

Agenda Item: 5

Reference: EDC/23/0031

Site Address: The Pier Ingress Park, Ingress Park Avenue, Greenhithe, Dartford, Kent

Proposal: Provision of an additional area for car parking consisting of 11no. parking spaces in association with the community centre.

Applicant: Crest Nicholson

Parish / Ward: Greenhithe and Knockhall

SUMMARY:

This application seeks planning permission for the redevelopment of an area of open land located to the east of the existing vacant community centre in Ingress Park residential area, accessed via Stonely Crescent. The proposed redevelopment would result in the formation of a surface car park to provide 11no. parking spaces intended to serve the community centre.

The applicant is seeking to provide the car park to assist with the transfer of the community centre to Swanscombe and Greenhithe Town Council. The Town Council has advised that additional parking will assist with the viability of operating the centre as it will make it more attractive to the operator and users. The community centre approved in April 2012 has stood empty within the community since its construction and the provision of associated car parking has been identified by the Town Council as essential infrastructure to secure transfer from the developer (Crest Nicholson) and enable the important infrastructure to be used.

Whilst the proposed development would be on land within the Swanscombe Peninsula Site of Special Scientific Interest (SSSI) and would subsequently result in the direct loss of a small area of the protected landscape, it is considered the wider benefits to the community of the development in this location clearly outweigh the likely impact of the development on the features of the site that make it of special scientific interest and the broader impacts on the national network of SSSIs (to which it would not cause demonstrable harm). Mitigation measures have been identified to address recommendations from Natural England and compensate for the loss of SSSI which KCC consider will (if managed properly) reduce the impact on the SSSI as a whole, and a planning obligation is required to ensure the parking would be used only in connection with the community centre.

It is therefore considered the proposed application would accord with the principles of paragraph 186 of the NPPF and local plan policy and it is recommended for approval.

RECOMMENDATION:

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 listed in this report, with delegated authority to the Director of Planning and Place to make minor changes to the wording;

- (ii) Completion to the satisfaction of the EDC as Local Planning Authority of a deed of planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) for use of the proposed parking spaces to be used in association with Ingress Park Community Centre only; and
- (iii) Notice being sent to Natural England in accordance with Section 28I of the Wildlife and Countryside Act 1981 (as amended) of the decision, terms and conditions of the committee resolution, outlining how the Local Planning Authority has taken account of Natural England's advice/comments.

In accordance with Section 28I(6) of the Wildlife and Countryside Act 1981 (as amended), the Local Planning Authority shall not issue a decision notice before the expiration of 21 days from the date of the notice in (iii) above being sent to Natural England.

Conditions:

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with s.91 Town and Country Planning Act 1990 (as amended), for the avoidance of doubt and to ensure the development is brought forward in a specified timeframe.

Approved Plans and Documents

2. The development hereby permitted shall be carried out in accordance with the following plans and documents:
 - Drawing No. 758/066 Rev K - Van and Car Parking Plan
 - Ingress Park Outline for Site Enhancements Rev B (received 09/07/2024)
 - Drawing No. 2207650-001 Rev P11 - Car Park General Arrangement
 - Drawing No. 2207650-002 Rev P4 Car Park Construction Details
 - Drawing No. 2207650-100 Rev P6 - Public Right of Way DS1 Proposed Permanent Diversion General Arrangement
 - Drawing No. 2207650-101 Rev P6 - Public Right of Way DS1 Proposed Permanent Diversion Detail Drawing
 - Ecological Enhancement and Mitigation Strategy dated March 2024 Revision A
 - Reptile Mitigation Strategy dated March 2023 Revision A September 2023

Reason: For avoidance of doubt and to ensure a satisfactory form of development.

Pre-Commencement

3. No development, including site clearance, shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with National Planning Policy Framework and Dartford Local Plan Policies M5 and M6.

Prior to First Use

4. The development hereby approved shall not be brought into use until a detailed parking management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following details:
 - a. Methods to control the use of the parking spaces to ensure they will be available for the intended users;
 - b. Details of the barrier and or any other controlled access to the car park, which shall be set back 5.5m from the edge of the carriageway, as shown on the General Arrangement Plan 2207650-001 P11, including details of their appearance and how will this be managed by the car park operator;
 - c. Hours of use in relation to the community centre;
 - d. Details of how the car park will be managed and maintained; and
 - e. Details of a review mechanism.

The development shall be implemented in accordance with the approved strategy and maintained thereafter.

Reason: To ensure the appropriate use of the parking provision in the interests of highway safety in accordance with Dartford Local Plan Policies M2, M15, M16 and M17.

5. The development hereby permitted, notwithstanding the details submitted with the application, shall not be brought into use until a detailed Landscape Management Plan and maintenance schedule has been submitted to and approved in writing by the Local Planning Authority. The Plan shall accord with principles set out in the Ecological Enhancement and Mitigation Strategy (James Blake; June 2024) and must provide details of how the site will be managed and how newly created areas of habitat will be properly preserved and monitored. The management and maintenance of landscaped areas of the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and ensure ecological habitat is properly managed in accordance with Dartford Local Plan Policies M1 and M14.

6. The development hereby permitted shall not be brought into use until a 2.4 metres x 43 metres visibility splay as shown on the General Arrangement Plan 2207650-001 P11 has been provided with no obstructions over 0.6 metres above carriageway level within the splays. The visibility splays must be maintained and unobstructed at all times thereafter.

Reason: In the interests of pedestrian and highway safety in accordance with Dartford Local Plan Policies DM15 and DM16.

7. The development hereby permitted shall not be brought into use until the approved vehicle parking spaces have been provided, surfaced, drained and made available for use. The spaces shall be thereafter be kept available for use and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), shall be carried out in such a position as to preclude its use for vehicle parking.

Reason: To ensure that the car park is available for its intended use to support the community centre in accordance with Dartford Local Plan Policies DM16 and DM17.

8. The development hereby permitted shall not be brought into use until the hard landscaping and boundary treatment as identified on the approved plans has been implemented in full.

Reason: To ensure a satisfactory appearance to the development and to ensure protection of created habitat are made in accordance with Dartford Local Plan Policies M1 and M14.

9. The planting and soft landscaping as identified on the approved plans shall be implemented within the first planting season following first use of the car park hereby approved or within 1 year of commencement of the development, whichever is the earlier.

Reason: To ensure a satisfactory appearance to the development and to ensure biodiversity improvements are made in accordance with Dartford Local Plan Policies M1 and M14.

Informatives

1. REASON FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION

Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the Local Planning Authority is satisfied that the requirements of planning condition 3 including the timing of compliance) is so fundamental to the development permitted that such details must be submitted prior to works commencing on site. This condition has been agreed in writing with the applicant.

2. REPTILE MITIGATION STRATEGY

The applicant is advised that development shall be carried out in accordance with the approved Reptile Mitigation Strategy dated March 2023 Revision A September 2023 which requires a 'Destructive Search' and 'Toolbox Talk' undertaken by a suitably qualified ecologist to be carried out before any development is carried out, including site clearance.

3. COLLECTION OF SEED

Collection of seed from the wider SSSI to be sown within the application site is welcomed and the applicant is advised they would need to seek permission to collect seed outside their ownership.

4. DIVERSION OF PUBLIC FOOTPATH

The applicant is advised that the proposed development affects Public Footpath DS1. Prior to development on those parts of the site that affect the public footpath, the applicant is advised that they will need to apply for a footpath diversion under s.257 of the Town and Country Planning Act 1990 (as amended), or any Act re-enacting or revoking that Act.

5. KCC SURFACE WATER DRAINAGE APPROVAL

No surface water flows generated by the car park hereby approved shall be conveyed onto the public highway or connected into its drainage system without prior agreement from KCC's Highways Agreements team.

6. DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any

change is proposed, applicants are advised to seek advice from the Local Planning Authority as proceeding without the necessary permissions could nullify this permission.

7. BUILDING REGULATIONS AND OTHER CONSENTS

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

8. KCC HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highwayboundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

9. SURFACE WATER SEWER CONNECTION

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. No development or new tree planting should be located within 3.5 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewers. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further

with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

10. ADDITIONAL DOCUMENTS

The following documents have been considered in the assessment of this planning application:

- Ecological Statement regarding Ingress Park Parking Spaces and Response to Comments. Dated 19/06/2024 received 19/06/2024
- Cover Letter received 08/05/2024
- Planning Statement received 08/05/2024
- Preliminary Ecological Appraisal of Proposed Car Parking Places dated July 2023 Revision A September 2023 received 11/09/2023
- Written Scheme of Investigation for an Archaeological Watching Brief Dated March 2023 received 22/03/2023
- Ingress Park Management Plan received 22/03/2023
- Crest Nicholson Eastern Ltd Community Centre Car Park, Ingress Park, Greenhithe Drainage Report dated 27/09/2018 received 22/03/2023

11. POSITIVE AND CREATIVE APPROACH TO DECISION MAKING

In accordance with paragraph 38 of the National Planning Policy Framework, Ebbsfleet Development Corporation, as local planning authority, has taken a positive and creative approach to the proposed development, focusing on finding solutions:

- The agent was advised of planning issues during the processing of the application and additional information has been submitted to address these;
- The wording of the pre-commencement conditions has been agreed with the applicants prior to determination; and
- The application was determined within the relevant timescales agreed through a Planning Extension Agreement.

1.0 SITE CONTEXT AND PROPOSAL

Application Site

- 1.1 The application site is situated within the Ingress Park development at Greenhithe, a residential development of c.950 homes, developed through the 2000s. Ingress Park lies largely within the Borough of Dartford and is situated on the western edge of Ebbsfleet garden city, within the Swanscombe Peninsula Major Development Site as identified in the Ebbsfleet Implementation Framework.
- 1.2 The site is located on the eastern edge of Ingress Park, situated approximately 450m to the east of the Listed Ingress Abbey and other listed structures situated within the parkland. It is located east of Stonely Crescent and its junction with Tiltman Avenue, south of the car park serving the Grove House apartments. Directly to the east of the site lies land known as Black Duck Marsh, which is part of the floodplain and has ecological value. Directly to the west of the site is the new community centre. The application site also falls within the Swanscombe Peninsula Site of Special Scientific Interest (SSSI), designated as such by Natural England in 2021.
- 1.3 The site is irregular in shape, covering an area of approximately 866 sqm. It is situated within the original red line boundary for the Ingress Park development and was indicated in the detailed plans approving the secondary means of access into Ingress Park (now known as Tiltman Avenue) to comprise a road junction and spur serving as access to a pumping station and a future access to the adjacent land.



Extract from Location Plan

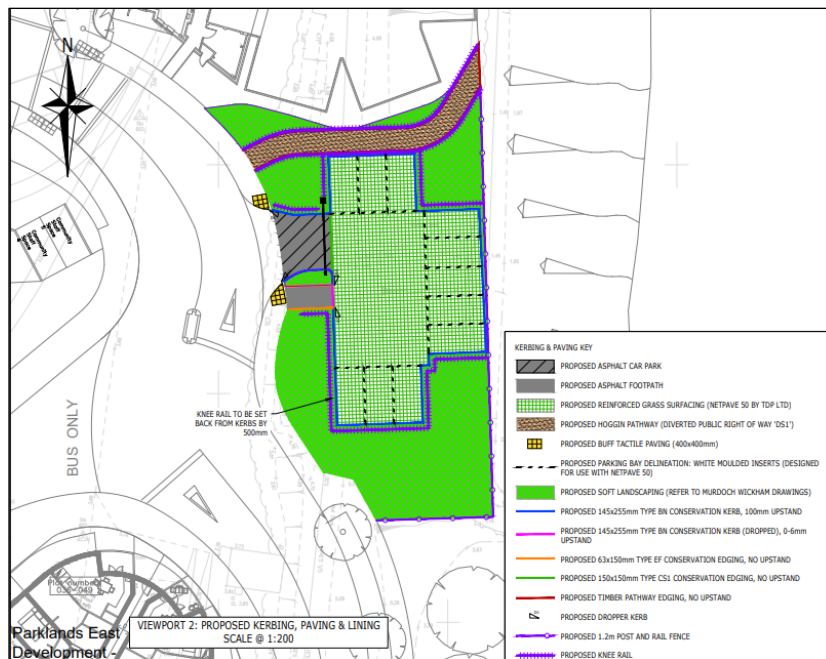
- 1.4 There is an existing public right of way (PROW) footpath DS1 running along the eastern edge of Tiltman Avenue which crosses the application site to continue along the eastern boundary of the apartments to the north of the application site (Grove House) which forms the western boundary of the SSSI. The footpath continues northwards to run alongside the River Thames. The application site is located within an area of archaeological potential as identified in the local plan.

Proposal

- 1.5 This application seeks approval for the development of a car park. The proposed development would comprise of the formation of a surface level car park accessed via the eastern side of Stonely Crescent. The car park would comprise 11no. parking spaces and would be intended to be used only to support the community centre located immediately to the west of the site.
- 1.6 This application has been submitted as the previous consent for the redevelopment of the site as a car park (EDC reference EDC/17/0161) had expired. The previous consent was for 15no. car parking spaces and was approved prior to designation of the SSSI. The current application has reduced the parking to 11no. parking spaces and has concentrated the parking area within a smaller area with more areas allocated for soft landscaping in comparison to the previous approval on the site.
- 1.7 The car park would be accessed from Stonely Crescent. The entire application site would be enclosed by 1.2m high post and rail fencing with soft landscaping around the perimeter. The area for car park spaces occupies a compacted area to the centre and would be enclosed by a knee-high rail and conservation kerb upstanding, physically separating it from the associated soft landscaping. The access from Stonely Crescent comprises a 5.5m crossover from the back edge of the carriageway which leads onto an automatic fob activated gate which provides access into the car park. The bell-mouth junction into the proposed parking area has already been delivered on site in association with the construction of Stonely Crescent.
- 1.8 The car park would be surfaced with reinforced grass surfacing (Netpave) which allows grass to grow within the hard surfacing (low maintenance seed mix). On its eastern boundary (facing into the SSSI) the proposed plans include the provision of a hedgerow which is proposed to be a native species 'Carpinus Betulus' which grows to a height of

80-100 cm. The areas of the site which are not to be used for parking would be left with neutral grass (nectar rich).

- 1.9 The proposed plans include the diversion of the public right of way DS1 via a new footpath to the north of the site. This is proposed to be a Hoggin Pathway and it would have a knee high rail on its edges. It would connect Stonely Crescent to the west with the existing footpath to the west on the SSSI land.



Proposed Site Layout Plan

2.0 RELEVANT PLANNING HISTORY

Outline Permissions

- 2.1 DA/98/00664/OUT - Outline permission for 950 houses and a master plan development granted November 2000, following the completion of a s106 agreement.

Reserved Matters Applications

- 2.2 DA/12/00233/FUL – The erection of a single storey building to provide Community Centre for Ingress Park was approved in April 2012. This has been completed and is situated west of the current application site. No dedicated parking for the community centre was detailed.
- 2.3 DA/17/01851/FUL – An application for the retention of the Crest Nicholson sales centre car parking for use as additional parking for the community centre was submitted to DBC. This was subsequently withdrawn because the car park was not acceptable in Highways terms due inadequate visibility from the access/egress to the car park area.
- 2.4 EDC/17/0161 – The provision of an additional area for car parking consisting of: 7no. parking spaces for community centre; 6no. visitor parking and; 2no. van parking spaces. Approved January 2020 but not implemented before the expiry date.

3.0 PUBLICITY AND REPRESENTATIONS

- 3.1 The application was publicised in the Ebbsfleet Development Corporation (EDC) weekly list. Neighbour notification letters were sent to local addresses. The proposals were advertised on site via 2no. notices as development affecting a public right of way.
- 3.2 6no. letters of representation have been received from 4no. residents in connection to the application. 1no. letter did not object or support the application, 4no. letters support the application and 2no. letters object to the application. Comments are summarised below:
- 3.3 Comments in Support:
- The proposed car park would help with the function and delivery of an active community centre after a decade of it being unused.
 - Whilst the proposal would result in a small loss of the SSSI, the developers have planned an adequate mitigation measure to mitigate against any adverse effect. The reduction in parking spaces is also helpful in mitigating against any loss.
 - Whilst it is generally accepted that people using the facilities may walk there, those who are organising events there will struggle with moving goods to and from the venue and it will help those with limited mobility.
- 3.4 Neither supporting nor objecting:
- Does not object to the planning application but makes comments regarding the planting plan, does not support grass but would support bushes and shrubs.
- 3.5 Objections:
- There is already adequate parking within the wider vicinity and there is no need for more.
 - A desire for more services, more green spaces, more local business and recreation areas. None of the above are being planned or developed by the council or any private developers when considering new development projects and quality of life is affected.
 - The space between the end of Wainwright Avenue and Bridge View Walkway have been unused for a number of years and would be excellent for providing more car parking nearby.
 - There are also several parking spaces adjacent to the community centre which are large and always available. Commentator states it would be preferable if this was open first and then re assess the parking.
 - There is no need to move a public right of way and reduce space for wildlife

EDC Officer Comment – Concern regarding overprovision of the car parking is acknowledged. Kent County Council raises no objections towards the provision of parking. The application is a re-submission of an earlier application which accepted the principle of providing car parking for the community centre back in 2020. Further discussion on parking spaces is set out in the report below.

Comments regarding the diversion of the footpath are also acknowledged. The diversion of the footpath was accepted and considered acceptable in the application approved in 2020. KCC PROW were consulted as part of this application – response set out below and discussed in the report, with a recommendation for an associated condition.

Comments regarding insufficient green spaces, more local business and recreational areas are acknowledged. The application for the car park is to provide additional parking to support the delivery and operation of the vacant community centre which would help to provide facilities to support the local community. The proposed car park would be less than 1ha in size. The site is in close proximity to the wider Swanscombe Peninsular area

and other nearby open spaces are available for recreation including the grounds of Ingress Abbey less than 500m away.

Comments regarding planting and species of planting are considered. KCC Ecology Services have reviewed the application and support the proposed native planting. The proposed planting would help improve the biodiversity of the site and would support the function of the wider SSSI.

4.0 CONSULTATION RESPONSES

4.1 The following organisations were consulted on the application and the following responses have been received and summarised below:

4.2 KCC Ecology

The proposed car park extension will result in a direct loss of an area of the Swanscombe Peninsula Site of Special Scientific Interest (SSSI). The SSSI is designated for its invertebrate, botanical and breeding bird interest. The SSSI was designated due to its botanical, breeding bird and invertebrate interest. The submitted information has detailed the following:

- None of the vascular plants associated with the SSSI designation were recorded within the site.
- Suitable habitat for two of the 5 vascular plants associated with the SSSI designation were recorded within 50m of the site. The plans were not recorded during the survey.
- Suitable habitat for a number of the invertebrates associated with the SSSI designation was recorded in the site and within 50m of the site. The submitted information detailed that no invertebrates were recorded during the survey but we understand that an invertebrate survey was not carried out.
- Suitable habitat for birds associated with the SSSI designation were recorded within 50m of the site.

While KCC acknowledge that the site does not provide optimum habitat for the species associated with the SSSI, species are likely to be present within the wider area and therefore could be impacted by the proposal. The proposed development site is on the edge of the SSSI which helps to minimise the impacts from the adjacent road/development on the wider SSSI.

To minimise the impact a revised layout and planting plan has been provided as part of this application. The number of car parking spaces have been reduced and a landscaping plan to benefit the species associated with the SSSI have been submitted. The landscaping plan now includes a hedgerow/scrub between the car park and the SSSI.

KCC raise no objections to the proposal subject to the proposed measures which, if managed properly, would benefit species associated with the SSSI and the hedgerow would help to mitigate against any harm caused by lighting. If permission is approved, the applicant will need to produce a detailed management plan to ensure that the Town Council will be able to manage the site appropriately. KCC acknowledge that the Ecological Enhancement and Mitigation Strategy provides details of management but highlight that the document is confusing as it refers to discharge of a condition and regarding management it refers to both managing the grassland as a meadow and in a 3 year rotation. Therefore there is a need for a management plan to be submitted as a condition.

KCC refer to recommendations made by Natural England as listed below:

- Incorporation of bare earth areas – through the creation of scrapes or bunds
- Planting of clematis only once the hedgerows have established
- Use of grass-crete (or similar) for the parking bays
- Collecting of seeds from the wider site to enhance the grassland within the site.

KCC advise that the updated details have addressed the first three recommendations as the paths will be made of chalk creating bare patches next to the grassland adjacent to the path. A hedgerow along the rear boundary has been proposed and therefore we recommend that the clematis is planted within the hedge – the submitted information has not confirmed the use of clematis. The parking areas will use netpave. KCC recommend that the applicant seeks permission to collect seed from the SSSI outside of their ownership.

The proposal would result in the direct loss of an area of SSSI but the proposed measures would (if managed appropriately) reduce the impact on the SSSI as a whole. The site must be created as detailed within the most recent landscaping plan and Ecological Enhancement and Mitigation Strategy (James Blake; June 2024). must be a condition of planning permission.

KCC is satisfied in relation to the proposed reptile mitigation measures as submitted.

EDC Officer Comment: Further discussion in relation to the impact of the development on the SSSI is set out in the report below. A planning condition in relation to a management plan is recommended.

4.3 Natural England

Natural England (NE) objects to the proposal as it would result in the direct loss of habitat which supports the interest features for which the Swanscombe Peninsula Site of Special Scientific Interest (SSSI) has been notified.

NE understands that the proposals relate to a site which previously benefitted from planning permission which has lapsed and since that time the site now falls within the recently notified SSSI, and have previously advised that the applicant will need to ensure that there is no net loss of the habitats associated with the SSSI.

NE acknowledge that there has been detailed work undertaken by the applicant to address previous advice provided and has gone some way to mitigating the impacts of this proposal. NE advise that future monitoring and management of any newly created areas of habitat will need to be secured through and appropriate planning mechanism.

NE advises that the loss of SSSI habitats as a result of this proposal should be compensated through the reprovion of an area of bare ground and short sward grassland habitat which is outside of the SSSI but in close proximity to the existing habitat within the SSSI to ensure the maintenance of the functional ecological links with the species for which the SSSI is notified.

As a process point NE advise that, if the LPA is minded, to grant planning permission they are required under Section 28I of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the intended decision, the terms on which it is proposed to grant and how the LPA has taken account of NE's advice. The LPA must thereafter allow a period of 21 days before the operation can commence.

EDC Officer Comment: EDC acknowledge the concerns raised by Natural England. EDC consider that in this instance there is no suitable land within the immediate vicinity that could be repurposed for compensation purposes. However, it is considered that the applicant has produced a satisfactory mitigation plan that, if effectively implemented, could have a beneficial impact on the surrounding SSSI. As will be discussed later in this report, while the development would result in the loss of SSSI land less than 1Ha (866 sqm), it would provide sustainable community benefits to the wider local area that would, on balance, clearly outweigh any harm caused by the loss of this small piece of the SSSI area and would therefore accord with the exception in Paragraph 186 of the NPPF (December 2023).

4.4 KCC Public Rights of Way

Public Rights of Way footpath DS1 runs through the site and would be affected by the proposals. It is understood the applicant will apply for a diversion if planning permission is granted so this should be secured as a planning condition.

It is important to advise applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in the future. This includes any building materials or waste generated during any of the construction passed. No fixtures or furniture may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

EDC Officer Comment: A plan of the intended PROW diversion for DS1 is outlined on the submitted plans and demonstrates the minor nature of the diversion and the capacity of DS1 remains functional. The officer recommendation includes a planning condition securing that no development shall take place until an Order necessary for its diversion has been made and completed.

4.5 KCC Lead Local Flood Authority

KCC as Lead Local Flood Authority makes no comment on the application as it falls outside the definition of a major development and also falls outside of KCC's remit as a statutory consultee.

EDC Officer Comment: It is acknowledged KCC commented on the previous application (now expired), noting the development is regarded as low risk but noting the developer should demonstrate to the LPA that no surface water flows generated by the new car park area are conveyed onto the public highway or connected into its drainage system without prior agreement from KCC's Highways Agreements team. A Surface Water Drainage plan has been submitted with the application which shows a proposed surface water drainage system connecting into the 'Existing Surface Water Sewer for adoption by Southern Water'. It is acknowledged the proposal is low risk and incorporates areas of landscaping which might somewhat assist with natural drainage of surface water. However, in light of earlier comments, it is considered an informative to advise the requirements of prior approval from KCC would be appropriate.

4.6 KCC Highways

KCC Highways raise no objections to the proposal. The parking bays have increased in size in line with Dartford Borough Council Parking standards and are acceptable. KCC suggest two planning conditions.

- Rising arm barrier to be set back a minimum of 5.5m metres from the edge of the carriageway, as shown on the General Arrangement Plan 2207650-001 P11.

- Provision and permanent maintenance of the 2.4m x 43m visibility splays shown on the General Arrangement Plan 2207650-001 P11 with no obstructions over 0.6m above carriageway level within the splays, prior to first use of the car park.

EDC Officer Comments: It is acknowledged the applicant has addressed previous concerns raised by KCC in respect of the design and layout of the proposal which have now been overcome. The suggested conditions are set out in the recommendation.

4.7 Swanscombe and Greenhithe Town Council

The Town Council did not submit comments as it is the intended management entity for the community centre, and therefore is the expected beneficiary of the proposed parking facility.

4.8 Dartford Borough Council

Dartford Borough Council support the application for the provision of parking for use in connection with the Ingress Park Community Centre.

Planning permission was granted for the provision of a community centre at the eastern end of Ingress Park under application reference 12/00233/FUL. The reason for the community centre on the site was that it was needed for a facility to replace the loss of a facility that would have been provided as part of the primary school site. As the school site was not required by KCC and didn't proceed and planning permission for housing was granted.

The S106 agreement for the community centre required the developer to construct and maintain the building and to find a suitable operator of the facility and to hand over the facility to the operator. The building was subsequently constructed and has remained vacant. Its transfer from Crest Nicholson (the developer) to an operator is an important issue for local residents and this is also an important part of providing a community facility as part of the overall Ingress Park Development.

Whilst the building was constructed a while ago, there has been difficulty with finding a suitable operator. However Swanscombe and Greenhithe Town Council have expressed interest in taking over the centre, but have a list of requirements they would need to take over the facility and the provision of parking was a key requirement.

DBC acknowledge that the site is within the SSSI, albeit on the very edge of it. They mention that the site was designated whilst the application site benefitted from planning permission at the time of designation.

Natural England have continued to object to the proposal despite the car park reducing in size and additional ecological information and improvements. Natural England state that the loss of the area of SSSI could be compensated by the re-provision of an area of bare ground and short sward grassland which could be outside but close to the SSSI. However, Dartford Borough Council are aware that this is not a realistic option for this development and do not believe that the applicant is able to comply with this requirement. As far as Dartford Borough Council are aware, the applicant does not have the opportunity/land to be able to provide the compensatory area and this would also be outside the red line for the application site.

Dartford Borough Council also note that NE's comments are not clear in relation to the previous application for this site. NE's comments state, "Natural England understands the proposals relate to a site which previously benefitted from planning permission which has lapsed and since that time the sites red line boundary now falls within the recently notified Swanscombe Peninsula SSSI". This wording does not make it clear that NE

have understood that the previous planning permission was extant at the time the SSSI was designated, the wording actually suggest the opposite. NE also do not seem to recognise the fact that the parking area is less than that proposed by the previous planning permission.

Dartford Borough Council also note that KCC Ecology have now confirmed that after lengthy discussions and the submission of further information and amendments to the scheme, that no further information is required prior to determination of this application. This position is welcomed. It is also noted that KCC have highlighted that the site was designated as a SSSI because its botanical, breeding bird and invertebrate interest. Importantly, KCC also note that the application site does not provide optimum habitat for species associated with the SSSI, although they note that the species are likely to be present in the wider area. This is to be expected for a large SSSI such as this.

The comments from KCC also recognise that the scheme has been reduced in size and now provides a buffer between the site and the SSSI with the provision of a hedgerow/scrub. KCC also note that the proposed measures, if managed appropriately, will benefit species associated with the SSSI and in the case of the subsequently included hedgerow, will help minimise impacts from lighting. KCC also note that in their opinion, the latest details from the applicant deal with the majority of the recommendations from NE. The only potential measure not expressly dealt with relates to the collection of grass seeds from the wider area to enhance grassland within the site, this will require permission from the relevant land owner.

To conclude, it is clear that this proposal will have some impact on the SSSI. Dartford Borough Council recognise the importance of this SSSI but also recognise the very limited impact of this proposal on the SSSI. It is noted that the site is at the very edge of the SSSI and that planning permission was previously granted for a larger scheme. Dartford Borough Council also consider that there is no suggestion by any consultee that the granting of this application will undermine the purpose or value of the SSSI. The minor impact identified has to be considered in light of the mitigation being offered and also the significant benefits of the scheme.

5.0 PLANNING POLICY

5.1 National Policy & Guidance

National Planning Policy Framework December 2023 (NPPF)

- Chapter 2 Achieving Sustainable Development
- Chapter 4 Decision Making
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting Sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

5.2 Development Plan

Dartford Local Plan to 2037 (adopted April 2024):

Policy S1 - Borough Spatial Strategy

Policy E1 - Ebbsfleet and Swanscombe Strategy

Policy E2 - Ebbsfleet Garden City Development Principles

Policy M1 - Good Design in Dartford

Policy M2 - Environmental and Amenity Protection
Policy M14 - Biodiversity and Landscape
Policy M15 - Travel Management
Policy M16 - Active Travel, Access and Parking
Policy M17 - Community Uses

5.3 Other Guidance

Ebbsfleet Implementation Framework 2017

Dartford Borough Council Parking Standards Supplementary Planning Document 2012

6.0 PLANNING APPRAISAL

- 6.1 The main issues for consideration in the determination of this application are the principle of development, biodiversity and ecology (including impact on the SSSI) and highway safety. It is also necessary to consider matters related to design, neighbouring amenity, archaeology, flood risk and drainage.

Principle of Development

- 6.2 The principal consideration is whether the site is a suitable location for the development of a new surface level car park. The application site lies within the Swanscombe Peninsula Site of Special Scientific Interest (SSSI) within which both national and local planning policy seeks to avoid development which is likely to have an adverse impact on it. To establish the principle of development on this site it is therefore necessary to consider whether the benefits of the proposal clearly outweigh both its likely impact on the features of the site that makes it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.
- 6.3 In the context of considering what benefits may accrue should planning permission be granted, it is relevant to note Paragraph 97 of the NPPF which states that to provide the social, recreational and cultural facilities and service the community needs, planning policies and decisions should, amongst other things, plan positively for the provision of shared spaces and community facilities. Also, with reference to local policy, the preamble to Dartford Local Plan Policy M17 states that community spaces should be expanded/upgraded to meet the needs of new developments and that there is a strong presumption in retaining and improving community facilities. Policy M17 itself states that community facilities will be supported where they are in an appropriate location and of a type, scale and design that reflect the needs of the existing and emerging communities they will serve. These are relevant because the applicant is seeking to provide the car park to assist with the transfer, and subsequent viability, of an existing vacant community centre to Swanscombe and Greenhithe Town Council.
- 6.4 The following sections discuss the merits of the proposal including weighing impacts on the SSSI against the public benefits that it would support.

Biodiversity and Ecology

- 6.5 In general, the NPPF states that the planning system should contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 6.6 Paragraph 186 of the NPPF 2023 states that when determining planning applications affecting habitats and biodiversity, local planning authorities should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
 - b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse impact on it (either individually or in combination with other developments), should not normally be permitted. The only expectation is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that makes it of special scientific interest, and any broader impacts on the national network of Scites of Special Scientific Interest.*
- 6.7 Dartford Local Plan Policy E1 states the ecological and geological interest of the Swanscombe Peninsula SSSI will be conserved and enhanced. In addition, biodiversity and geodiversity value will not be adversely affected by development. Opportunities will be taken to enhance the SSSI for the benefit of wildlife and people as part of the wider Green Grid network. All development will avoid impacts on the SSSI, supporting and complementing the ecological features of the SSSI. Dartford Local Plan Policy M14 states that development on sites designated for their biodiversity value will not be granted planning permission unless it can be clearly demonstrated that the biodiversity value will not be adversely affected by the proposals. Proposed development located on or in close proximity to designated sites, priority or other irreplaceable habitats or priority species, or with potential effects on them, must demonstrate that it will not adversely impact on the biodiversity value or ecological pathways.
- 6.8 The proposed development would result in a loss of SSSI land. Albeit, it is acknowledged the scale of the application site is minimal being less than 0.1 ha within the SSSI which measures over 260 hectares and it is recognised the previously approved scheme was extant at the time of the designation of the SSSI, the current proposal cannot be said not to impact the SSSI.
- 6.9 Natural England have objected to the proposals on this basis and maintain their objection given the proposals do not cater for any compensation land that could re-provide an area of bare ground and short sward grassland which could be outside but close to the SSSI. Natural England are satisfied that the applicant has, through amended plans and documents, provided a satisfactory mitigation scheme that helps to mitigate against the impacts of the proposal. The applicants have accounted for a number of suggestions proposed by Natural England including bare earth areas to create scrapes/bunds, planting clematis once the hedgerows have established, the surface of the car park being a grass Crete surface (netpave) and collection of seeds from the wider site to enhance the grassland within the site. However their overarching objection relates not to the mitigation measures of the scheme but the loss of an area of land.
- 6.10 KCC Ecology have also reviewed the application. They state that whilst the application site does not provide optimum habitat for species associated with the SSSI, species are likely to be present within the wider area and could therefore be impacted by the proposal. The proposed development site is on the edge of the SSSI site, immediately adjacent to the built environment within Ingress Park and serves as a buffer between the adjacent road/development and the wider SSSI site. KCC Ecology have recognised that the scheme has now been reduced in its size and the proposals now include a landscaping plan that benefits the species associated with the SSSI and includes a hedgerow/scrub between the western edge of the proposed car park to further mitigate impacts. KCC state that if managed appropriately, the proposed development by reason of its proposed landscaping plan will be beneficial to the SSSI and the hedgerow will

also help reduce impacts on the SSSI from lighting. KCC Ecology state that whilst the proposal would result in the direct loss of an area of SSSI, the proposed measures if managed appropriately would be beneficial to the wider SSSI site subject to the imposition of conditions.

- 6.11 The NPPF at paragraph 186(a) identifies a clear framework for determining applications on land affecting habitats and biodiversity, being i) avoid ii) adequately mitigate or iii) compensate. In this instance, the provision of additional parking to serve the community centre must necessarily be in close proximity to the facility to which it relates. Other areas of open space are identified further west of the community centre would be inappropriate given its amenity value as a central green zone around which existing residential properties have been located, undermining the master planning and parking/access strategy, notwithstanding appear unsightly in the street scene. It is also not identified whether this space falls within the control of the applicant. The only other area of potential space would be around the community centre itself where areas of grass have been provided to serve as amenity and breakout external space for the facility. While this would be detrimental to the amenity of the community centre, an application was previously made in this location and did not progress due to objections from KCC on highways safety issues. As such, there are considered no other suitable sites which might be utilised to avoid impact on the SSSI. Natural England's comments have been reviewed by the applicant and their ecologist. They have advised there is no available land within their ownership and within proximity of the SSSI to provide an area of bare ground and short sward grassland habitat that could be provided as compensation. It is, however, recognised by both Natural England and KCC that mitigation has been provided, albeit Natural England do not consider this sufficient to overcome the principal impact on the SSSI.
- 6.12 While the site would result in the loss of some land within the designated SSSI site, the proposal would provide important wider public benefits. The community centre was granted planning permission in 2012 and was constructed shortly after. At the time of writing this report, the community centre has been unoccupied for at least 10 years. The building is intended to be operated by Swanscombe and Greenhithe Town Council, however they have a number of requirements prior to occupation, one being the provision of additional car parking spaces, a term for sale which would enable the transfer of the community centre to the Town Council. Dartford Borough Council have been working closely with the developer and the Town Council facilitating discussions regarding the additional parking to help bring the community centre into use. The proposed development would therefore provide additional facilities that would help with the viability and attractiveness of transferring the use of the building to be bought into community use. Paragraph 186 of the NPPF identifies the only exception for development on land within a SSSI is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest and any broader impacts upon the national network of SSSIs. In this instance, it is considered there are no broader impacts (which have also not been raised as an issue by either Natural England or KCC Ecology) and the benefits of delivering additional parking to facilitate the operation and function of the community centre would have far wider benefits that the limited impact on the SSSI, particularly given the mitigation identified.
- 6.13 As part of the proposal, the applicant has agreed to secure a planning obligation under s.106 of the Town and Country Planning Act to restrict the parking area to be used solely in association with the community centre. At the time of writing, the Heads of Terms for this obligation are being drawn up and agreed and any further information can be reported as supplementary information. It is considered essential the planning obligation

is agreed in order to secure the direct benefits of the proposal as a community facility and thereby comply with the terms of NPPF paragraph 186.

- 6.14 As such, given the suitability of the mitigation measures proposed, the restriction of the car park through the Section 106 deed of obligation and the wider community benefits of bringing the building back into a community use, it is considered that this proposal meets the tests and requirements of NPPF Paragraph 186 and is therefore considered acceptable in principle and in respect of ecological impacts. In reaching this conclusion in the proper exercise of its functions as local planning authority EDC has had regard to, carried out and complied with its duties under the Wildlife and Countryside Act 1981 as amended.
- 6.15 Following review by KCC the application is acceptable in respect of reptile mitigation, to be secured through compliance with the submitted ecological enhancement and mitigation strategy during construction and operational phases, in addition to the landscape management plan to be approved prior to first use.
- 6.16 For the avoidance of doubt, the application was submitted prior to mandatory biodiversity net gain requirements being introduced, so it is not necessary to consider the requirement to demonstrate compliance with this.

Parking and Highways

- 6.17 The NPPF advocates the use of sustainable transport and supports the reduction of pollution (paragraph 8 point C) alongside the use of public transport, walking and cycling. Dartford Local Plan Policy M15 states that development proposals need to be appropriately located and make suitable provision to minimise and manage arising transport impacts. Dartford Local Plan Policy M16 supports designing new development to encourage sustainable travel. Dartford Borough Council also has a Parking Standards Document which was adopted by Dartford Borough Council in 2012. This document provides standards for which parking spaces should be designed and the number of spaces required for the community centre.
- 6.18 The proposed development forms a car park to serve an existing community centre. Dartford Local Plan Policy M17 states that community spaces should be upgraded to meet the needs of the development and the community and there is a general presumption in the preamble of the policy that community infrastructure provision is a central part of securing sustainable growth and states that 'Dartford's infrastructure planning, developed through discussions with infrastructure/service providers, identifies improvements to existing community facilities.
- 6.19 As the development provides parking for the existing community centre which has no dedicated parking, no objection to the parking provision is raised in terms of Dartford Borough Councils Parking SPD. The community centre measures 235.97 SQM. The parking standards outlined within the EDC Sustainable Transport Strategy requires one space per 83 SQM of community space. Dartford Local Plan Parking SPD 2012 states that within Use Class D(2) which included community uses, 1 space would be required per 22 SQM of development. The proposed development provides 11 spaces. With regards to the EDC STS standard, 3 parking spaces would be required, whilst the Dartford Borough Council Parking SPD requires 11 spaces.
- 6.20 It is acknowledged that there is a difference between the EDC STS standard and the Dartford Borough Council Parking SPD, however the application site is situated within an area that is not highly accessible and as such a higher parking provision in this

instance is generally considered acceptable. The proposed development is therefore considered to be in compliance with the Development Plan. Combining this and the fact that there are no other suitable places for parking such as on the actual site for highways reasons, and given there is no other parking for the community centre, the drop off or for staff, there is clearly a required demand that is not considered excessive and is therefore considered appropriate.

- 6.21 KCC Highways have also been consulted on the proposals and raise no objections to the access, layout or the basis of the parking provision, despite a reduced number of spaces from the previous approval on the site. To assist with access management, the proposed plans indicate the proposal to install a barrier access into the car park controlled by a fob style system which would be obtained from the community centre, details of which should be secured by condition. A space in front of the barrier is provided to ensure that there would be no dwell time for vehicles entering the car park on the public highway enabling a free flow of traffic.
- 6.22 The applicant has confirmed that the maintenance of the community centre car park and landscaping would be the responsibility of Swanscombe and Greenhithe Town Council who are anticipated to be the operator of the community centre. The intended arrangement for the management and maintenance of the car park have not yet been finalised by the applicants and a Parking Management Strategy would require approval through planning condition, to establish the intended users, methods to control the use of the parking spaces to ensure they will be available for the intended users and details of how the car park will be managed and maintained. An informative attached to this condition to further advise that the applicant should confirm implications for estate service charges and the interim arrangements for the management and maintenance of the car park and associated landscaping.
- 6.23 Public Right of Way Footpath DS1 would be affected by the development. The footway currently runs along the open grass land connecting Tiltman Avenue to the riverfront and Black Duck Marsh via a path which runs along the eastern edge of the car parks serving the Grove House apartments. A slight diversion of the public right of way is proposed along the existing pavements and along its northern boundary via a Hoggin path. This has been acknowledged in the applicants submission.
- 6.24 KCC Public Rights of Way and Access Service team have been consulted on the proposals. They have advised that the applicant will be required for a diversion of the Public Right of Way using a Town and Country Planning Application at the planning stage. On the previous approval, a condition was secured which required that any works to DS1 the Public Right of Way shall not take place until such time as the Order necessary for its diversion under s257 of the Town and Country Planning Act 1990 (as amended) (or any Act re-enacting or revoking that Act) has been confirmed and the certification of the diverted route has been completed with KCC. As there is a legal requirement to seek formal approval for works affecting a public right of way it is not considered necessary to impose a planning condition requiring diversion, but an informative is recommended to draw the applicant's attention to it.

Design

- 6.25 Paragraph 131 of the NPPF sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and states that good design is a key aspect of sustainable development. It gives weight to achieving visually attractive development as a result of good architecture, layout and appropriate and effective landscaping (paragraph 135) and states that planning

permission should be refused for 'development that is not well designed, especially where it fails to reflect local design policies and government guidance on design (paragraph 139).

- 6.26 Dartford Local Plan Policy M1 states that development must demonstrate that it is designed in line with the National Design Guide and National Model Design Code, considers the principles of Kent Design. The importance of good landscaping is advocated by Policy M1, which states that consideration will be given to how landscaping relates to neighbouring buildings. Delivery Theme 4 of the Ebbsfleet Implementation Framework emphasises bringing in the 'green' landscaping to promote healthy landscapes and encourage active lifestyles.
- 6.27 The application site is situated east of Stonely Crescent and west of Black Duck Marsh. The proposed car park would be located north of chalk grassland which adjoins Tiltman Avenue, and south of the surface car park which serves Grove House situated north-east of the site.
- 6.28 Access to the car park is proposed from Stonely Crescent via an existing made junction which was intended for future access to Lafarge Land. The car park layout provides 11 car parking spaces. Soft landscaping in and around the car park is proposed and comprises a mixture of shrub planting wild seed planting and grass planting. A timber knee rail defines the boundary of the car park. In terms of hard surfacing the car park would be finished with reinforced grass surfacing which helps to retain a soft and natural appearance, and a separate hoggin surfaced path is proposed to the northern edge of the car park, intended to serve the diverted route of public footpath DS1.
- 6.29 The car park is relatively small in size and is comparable in scale to the Grove House car park situated to the north of the site which accommodates 16 vehicles. As a surface car park the development does not contain built form which would be overbearing or block views from Ingress Park across to Black Duck Marsh or the river Thames.
- 6.30 The proposed landscaping is considered to be appropriate and is in keeping with soft landscaping within the vicinity of Stonely Crescent and Tiltman Avenue. Its arrangement softens and breaks up the car park hard surfacing and it would provide an appropriate level of screening of cars when viewed from the street scene.
- 6.31 Overall the proposed development is considered to be acceptable in terms of its design and landscaping and, given its scale and physical separation, it is also not considered to have a detrimental impact upon the character or appearance of the natural environment of the adjacent black duck marsh. A detailed landscape management and maintenance plan is required and would be secured by condition.

Neighbouring Amenities

- 6.32 Paragraph 191 of the NPPF states that Local Planning Authorities should avoid granting consent for development which would give rise to significant adverse impacts on health and quality of life and should mitigate and reduce to a minimum other adverse impacts arising from new development. Dartford Local Plan Policy M2 states that development must demonstrate that it is designed and located to avoid unacceptable material impacts, individually or cumulatively, on neighbouring uses including overshadowing, overlooking causing loss of privacy, and intensity of use, including noise and the hours of operation to name but a few.
- 6.33 The closest existing property to the proposed car park is Grove House which forms a 4-storey apartment block which lies to the immediate north east of the proposed

development. As a surface level car park the development would not be detrimental to the amenity of existing residents in terms of overshadowing or harmfully increase the sense of enclosure.

- 6.34 As a car park providing off street vehicle parking for the existing community centre and new residential units, the development is not considered to detrimentally impact upon the amenity of nearby residential properties through its operation. Moreover, the Parking Management Strategy referred to above provides an opportunity to review the management arrangements and address any issues if they arise.

Archaeology

- 6.35 The application site is located within an area designated with an area of Archaeological Potential. Kent County Councils Archaeology team were not consulted on this application but it is acknowledged that they provided comments on the previous application which is now expired. There have been no changes to the site since the previous planning consent with regards to the sites archaeological merits. KCC archaeology previously stated that the proposed development is within an area of archaeological potential and whilst the area may have been subject to earlier groundworks. They previously advised that a condition securing a programme of archaeological work prior to commencement is recommended and is in line with archaeological requirements for adjacent areas. As such, given there has been no additional archaeological changes to the area, it is considered that this comment is still relevant and as such the pre-commencement archaeological condition is considered appropriate in this instance. This pre-commencement condition has been agreed with the applicant, as required.

Flood Risk and Drainage

- 6.35 Paragraph 173 of the NPPF states that Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development proposals appropriate in areas at risk of flooding where it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk, and where development is appropriately flood resilient and resistant. Dartford Local Plan Policy M4 states that planning permission for new development will be granted where it can be demonstrated that the proposal does not materially displace flood water or worsen flood risk elsewhere.
- 6.36 The Environment Agency's Flood Map for planning shows the site to lie within Zone 3 which benefits from flood defences. No Flood Risk Assessment (FRA) has been provided in the applicant's submission. Notwithstanding this, the proposed surface car park does not fall within the Flood Risk vulnerability classification required for a Flood Risk Assessment and KCC as the Lead Local Flood Authority had no comments to make.
- 6.37 A Drainage Report and Surface Water Assessment was submitted with the application which confirms that surface water from the car park will drain into sewers through gullies to the existing surface water system situated at the road junction within the application site. The junction was originally designed and built for a potential road to the adjacent land and access to a planned pumping station, but is now no longer required and would form the access into the proposed car park.
- 6.38 KCC did not comment on this application. It is acknowledged that KCC commented on the previous application but it is now expired. They previously advised that the development is regarded as a low risk of flooding but they had advised that the developer needs to demonstrate to the LPA that no surface water flows generated by the new car

park area are conveyed onto the public highway or connected into its drainage system without prior agreement from KCC's Highways Agreements team. A Surface Water Drainage plan has been submitted with the application which shows a proposed surface water drainage system connecting into the 'Existing Surface Water Sewer for adoption by Southern Water'. It is acknowledged the proposal is low risk and incorporates areas of landscaping which might somewhat assist with natural drainage of surface water. However, in light of earlier comments, it is considered an informative to advise the requirements of prior approval from KCC would be appropriate.

7.0 FINANCIAL CONSIDERATIONS

- 7.1 Regard should be had to any local finance considerations in so far as material to an application for planning permission. The Government wishes to ensure that the decision making process for major applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this area, Dartford Borough Council has adopted a Community Infrastructure Levy charging schedule, the application of which would be a local finance consideration although this application will not be CIL liable and there are no other applicable local finance considerations arising from the proposed development.

8.0 HUMAN RIGHTS

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

9.0 PUBLIC SECTOR EQUALITY DUTY

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

10.0 CONCLUSION AND RECOMMENDATION

- 10.1 In conclusion, whilst the proposed development would be on land within the Swanscombe Peninsula Site of Special Scientific Interest (SSSI) and would subsequently result in the direct loss of a small area of the protected landscape, it is considered the wider benefits to the community of the development in this location clearly outweigh the likely impact of the development on the features of the site that make it of special scientific interest and the broader impacts on the national network of SSSIs (to which it would not cause demonstrable harm). Mitigation measures have been identified to address recommendations from Natural England and compensate for the loss of SSSI which KCC consider will (if managed properly) reduce the impact on the SSSI as a whole, and a planning obligation is required to ensure the parking would be used only in connection with the community centre.

10.2 It is therefore considered the proposed application would accord with the principles of paragraph 186 of the NPPF and local plan policy and it is recommended for approval.