

SUPPLEMENTARY INFORMATION PLANNING COMMITTEE 15th July 2024

This report provides supplementary information following publication of the main report, for consideration by committee members in determining the following application.

Agenda Item 5 - EDC/22/0168

The following text provides clarifications and amendments to the main report.

Clarification – Section 7.5 (Heritage)

Paragraph 7.5.11 of the main report states that, in respect of built heritage, subject to safeguards through planning conditions guiding the future design, the proposals are not considered to cause any harm to, or loss of, the significance of any designated heritage asset. On this matter it is noted that the advice of Historic England (as stated in paragraph 7.5.7) is that the harm to the listed churches and to the conservation area is likely to be at the lower end of the range of “less than substantial”. As currently written, this indicates that the LPA have reached a different conclusion to that of Historic England on this matter. For the avoidance of doubt, the LPA agree with Historic England’s conclusion that the harm to the listed churches and to the conservation area as a result of the proposed development is likely to be at the lower end of the range of “less than substantial”, as opposed to having no harm.

The LPA has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings, and considerable importance and weight needs to be given to the desirability of preserving such heritage assets. It is acknowledged that any harm to the significance of a designated heritage asset should require clear and convincing justification. As required by the NPPF (paragraph 208) “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”. In the case of this proposal, as stated in paragraph 7.5.8 of the main report, the public benefits arising from the proposed development are considered to be substantial.

Noting the requirement to attach considerable importance and weight to the desirability of preserving the listed buildings and their settings, it is concluded by the LPA that, despite being likely to result in harm which is “*less than substantial harm*” to the significance of a designated heritage asset, any such harm is outweighed by the public benefits of the proposal and that the justification for such harm is clear and convincing. This supersedes the summary provided in paragraph 7.5.11 of the main report to more accurately confirm the LPA’s position on this matter, which is consistent with that of Historic England.

Amendment - Paragraph 7.6.6

The final sentence in paragraph 7.6.6 of the main report is incomplete so is hereby amended to read as follows:

7.6.6 Since then, following extensive dialogue with the applicant, the EA have reviewed an updated site-specific flood model produced by the applicant which was subsequently used to support the applicant’s revised FRA. The model enabled an assessment of the impact of tidal flooding, such as from a breach in the River Thames flood wall, and fluvial flooding from the River Ebbsfleet overflowing its banks. The EA are now satisfied that this demonstrates that the proposed development would be outside of

land with equivalent flood risk to the functional floodplain and that, subject to appropriate mitigation, would be acceptable in respect of flood risk.

Amendment - Paragraph 7.6.7

In paragraph 7.6.7 of the main report, the reference to “EC!” should read as “EC1”.

Clarification – Section 8 (Financial Considerations)

The following additional paragraph is added to Section 8 of the main report (Financial Considerations) to clarify references to relevant “local finance considerations”:

8.3. In respect of this application, the relevant local finance considerations to which regard should be had are the New Homes Bonus and CIL.

Correction – Paragraph 7.3.52 – Permanent Primary Healthcare Facility Trigger

In respect of the trigger for delivery of the permanent primary healthcare facility, paragraph 7.3.52 of the main report refers to 400th residential occupation. However, as correctly set out in recommended planning condition 37 (Appendix 1 of the main report), the trigger agreed with the NHS was 300th residential occupation. Accordingly, for the avoidance of doubt, the reference in paragraph 7.3.52 should state 300th as opposed to 400th residential occupation.

Amendment - Recommendation

The officer recommendation in the main report is slightly amended to read as follows:

Authority be delegated to the Director of Planning and Place to approve the application and grant planning permission, subject to the following:

- (i) Imposition of the planning conditions as set out in Appendix 1 of this report with delegated authority to the Director of Planning and Place to make minor changes to the wording; and*
- (ii) Completion to the satisfaction of the Ebbsfleet Development Corporation as Local Planning Authority of deeds of planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) in general accordance with the schedule of Draft Heads of Terms as set out in Appendix 2 of this report.*