less it is noted that there will be an increase in traffic noise of ‘*moderate significance*’ along West Street. Given the canyon effect, this is likely to be higher than indicated in the ES and should be properly quantified. Its adverse effect on living conditions would add to the reasons why the application should not be permitted.

### **Further details on environmental effects of the proposal are provided in Appendix 3: Environmental Impacts**

#### *Affordable Housing*

The application proposes no on-site affordable housing on the Eastern Quarter. A total of 50 affordable flats would be provided on the Western Quarter. This equates to approximately 15% of all the total housing on both the Eastern and the Western Quarters- half the percentage of 30% that is expected by council policy. It is not clear what type of affordable housing is to be provided. A commuted payment would be made in respect of the 15% deficit of affordable housing.

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<sup>18</sup> The BRE standard is living rooms should be able to receive 25% of total APSH (Annual Percentage Sunlight Hours) of which at least 5% should be available during winter months.

<sup>19</sup> Chapter 17, Environmental Assessment, page 19

The provision of affordable housing by way of commuted payments is highly irregular. It is not encouraged by paragraph 50 of the NPPF which states:

*'...local planning authorities should:...where they have identified that affordable housing is needed, set polices for meeting this on site, unless off-site provision or a financial contribution of broadly equivalent market value can be robustly justified..'*

It is not clear what constitutes the 'robust justification', particularly given the North Kent SHMA identifies (figure 122) that a substantial proportion of the affordable housing (including social rented housing) requirement is for one and two-bedroom flats. Such dwellings could easily be provided on the Eastern Quarter site.<sup>20</sup>

The Planning Statement says that the approach (of a commuted sum to provide affordable housing elsewhere) '*will prevent an over concentration of affordable housing units in the Western Quarter*'. However, it is not explained why the Eastern Quarter can not absorb the requisite share of affordable housing<sup>21</sup>.

It is stated that the commuted sum would '*allow the Council to provide family homes outside of (sic) the immediate town centre*.' However, it is not evident that any site within the borough, within the control of the developer or the Council, or otherwise, has been identified for off-site provision. There is therefore a risk that neither a site nor an affordable housing provider will be found within the prescribed timescales for the expenditure for commuted payments. The shortfall of affordable housing will not be rectified and the commuted payments would be repayable to the developers with interest.

It should also be noted that an alternative site will itself trigger a requirement for affordable housing. Such a requirement should be on top of the alternative site provision. Using this reasoning there is a need for the commuted sum to provide 90 dwellings- not the 50 assumed in the Planning Statement.

The applicant has not yet drawn up a S106 heads of terms and we reserve the right to comment when they do so. It is therefore unlikely that details have been provided, let alone agreed, with regard to the uncertainties raised in the last few paragraphs. Overall– the reasoning behind the decision to provide commuted payments in lieu of on-site provision of affordable housing is extremely weak. It does not constitute the 'robust justification' required by the NPPF, and it leaves the Council in danger of gaining very little in the way affordable housing from this development.

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<sup>20</sup> Planning officers have suggested that area has an excess of affordable housing (telephone conversation J Clay with Michael Jessop 08/02/13). However, the former Council flats in St Andrews Court, built in the 1950s, are now largely in private occupation and provide, incidentally, far superior space standards, and outdoor balconies than anything proposed in the application scheme.

<sup>21</sup> However, the proposed flats are too small to meet the standards required for affordable housing.

## *Viability of the residential development*

As a result of the Heritage Quarter Forum meetings in late 2011 and early 2012, representatives of Urban Gravesham wrote the following to Councillor John Burden in May 2012:

*...the market for flats is weak and will remain so for some considerable time. Social housing<sup>22</sup> (for example the new block of flats to the south of the Clarendon) and cheap flats for the buy-to-let market are being built in some places in North Kent, but only in small numbers. This type of housing is hardly the stuff of regeneration. Overall, housing is not the cash cow that will subsidise other parts of the scheme- as may have been envisaged when the development agreement was originally signed...*

*According to the Council's own report on housing provision in the Borough, there is already an overprovision of flats. Plans for thousands of small one & two-bed flats are in the pipeline from existing planning applications (e.g. the canal basin regeneration, the empty police station, the sites of several disused or demolished pubs, Northfleet embankment) ~ Gravesend does not need more.*

*In addition, the Eastern Quarter features underground parking, and would be built upon a steeply sloping site. This would be very expensive to construct and it is therefore highly unlikely that the Eastern Quarter would be viable.*

*...we do not see that it is worthwhile spoiling the skyline round the Western Quarter with high-rise flats for what will be only a very small financial return to the developer (if any). We suggest that Edinburgh House should concentrate solely on its plans for refurbishing and extending the St Georges Centre.*

The above remains true today.

It is also worth noting that, unlike estate houses which can be built and released onto the market in small numbers, flat blocks have to be built and released 'enbloc'. For a big block such as E01 with 118 flats, this is a huge upfront investment by the developer. Such a large number of flats coming onto the relatively small housing market in Gravesend all at once could well overwhelm that market<sup>23</sup>. This issue is also likely to affect the Western Quarter.

### ***Planning Policy: Residential development:***

Paragraph 50 of the National Planning Policy Framework requires the delivery of a wide choice of high quality homes and the creation of sustainable, inclusive and mixed communities. However, the homes to be delivered via the planning application are cramped and therefore not high quality. Because of this, they will appeal only to small, specific sectors of the housing market, and will not create *mixed communities*.

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<sup>22</sup> Having now examined the plans in detail (January 2012) we do not believe that the proposals will be attractive to social housing providers – see previous page).

<sup>23</sup> Elsewhere in Kent developers are redesigning schemes to provide smaller individual blocks of flats to achieve a smaller and slower build rate.

Policy CS14 'Housing type and size' of the draft Local Plan states:

*'The Council will expect new housing development to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.'*

The development (specifically the Eastern Quarter) does not deliver a range of dwelling types. It does not deliver any affordable housing, nor a range of housing types and sizes. Instead it delivers a limited range of almost universally small 1 and 2 bedroom market flats.

The background text to the Council's policy makes it clear that instead there is a shortage of market family housing. Urban Gravesham's view is that there is no reason why family housing should not be delivered on the site. This could take the form of town houses and larger flats or maisonettes with decent sized rooms, storage, and access to safe private or shared outdoor amenity space. Similarly, there is no reason why the requisite proportion of affordable housing should not be provided on this site. It is an entirely suitable area for family accommodation and affordable housing, given the easy walking distance to town centre facilities, schools and public transport.

We also note Policy CS14 seeks an increased proportion of housing designed to meet the Lifetime Homes Standard<sup>24</sup>. The applicants claim that the proposed housing will meet the standard. However, as pointed out above in the assessment of housing layouts, this assertion is not supported and irrelevant given the sub-standard layout and sizes shown.

Overall, there is a limited range of dwelling types and tenures across the site. This directly contradicts both the NPPF and draft Local Plan Policy CS14. Once again the Council, were it to give permission to this scheme, would be abandoning its new planning land use policies even before they are adopted.

The proposed residential accommodation is unacceptable, in terms of its size, layout design and nature. It would not create successful sustainable mixed communities. It is entirely contrary to policies in the development plan, the NPPF, the emerging development plan and appropriate housing standards. Such failure cannot be left to the reserved matters stage as the Council cannot be satisfied that acceptable standards can be achieved. Rather, it provides a clear and justified reason for refusal.

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<sup>24</sup> This is a series of criteria designed to ensure that homes can accommodate a range of people with different needs. Most of the criteria are based on ensuring that there is adequate space for circulation- space in front of furniture and windows, plus wheelchair turning areas. This is easy to achieve if there is limited furniture in the way. We have not found within the application a systematic assessment of each flat type against Lifetime Homes criteria.

## RETAIL DEVELOPMENT

### *Prematurity*

The strategy for retention and enhancement of retail provision in Gravesend is an important feature in the emerging Core Strategy. The approval of this scheme would be premature and pre-emptive of the consideration of that strategy at the forthcoming Examination in Public in August.

### *Retail Impact: Quantum of comparison retail space:*

The justification for the quantity of retail development proposed by the development is based in part on the Council's Gravesend Retail Study Update, March 2012- produced as part of the evidence base for the draft LDF Core Strategy, and the subsequent Retail and Leisure Background Paper published by GBC in December 2012.

However, it is evident that the need for the quantity of comparison retail floorspace to be provided by the scheme (7,310 sq.m net) will not be reached until sometime beyond 2021. In addition to this, the Retail Study Update, the Retail and Leisure Background Paper and the draft LDF retail floorspace figures are themselves flawed and over-optimistic. This matter is outlined in more detail in **Appendix 1- Retail floor space figures**

UG's view is that providing substantial additional comparison floorspace to meet the local needs of the town in a single location outside the primary shopping frontage and to the west of the existing primary shopping centre before there is an identified need will merely increase competition between stores within the centre for the same business. This is likely to see additional and new retail concentrated within an expanded St Georges Shopping Centre, with decreasing retail elsewhere - to the detriment of the town centre as a whole.

A further result could be the relocation of existing major retailers to the extended St Georges Centre. If this were to happen then the effect on the rest of the town centre would be truly devastating- a ghost town could be created as footfall migrates from New Road to the new centre. The effect on the vitality and viability of the Town Centre could be seriously harmed- the precise opposite of the general policy thrust for town centres as laid out in the NPPF.

### *Convenience Shopping*

A reasonably substantial quantity of convenience shopping (3,000 sq. m) is proposed as a possible alternative to part of comparison floorspace. This is enough for a medium sized food supermarket. In justifying this it is correctly stated that the present Tesco's store is 'overshopped' and hence loses potential trade.

UG agrees that a more modern and larger convenience store (in the right location!) could recapture trade that is currently lost to out-of-centre supermarkets and could hence benefit the town. However, the contention that existing Tesco's will remain open is unrealistic. A single replacement convenience store to the rear (north) of the existing St Georges Centre would be remote from present retail circuits and remote from the present

Primary Shopping Area, and may not benefit the rest of the town centre at all. It would however generate considerable footfall. Once again, major comparison and convenience stores (M+S, BHS etc.) may be tempted to relocate within the new extension to the St. Georges Shopping Centre.

The Cinema/Market or the Tesco/ Gala bingo, and the Lord Street car park sites are all big enough to accommodate convenience superstores, would be better sequential alternatives within the existing Prime Shopping Area, and in the case of the cinema market site- would promote pedestrian footfall along the main shopping streets of King Street and New Road.

*Sequential approach:*

The NPPF sets out a sequential approach to identifying the location for retail development. This proposal is “edge of centre” and outside of the primary shopping frontage. It is, to all intents and purposes, an extension of the St George’s Centre, seeking to extend the primary frontage north westwards away from its current centre of gravity. If it succeeds, it will inevitably draw trade away from current primary retail areas at the centre and south east of the town centre.

UG does not contend that there should be no retail expansion at all. It also recognises that continued investment in Gravesend town centre is necessary in order to ensure that it remain competitive with other centres. However, the sequential assessment of the Retail Statement is too quick to dismiss alternatives to expanding St Georges Shopping Centre.

The cinema site is dismissed as ‘too small’. This is true. However, the cinema site together with the underused Horn Yard, and unused hinterland at the back of High Street and Queen Street properties, would together create a substantial site that extends to the Market. This site is ideally located to encourage retail circuits between the east and western parts of the town centre and right through the centre.

Whist it is also accepted that the Gala Bingo Site is small, it, combined with the existing Tesco JSB Sports site would, again, make a substantial development site. There is also scope for the redevelopment of the Thamesgate Centre- a point made by agents acting for the owners of the Centre:

*‘... the Thamesgate Centre has potential for redevelopment during the Core Strategy plan period...The Thamesgate Centre should therefore be considered sequentially preferable to the Heritage Quarter by virtue of being located within the defined Shopping frontage that functions as a part of the Primary Shopping Area...’<sup>25</sup>*

Retail landlords can also maintain customers and increase spend, and hence assist the overall viability of town centres, by updating their existing shopping complexes. It is a pity that Edinburgh House did not show a long term commitment to Gravesend by upgrading the Thamesgate centre. Instead it made a substantial profit by selling it on. Its commitment to upgrading the existing St George’s Centre via the present application is, similarly, not evident.

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<sup>25</sup> Letter of objection dated 13/05/10 to previous HQ application 2008/0696 from Montague Evens on behalf of Stocklands- owners of the Thamesgate Centre.

In summary- if there really is a need for this scale of further retail development, then disaggregation, plus re-investment in existing floor-space, would be the better means of achieving it. This would allow for an incremental approach, allowing development to come forward as it is required, rather than being provided in a single large scale development at the extreme western edge of the town centre.

*Retail circuits and links:*

The retail statement accompanying the planning application mentions the concept of 'retail circuits' whereby shoppers will venture out from one part of centre to other parts. It is specifically argued that shoppers will travel between the Eastern and Western Quarters and shop in the High Street between. The applicants state:

*'We anticipate that a vibrant mix of independent retailers will be attracted to the historic retail units on the High Street over time'.*

For this to happen, links need to be obvious and attractive. Links between the Lord Street car park and the town centre, from the Thamesgate car park, along Stone Street, to Queen Street, etc. will have to be improved if this strategy is to be effective. However there is no public realm strategy or implementation plan which the Council can use as the basis for negotiating and funding essential off-site improvements.

In addition, the design itself hampers militates against the achievement of good pedestrian connections between different part of the town centre, and to the river. In particular, both the Eastern and Western Quarter developments are to be built on podiums that hide car parking. These raise the development above West Street, Crooked Lane, and Queen Street and make it difficult to achieve attractive, easy-to-use links.

In addition, the unbroken wall of development proposed for Bath Street, plus the fact that the Bath Street roundabout will remain traffic ridden and hostile to pedestrians, means that connections to the immediate west of the town centre will remain unimproved. This point is also made very strongly by the South East Design Review Panel, who comment:

*"The environment on and around Bath Street is poor –it is dominated by cars, difficult for pedestrians to cross and has high levels of pollution. It appears that the proposal does little to address this – in fact it appears to perpetuate the problems –and indeed exacerbate them because it is the means of accessing the car park and servicing."*<sup>26</sup>

The failure to achieve good connections is contrary to paragraph 4.6.27 of the Core Strategy which emphasises the importance of the development of this area improving pedestrian connections with the historic High Street, the Riverside and Imperial Business Park.

We also note the net loss of 75 public car parking spaces within the Eastern Quarter. This further adds to the separation of the Eastern Quarter from the proposed shopping core centred solely around the St Georges Shopping Centre at the Western Quarter.

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<sup>26</sup> Letter SE Regional Design Panel 22 July 2012

### *Wider town centre strategy:*

The significant and obvious challenge facing the town centre is how to give a viable future to secondary retail areas which have higher vacancy rates, and which are conspicuously run down. These areas give a poor overall impression of the town centre which must be damaging to all businesses- large and small, and which must discourage investment. The condition of the secondary areas could certainly put off potential retailers within the Western Quarter. This challenge is recognised to a degree by paragraph 4.16 of the Retail Study 2012:

*‘(increased modern) floorspace is not always the solution and we consider that the Council should carefully consider how it balances the requirement to deliver an enhanced offer in larger units, with PPS4 policy requirements for vital and viable town centres that include a full range of shops to provide competition and choice- including a healthy independent offer’.*

It is accepted that it is impossible for the Edinburgh House scheme to rise to this challenge alone. However, it is not obvious that there is any wider town centre strategy that addresses this issue. In the absence of this wider context, giving permission to such a large comparison retail scheme, would, in UG’s view, be irresponsible.

### **Retail Planning Policy**

The majority of the retail component of the planning application lies outside the town centre Primary Shopping Area.<sup>27</sup> The emerging Local Plan proposes the Heritage Quarter as the edge-of-centre site for 7,000 sq.m of comparison retail expansion- coincidentally the same as that proposed by the planning application. However, this Plan is not yet adopted. There are significant objections to it which will be tested at the forthcoming Examination in Public. A decision to expand the retail core by way of the planning application is therefore premature.

In addition, the Planning application fails the criteria within the NPPF on the following grounds:

- Paragraph 24 of the NPPF requires a sequential test for planning applications for main town centres uses that are not in an existing centre. As laid out above, there are better connected sites within the town centre that could meet retail needs.
- In proposing what is a very large expansion of comparison retail for a Secondary Retail Centre<sup>28</sup>, ahead of identified need, the applicants are not demonstrating flexibility with regard to format and scale- as required again by paragraph 24.

The Impact Assessment required by paragraph 26 of the NPPF is somewhat perfunctory. It is assumed, for example, that the diversion of trade away from the existing Tesco Supermarket will:

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<sup>27</sup> As designated by the Gravesham Borough Council Local Plan, 1<sup>st</sup> Review 1994.

<sup>28</sup> Gravesend town centre is defined as a secondary retail centre in the South East Plan- 2009, and in the Draft Local Plan Core Strategy- 2012.

*'primarily act to relieve congestion in the store and will still leave it trading well above company average levels'*<sup>29</sup>.

There seems to be no recognition that the overtrading is because of the store's town centre location and that a rival, more modern and larger store in relatively close proximity is highly likely to have a very substantial impact.

The Impact Assessment with regard to Comparison Retail merely quotes from the Council's 2012 Retail Study- a study whose methodology and results are disputed by Urban Gravesham. There is no methodical assessment of the *'impact of the proposal on existing, committed and planned public and private investment...'* as required by paragraph 25 of the NPPF, nor is there an assessment of *'the impact of the proposal on town centre vitality and viability... up to ten years from the time the application is made'*.

In summary, the application for retail expansion of the scale proposed:

- is premature,
- fails sequential tests,
- does not demonstrate flexibility,
- and does not thoroughly assess the impact on the town centre- contrary to the requirements of the NPPF.

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<sup>29</sup> Page 24 Retail Statement

## OTHER LAND USES:

It would seem reasonable to expect that the major town centre redevelopment scheme on the largest sites available within the town centre should deliver a balanced scheme with a range of uses- including B1 office and cultural facilities.

This is backed by draft local plan (policy CS07) which states that the Council will seek to secure a minimum of 4,600 jobs in Class B1 (office employment) focused at Ebbsfleet and within Gravesend town centre. Support is given to schemes incorporating small scale office workspaces intended to support the start up of high quality small and medium sized enterprises. This is line with the Gravesham Economy and Employment Space Study (May 2009) which advocates the promotion of Gravesend as a suitable location for creative, media, design activities, with low cost premises<sup>30</sup>.

We also note that a museum within the Heritage Quarter is mentioned by previous drafts of the LDF/Local Plan, and we note the Council feasibility study for a museum that established that a substantial proportion of capital funds would be available for such a museum. With regard to this and other cultural facilities to this we previously noted<sup>31</sup>:

*'The mention of the potential for a museum is noted by UG and is strongly supported... The Roman and pre-Roman archeological finds at Ebbsfleet are of an almost unparalleled richness in this country. They could form the basis of a museum of national stature. Along with other facilities this could be the key to putting Gravesend on the map and convincing citizens and others that Gravesend is a good place to live and invest. It would constitute regeneration that brings real cultural and economic benefits. The Council's own feasibility study shows that a museum is fundable and achievable on the eastern part of the Heritage Quarter.*

*There is tremendous scope for improving the cultural offer elsewhere. The newly refurbished Library, the small gallery at the Civic Centre, and the newly reopened town hall are fine examples that have improved the quality of life for users of Gravesend town centre. The market and the market square offer similar scope for rejuvenation...'*

However, the scheme is overwhelmingly retail and residential led, with an absolute minimum of other uses. A tiny proportion of B1 office space is proposed (710 sq.m GIA, 13 - 15 FTE jobs<sup>32</sup>. Cultural facilities are limited to a hotel (if this can be counted as a 'cultural facility') and family themed restaurants.

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<sup>30</sup> The study, produced as part of the Core Strategy evidence base, stated that 'some 5,900-14,000 sq.m of additional office space should be provided, mainly in Gravesend (not Ebbsfleet), including small scale lower cost and flexibly managed units' plus 'further small incubation premises for business start-ups in Gravesend to encourage indigenous business formation- at least 5000sq.m of such space should be aimed for initially and possibly up to 9,000 sq.m.'

<sup>31</sup> Gravesham Growth Scenarios and Core Strategy Consultation- response letter from Urban Gravesham 22/12/2011:

<sup>32</sup> Environmental Statement- socio-economic chapter

Given that the Edinburgh House scheme is on the principal and largest regeneration sites in Gravesham and given the sites' location immediately adjacent to a diverse town centre, this lack of balance is not good enough. The lack of B1 employment floor space is a major missed opportunity, especially given improved links to London. Instead of encouraging small businesses that will pay reasonable wages and which have the potential to grow, the employment benefits of the scheme will be restricted to part time, low paid retail jobs.

Similarly, it is not unreasonable to expect a major regeneration scheme to deliver real cultural benefits. This scheme appears to be concerned with delivering only commercial financial outputs, principally for the benefit of the developers.

Furthermore, the lack of balance of the scheme, ahead of the examination of the Core Strategy, prejudices the development of a proper, plan-led strategy for the town centre. It may well prejudice the allocation of '*a range of suitable sites to meet the scale and type of retail, leisure, commercial, offices, tourism, cultural, community and residential development needed in town centres*'.<sup>33</sup> In this respect the planning application is premature.

Overall, with respect to the scheme in general, and as we said with regard to the previous scheme:

*...we would expect a development valued at £120 million<sup>34</sup> to be capable of yielding major benefits to the town. As the Council has refused to disclose any of the financial analysis in their possession and none was submitted with the application we are unable to see what, if any, other benefits are proposed, and their scale, but it seems on the face of it that the Council and the community are getting a very poor deal out of the development.<sup>35</sup>*

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<sup>33</sup> Site allocations for these uses are required within Core Strategies by Paragraph 23 of the NPPF.

<sup>34</sup> This was the value given to the previous scheme 2008 0696. The present schemer is valued at £74 million

<sup>35</sup> Urban Gravesham letter of objection to planning application 20080696, 09/12/08

## **CAR PARKING**

The report on car parking is confusing in that it does not separate public car parking from private parking. Nor does it compare existing public car parking levels for the Eastern Quarter and Western Quarter to what is proposed.

It appears that sufficient parking is provided to meet the private parking needs of the residential occupiers of the new development, but at the expense of the loss of public parking that serves existing developments. A total of 331 existing (presumably public) spaces are to be lost- amounting to almost half the parking in the northern part of the town. Almost all the open parking is lost. Astonishingly, no additional parking is provided to serve the very significant increase in retail floorspace.

The Parking Report argues that other existing car parks in the centre are underused and that the parking demand caused by the loss of parking places could therefore be met on these alternative car parks. Edinburgh House have offered to make a financial contribution for additional parking in the centre. However- if it is accepted that there is adequate replacement parking then it is difficult to see why there should be a contribution in accordance with Regulation 122 of the CIL Regulations 2010.

Parrock Street is earmarked to absorb most of the displaced parking demand. Whilst the surveys outlined in the report show that Parrock Street has the apparent capacity to meet this additional demand, the experience of many residents and shoppers is that at peak times of the year, it can be very busy. We recommend that the Council checks this information very carefully and that it carries out its own parking surveys.

In addition, the Parrock Street car park is the subject of a masterplan that would see substantial amounts of the car park developed in due course. This is less likely to happen if it has to absorb additional parking. The site will be blighted and its development value will decrease. This is not a good deal for the Council. In any case, no compensatory schemes are proposed in the application and the means by which extra parking to serve the additional retail floorspace will be achieved remains vague and uncertain.

Our major concern is the loss of parking spaces within the Eastern Quarter. The car parks in this area are not over generous even in terms of meeting existing demand. Nevertheless they are important in encouraging people to park and hence shop in this part of town. The loss of 205 public spaces, to be replaced with only 125 new public parking spaces to meet existing and new public parking demands, will make the east of the town centre significantly less convenient and attractive for shoppers and other users. This will, once again, focus retail towards the west of the town centre – to the detriment of the rest the centre.

The proposed loss of parking would provide a sound reason for refusal and we urge the Council to do so.

## **PUBLIC REALM**

The scheme contains outline proposals on improving the public realm. Much of this is a necessary part of the scheme, although not capable of overcoming the poor layout of the proposals and not capable of mitigating the overbearing scale. The proposals for St Andrews Gardens are unnecessary, gimmicky and likely to be ephemeral. It would be far better to find money instead to upgrade the generally dreary quality of the architecture.

The use of high quality materials and detailing along West Street is welcomed- although this does not overcome the crass and unnecessary destruction of mature street trees. Opportunities elsewhere are not grasped. In particular the West Street / Bath Street junction remains a roundabout, rather than an urban square or a worthwhile place in the streetscape. Bath Street is also unimproved- it remains a weird dual carriageway- one of the few legacies (along with St Andrews Court and ironically the sites that are the subject of this scheme) of the thankfully abandoned 1943 masterplan.

The loss of large numbers of trees will diminish the quality of the public realm. Overall the public realm proposals fail to address the needs of the area. Although there are some improvements in the quality of surfaces and materials in the public areas of the scheme, as might be expected in a scheme of this scale, overall the proposals do little to address the shortfall in public open space in this part of town. This is despite the additional pressure that the development will put on usage of open spaces.

## CONCLUSION

The extant Local Plan dates from 1994 and its policies, whilst still in many respects sound, are now somewhat dated. Paragraph 14 of the NPPF is therefore of crucial importance:

*'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development...For decision-making this means...where the development plan is absent, silent or relevant policies are out of date, granting permission unless... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole.'*

The effect on the historic environment, the failure to protect and provide decent living conditions and the threat to the vitality and viability of the town centre all mean that the scheme is not remotely "sustainable development" within the meaning of the NPPF. The severe adverse impact of the scheme would demonstrably outweigh the benefits and the scheme is demonstrably contrary to policies in the NPPF with regard to its:

- potential to destroy the vitality of the town centre through an overprovision of poorly designed retail development outside the primary shopping area;
- failure to deliver a wide choice of high quality homes- instead a monoculture of cramped and cheap market flats are proposed;
- poor design which will fail to function well, fail to add to the overall quality of the area, fail to respond to local character and history, fail to create and sustain an appropriate mix of uses, and fail to be visually attractive;
- failure to conserve the historic environment or recognise its character and significance by dint of its unsympathetic layout and overwhelming scale.

The Draft Core Strategy Policies (not yet tested at an examination in public) are drafted to be supportive of the retail aspects of the scheme. This will be contested by Urban Gravesham at the EIP. However, even setting this to one side, an assessment of the scheme against the draft design, heritage and housing policies provide justification for an outright rejection of the proposals. It is clear that the proposals conflict with emerging local policy.

The application conflicts with the development plan and the NPPF and there are no material considerations that indicate that it should be approved. In accordance with section 38(6) of the 2004 Act, the provisions in the Listed Buildings Act 1990 and the NPPF we strongly urge the Council to reject this application.

## APPENDIX 1- Townscape, Heritage and Visual Impact Assessment:

We have the following observations to make with regard to the Townscape, Heritage and Visual Impact Assessment and its use of the latest English Heritage 'Seeing History in the View' methodology:

- Many of the strategic views are from the river- not seen by many people. It is clear that from the selected river viewpoints, views to the most significant heritage asset- St George's Church- are more open as compared to the previous scheme. For this reason the effect of the development on the historic environment is generally described as neutral. However, little value seems to have been put upon the generally low lying and fine grained character of the High Street and Queen Street conservation areas. Despite modern development along the river, this characteristic (and setting) is still evident from many viewpoints, and would be overwhelmed by the proposed new development.
- The present 'open' character of the surface car parks that form the eastern and western development sites are regarded by the Environmental Statement as damaging to the character of the area. It is therefore assumed that new development on these sites will have a 'beneficial' effect. This is at best a moot point- the present market square with its fine views over the river, and views to the picturesque jumbled rear of High Street properties, are worthwhile. The parking area round St Georges is less defined, has been damaged by the removal of traditional townscape in the 1970's, and is indeed rather characterless. However, at best the proposed new development will replace a somewhat neglected area, with instead development that is as damaging to the townscape of adjacent conservation areas as were the previous clearance schemes. This time, however, it would be permanent and irreversible.
- To carry on from the last point, the 'beneficial', 'neutral', and 'adverse' categories used for the assessment of the effect of the scheme on townscape and the historic environment can take no account of what may actually be desirable- i.e. repairing previous damage done to the townscape by previous regeneration schemes.
- Similarly, the methodology can only consider 'fixed' viewpoints- not the many views that open up and change as one walks or drives along. It is quite clear that some routes- West Street and Crooked Lane , The Terrace- will be radically changed by development that is at an altogether bigger scale than existed at any time in the past.
- Overall, the assessment attempts to be objective. However, we question the value judgments behind the ratings of 'beneficial', 'neutral' and 'adverse' and suggest that limited credence should be given to the ratings.
- At the same time it is noted that the effect of the scheme on viewpoints from The Terrace, and from Clifton Road, are assessed as 'major' adverse. It is probably evident that UG agrees with at least this part of the assessment.

It is also worth noting that, in Urban Gravesham's opinion, some of the photomontages are, because of the very wide panoramas they encompass, misleading. An example of this is the one from Windmill Hill which shows the proposed development as a relatively insignificant object within the wider sweep of landscape. However, an actual visit to Windmill Hill shows the prominence of the much smaller new development at the rear of the Clarendon Hotel. It is clear from this that the new development may be a great deal more prominent than apparent from a perusal of the photomontages alone.

## APPENDIX 2: ENVIRONMENTAL IMPACTS

### *Air quality:*

The one way system that abuts the scheme is an air quality management area (AQMA). NO<sub>2</sub> and PM<sub>10</sub> levels are a concern. It would seem logical to assume that enclosing West Street with large buildings in place of the present open car park would reduce air movement and trap pollutants. This is acknowledged in part by the report in that it states that 'canyon effect' has been modeled for part of West Street. However, the figures show that future levels of pollutants 'with' and 'without' the development, are very similar.

Even more notable is the very significant predicted drop in pollutant levels with regard to both the 'with' and 'without' development scenarios as compared to present figures. This seems to be put down to fewer car movements due to relocation of public car parking from the development sites to Parrock Street.

These figures do not seem credible:

- The vast majority of car movements along West Street are not associated with parking, they are instead associated with trips round and through the town from west to east;
- It is noted that traffic will be 'calmed' along West Street. This will create slower moving traffic which will give rise to more pollution
- Overall little parking is lost along West Street – the public car parking that is to be lost will be replaced with residential car parking, plus further delivery vehicles

It is recommended that the figures provided in the ES are thoroughly assessed.

It is noted that pollutant levels will remain high along West Street and that mitigation is required in the form of mechanical ventilation for new dwellings within the WQ.

### *Noise*

The Noise Chapter of the Environmental Statement (ES) reveals that the busy Bath Street and West Street are significant sources of traffic noise. Noise levels for all flats facing Bath St, West St, and Crooked Lane will all exceed 65dB the threshold for nuisance levels. This will require windows to be closed and air conditioning to be provided. It is not clear what visual impact this might have.

Mitigation measures- acoustic glazing and mechanical (or fan assisted trickle) ventilation- are proposed for new dwellings in both the Eastern and Western Quarters that face these roads.

We have previously argued that single aspect flats which have all windows facing the direction of traffic noise, and which will be mechanically ventilated, should not be regarded as acceptable. The report mentions that residents would have the option of opening windows (and hence letting in noise) to provide rapid ventilation and summer cooling. This does not seem much of a choice- living in a hot, stuffy, but tolerably quiet flat, or living in a well ventilated but noisy and polluted flat.

Noise levels of existing facades/ buildings are provide in the report and reveal that the existing flats facing onto the main roads are within a noisy environment. However there does not seem to be 'with' and 'without' completed development assessment of noise level for existing buildings.

It is noted that the ES with regard to air quality states that there will be a canyon effect along parts of West Street whereby pollutants could be trapped between new and existing buildings. It would seem logical to assume that the canyon effect with regard to noise is also relevant, and that noise levels in existing flats, and as experienced by pedestrians along West Street, could thus be significantly higher than existing. There does not seem to have been an assessment of this point.

Once again, it seems essential to question the information in the ES.

#### *Daylight, Sunlight and overshadowing:*

The Environmental Statement identifies (but then seeks to underplay) the fact that a large number of properties will be severely affected by a reduction in daylight and sunlight. As previously stated the majority of rooms in existing development that front onto the new scheme will, as a result of the development, fail to meet industry standards<sup>36</sup> for sunlight and/or daylight.

As a result of the development, and with regard to Vertical Sky Component<sup>37</sup>:

- All rooms on all three floors in (1- 12 and 13-24) St Andrews Court that face the very large scale Block E01 would fail the VSC<sup>38</sup> standard – the ground floor by an extremely substantial margin;
- All rooms on all three floors at 12-14 High Street that face the very large scale Block E01 would fail the VSC standard – the ground and first floors<sup>39</sup> by an extremely substantial margin;
- All ground floor rooms of Crawley Court that face the development would fail the VSC standard;
- All ground floor rooms, all first floor rooms and the majority of second floor rooms in Regents Court that face the development would fail the VSC standard- the ground floor windows to the east of the entrance would be especially badly affected;
- All floors of the Rum Puncheon and 88 West Street that face the development would fail the VSC standard, the ground and first floors by a substantial margin;
- All rooms on the ground floor of Melbourne Quay that face the development would fail the VSC standard- those to the west of the main entrance by a substantial margin;
- All rooms to the west of the main entrance of Melbourne Quay that face the development at first floor and second floor levels would fail the VSC standard.

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<sup>36</sup> As laid down by the Building Research Establishment in its publication 'Planning for sunlight and daylight'

<sup>37</sup> Vertical Sky Component is the ratio between the vertical illuminance on the glazing at the centre point of a window direct from the sky and the illuminance from an unobstructed sky. For a standard overcast sky with no obstructions the VSC is 40%. A VSC of 27% is regarded as offering the potential for good daylight. This corresponds to an angle of obstruction of 27 degrees- broadly equivalent to the Borough's 25 degree rule.

<sup>39</sup> VSC of 13, 11, and 9 %.

With regard to Average Daylight Factor<sup>40</sup> the failure rate is marginally lower:

- All rooms on ground and first floors of 13-24 St Andrews Court that face the very large scale Block E01 would fail the ADF standard and would experience a loss of illuminance of between 30 and 70%;
- All rooms on ground and first floors and most rooms on the second floor of 1-12 St Andrews Court that face the very large scale Block E01 would fail the ADF standard and would experience a loss of illuminance of between 30 and 60%;
- Six rooms at 12-14 High Street that face the very large scale Block E01 would fail the ADF standard as a result of the development and would experience a loss of illuminance of between 27 and 51%;
- Five ground floor rooms in Crawley Court that face the development would fail the ADF standard as a result of the development and would experience a loss of illuminance by between 21 and 27%;
- All ground floor rooms, all first floor rooms and a substantial proportion of second floor rooms in Regents Court that face the development would fail the ADF standard as a result of the development and would experience a loss of illuminance by between 20 and 45%;
- All rooms on all floors of the Rum Puncheon<sup>41</sup> and 88 West Street that face the development would fail the ADF standard as a result of the development and would experience a loss of illuminance by between 32 and 60%;
- All rooms on the ground floor of the East Block of Melbourne Quay would fail the ADF standard as a result of the development and would experience a loss of illuminance of between 33 and 62%. Five of the rooms on the first floor of the East Block of Melbourne Quay would fail the ADF standard as a result of the development and would experience a loss of daylight by between 29 and 42%;
- Five rooms within the East Block of Melbourne Quay would fail the ADF standard as a result of the development and would experience a loss of illuminance of between 23 and 51%.

It is noted that the ES states that there is no accepted standard for measuring the significance of daylight reduction, and the consultants have therefore made up their own standards. This holds that a reduction in daylight of up to 20% is negligible,<sup>42</sup> 20-35% will have a minor effect, 35-50% is moderate and > 50% is substantial. If these figures are accepted then it can be seen that, again, St Andrews Court, Regents Court, and the Rum Puncheon would be very noticeably affected<sup>43</sup>. The Council should take independent advice on these assumptions.

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<sup>40</sup> Average Daylight Factor: The average daylight factor formula is given by:  $ADF = T\Theta W/A$  (1- R2) where ADF is at 0.85 m above the working plane,  $\Theta$  is the angle of visible sky, W is the window area corrected for glazing bars etc, T is the transmission of the glazing, and A is the surface area of the room surfaces (i.e. ADF is measure of the average amount of daylight available at the height of a desk within a room). BRE standards are 2% for kitchens, 1.5% for living rooms, and 1% for bedrooms.

<sup>41</sup> Except one room on the 2<sup>nd</sup> Floor of the Rum Puncheon

<sup>42</sup> This is also backed up by BRE Research

<sup>43</sup> Table 17.3 in Chapter 17 of the ES which contains a building by building analysis is somewhat misleading in that it includes an assessment of facades that do not face directly onto the development and which are therefore scarcely affected. The percentage failure is much higher if it is restricted to facades that directly face the development. Although not stated it is presumed that this table is a summary of ADF results.

### APPENDIX 3: Comparison retail floor space

The Background Paper revises the comparison retail needs to 2028 downwards (as compared to the Retail Study Update) to 16,660 sq.m net by 2028 (down from 20,540 sq.m<sup>44,45</sup>). Of this 15,900 sq.m are within the town centre and the rest at Ebbsfleet.

Adjusting the figures for 2021 provided in the Retail Study Update to account for a similar downturn<sup>46</sup> gives a predicted comparison 'headroom' of 10,197 sq.m, including Ebbsfleet. Subtracting the allowance for Ebbsfleet from this,<sup>47</sup> the 2021 comparison retail figure for the town centre comes down to 9077 sq.m.

However, the Background Study also shows that there are currently vacancies amounting to 4,000 sq.m in the town centre. Factoring this in (i.e. allowing for this currently unused floorspace to be brought back into use) means that the retail headroom in the town centre in 2021 should be regarded as 5,077 sq.m<sup>48</sup>, and the retail headroom in the town centre in 2028 as 11,900 sq.m.

In addition, the Study shows that 1560sq.m of sites are identified town centre area<sup>49</sup> for comparison retail.<sup>50</sup> Urban Gravesham thinks that is a significant underestimate- in particular the former Cinema plus hinterland could provide significantly more floor space than the 675 sq.m. indicated: quite possibly as much as 3,000 sq.m.

It can be seen from the above that the need for the quantity of comparison retail floorspace to be provided by the scheme (7,310 sq.m net) will not be reached until sometime beyond 2021.

In addition, however, the figures are based on:

- *Household survey data from 2007:*  
It is claimed in the Background Paper that the 2007 survey reflects non-recession expenditure and therefore reflects what should be considered the default position for retail expenditure patterns. However, commentators, for instance PBBI<sup>51</sup> have stated that it is the boom period that is the exception and that:

*'sales since 1999 have been reflective of consumer boom conditions, including....rising house prices, low real interest rates and increasing consumer debt... 'future consumption (is) expected to be mainly driven by employment and incomes.*

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<sup>44</sup> Figure extrapolated from 2026 figure in the Background Paper.

<sup>45</sup> Revised downwards to account for retail commitments in Dartford and Medway

<sup>46</sup> 19%

<sup>47</sup> It is assumed that Ebbsfleet comparison retail will not be provided until late in the plan period. NB there is a small discrepancy in the figure provided by the background report.

<sup>48</sup> 9077sq.m. - 4000 sq.m.

<sup>49</sup> Basically town centre minus Heritage Quarter West.

<sup>50</sup> Excluding Parrock Street- identified for possible development late in the plan period.

<sup>51</sup> PBBI Expenditure Guide 2010

It is therefore highly likely that geographical patterns of expenditure have changed since that date, and that, given its relatively poor social-economic profile, Gravesend's market share, in comparison with better off centres, will have decreased.

- *The assumption that the town centre can retain its present market share:*  
We note the planning application to expand Bluewater by 20%. If this goes ahead there will inevitably be an effect on the available retail 'headroom' with Gravesend Town Centre.
- *Over-optimistic projections of population growth:*  
The draft Local Plan assumes that the population growth will be 100% of that put forward for Gravesham in the South East Plan 2009. 50% and 75% scenarios were put forward as scenarios in the Gravesham Growth Scenarios and Core Strategy Consultation (Oct 2011) and were based on the non-delivery of housing. Given the continuing weakness of the housing market, and the over-reliance of the draft Local Plan on Brownfield sites suitable mainly for flats, these scenarios are highly likely.
- *New forms of retailing- e-tailing and m-tailing:*<sup>52</sup>  
It is noted that the Retail Study Update has allowed for approximately 12% of comparison retailing to be Special Forms of Retailing (STF). In line with Experian Briefing Note 9- STF is not seen as rising significantly and, it is argued, will drop towards the end of the Plan period. This forecast is rather different from the rival PBB1 Retail Expenditure Report which predicts up to 17% STF. Irrespective of this it is noted that Broadband use is still rising, as is the use of smart phone technology.

Given the above, it is reasonable to conclude that the retail headroom figures in draft local plan are highly optimistic. In this context, the amount of retail proposed by the present scheme is very large and is certainly in excess of likely retail need/ headroom for the majority of the draft Local Plan period.

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<sup>52</sup> E-tailing and m-tailing- shopping via the internet and via mobile phones.

## APPENDIX 4: Statutory and Planning Policy Framework:

### *The National Planning Policy Framework*

Paragraph 2 of the National Planning Policy Framework (“NPPF”) states:

*“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>53</sup>. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.”*

### *Listed buildings and Conservation Areas Act*

Where development affects the character and appearance of a Conservation Area or its setting, or the setting of listed buildings there are statutory duties under the Listed Building and Conservation Areas Act to have regard to the effect on the special architectural and historic interest and character of the Conservation Area or, as the case may be, listed buildings and their settings.

### *The Development Plan*

The abolition of the South East Plan means that the only surviving part of the Development Plan is the 1994 Gravesham Local Plan insofar as its policies have been saved by the Secretary of State. The weight to be given to the 1994 Local Plan will change on 27 March 2013<sup>54</sup>. From that date the 1994 policies will be given weight only depending on their degree of consistency with the NPPF.<sup>55</sup>

It should be noted however, that the 1994 Local Plan policies which relate to the development sites, PM1 and PM2, are “saved” policies which are entirely consistent with the NPPF. Pending the adoption of Core Strategy they should be given the full force of section 38(6). There is no doubt that the proposals are wholly contrary to PM2 and utterly fail to respect the Council’s townscape and conservation policies.

The emerging Core Strategy has been published in Regulation 19 form, and is now to be submitted to the Secretary of State and will be considered at an Examination in Public in August 2013. There are substantial objections relating to relevant parts of the draft Core Strategy, including the Gravesend Town Centre Opportunity Area, on the basis that the plan is not sound, which will be considered at the EIP. For these reasons, although the emerging CS is a material consideration, to the extent that it supports the current proposals, it should be afforded little weight.

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<sup>53</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

<sup>54</sup> Twelve months since the publication of the NPPF

<sup>55</sup> NPPF Annex 1 para 215

Given the draft nature of the emerging Core Strategy and the fact that the 1994 Local Plan is out of date, the relevant policies in the NPPF will be important material considerations to which substantial weight should be attached in the determination of the application.

#### *Other Material Considerations*

Also relevant are the Gravesham "Heritage Quarter Development Brief 2005" which was adopted by the Council as the basis for consideration of proposals for the development of the HQ sites and is also tied into the Development Agreement as the basis for any scheme to be submitted. It should be given significant weight.

The Conservation Area Appraisals carried out by the Council in 2010 for Riverside and High Street CA's have been adopted by the Council as supplementary planning documents and should be given significant weight. The effect on heritage assets and their settings is a material consideration of very considerable importance. Paragraph 133 of the NPPF states that:

*"Where a proposed development will lead to substantial harm to.....a designated heritage asset, local authorities should refuse consent..."*