



Delegated Report

Approval of Conditions Application

Application No:	20240679
Location:	Former Site Of Fox And Hounds PH, 26 - 27 London Road, Northfleet, Gravesend, Kent, DA11 9JH
Description:	Application for the approval of conditions 4(i)(ii)(iii)(iv) and (v), 5 and 6(a)(b) attached to planning permission reference number 20220431 relating to details of (4(i)(ii)(iii)(iv) Scheme for sustainable surface water drainage, (5) Measures to divert the public sewers and (6)(a)(b) Contamination land assessment report.
Applicant:	Fleet Capital Limited

Submitted Documents/Plans

- Application Form – dated 19 July 2024;
- Contaminated Land Remediation Strategy and Verification Plan (Ref. REM-2024-000013) by STM Environmental Consultants Ltd;
- Contaminated Land Risk Assessment – Phase 2 Environmental Site Investigation Report (Ref. PH2-2024-000021) by STM Environmental Consultants Ltd;
- Appendix 2.1 Site Investigation Photos by STM Environmental Consulting Ltd;
- Sustainable Drainage System Strategy (Ref. SWDS-2024-000026) by STM Environmental Consulting Ltd;
- Sustainable Drainage System Strategy (dated 23 April 2025);
- Soakaway Details – Sizing, Location, Modelling (Critical Storms);
- Soakaway Design by Gledsdale Associates Ltd (dated 24 April 2025);
- Discharge of Condition 5 Letter by Gill Sterling (dated 22 May 2025);
- Southern Water Section 106 Technical Approval (ref. DSA000040364) (dated 05 March 2025);
- Drawing no. 176001-001 – Drainage Mapping Survey;
- Drawing no. 802 – Rev. A – Existing and Proposed Foul and Surface Water.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220431	Erection of a 4-storey building attached to No.25 London Road to provide 2no. 2-bedroom and 7no. 1-bedroom flats; and, erection of a 2-storey detached block to provide 2no. 2-bedroom and 2no. 1-bedroom flats with associated parking, amenity space and waste storage at Fox and Hounds, 26-27 London Road, Gravesend DA11 9JH.	PERMITTED	19.06.2023

Consultations, Publicity and Representations

External Consultees

KCC Flood and Water Management – Since our last consultation response on the 8th of November 2024, further discussions have been held with the applicants representative Gill Sterling regarding the drainage arrangements to serve the site. It was understood that options were explored with Southern Water for a connection to the foul sewer; however, this was not progressed because of concerns surrounding capacity constraints. It is our understanding as per S106 of the Water Industry Act (1991) that it is at the discretion of the sewerage undertaker as to whether surface water can discharge into their foul sewer. With no formal acceptance of this, a connection into the sewer is understood to not be pursued.

A CCTV survey of the existing underground services at the site have uncovered a ring soakaway that confirms the previous surface water drainage was discharged through infiltration. Proposals as set out within the Sustainable Drainage System Strategy (23/04/2025) are for a larger cellular soakaway spanning 50m² and 1m deep. Supporting Causeway Flow calculations have been provided that indicates sufficient attenuation within the soakaway to manage storm events up to and including the climate adjusted 100 year return period.

In view of this, we remove our objection to discharging condition 4 (all parts).

Internal Consultees

GBC Environmental Protection (Regulatory Services) – Phase 1 and Phase 2 CL assessments by STM have been submitted. Intrusive investigations revealed excessive levels of contaminants (PAHs and heavy metals) in excess of levels for residential with plant uptake in 3 bore holes (3/1, 1/1 and 1/2). In addition, evidence of asbestos was found (BH 1/1, 1/2 and 2/2). The report recommends remediation action to deal with the above by way of the submission of a remediation strategy and continued watching brief throughout the development. This is agreed with. To address this a 'Remediation Strategy and Verification plan' dated 21/06/24 by STM has been submitted.

Remediation options have been considered and the following recommended:

- Made Ground in areas to be used as communal soft landscaping will be excavated to a maximum depth 450mm. Where the Made Ground is less than maximum depth, validation inspections and soil testing will be required at the base and sides of the excavation to demonstrate that all the Made Ground has been removed.
- The excavated material to be removed and taken to a licenced disposal facility by a licenced waste transport carrier.
- The soils removed from the excavated areas will be replaced with clean, imported, verified fill materials underlain by a "no dig" geotextile membrane.
- The clean fill will consist of 200mm thick sub-base and 250mm topsoil in proposed communal soft landscaped areas.
- All services will be installed into trenches lined with clean fill.
- A watching brief/discovery strategy approach taken during the excavation and groundworks stages.

Details regarding what information is to be included in the remediation verification report are also included.

The submitted information satisfactorily addresses parts a) and b) of Condition 6 and therefore can be discharged. The remaining parts of condition 6 can't be discharged at this time.

Procedural Matters

The applicant agreed (23 May 2025) to amend the description of the application to read as follows:

*****REVISED DESCRIPTION** Application for the approval of conditions 4(i)(ii)(iii)(iv) and (v), 5 and 6(a)(b) attached to planning permission reference number 20220431 relating to details of (4(i)(ii)(iii)(iv) Scheme for sustainable surface water drainage, (5) Measures to divert the public sewers and (6)(a)(b) Contamination land assessment report.***

This is to remove parts (c), (d) and (e) of condition 6, which relate to details to be submitted at a later stage should any additional remediation, completion/closure report and any applicable monitoring or maintenance works. Should the details be approved, an informative will be attached to the decision notice to clarify that additional information is required for condition 6.

Officer's Analysis

This application seeks approval of conditions 4, 5 and 6 attached to planning permission reference 20220431. The conditions are as follows:

4. Sustainable Surface Water Drainage
5. Diversion of Public Sewers
6. Contaminated Land

Condition 4 states the following:

4. *No development shall be commenced until a scheme for sustainable surface water drainage has been submitted to and approved, in writing, by the Local Planning Authority. The detailed drainage scheme submitted shall*

(i) demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site during any rainfall event (up to and including the climate change adjusted 100yr critical storm)

(ii) demonstrate that the existing on-site surface water flow-routes and accumulation points will not be altered in such a way that the development places property at risk from flooding during any rainfall event, up to and including the climate change adjusted critical 100yr storm,

(iii) demonstrate that infiltration features are not located on parts of the site where contamination might be present

(iv) include a timetable for its implementation, and

(v) include a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The surface water drainage scheme shall thereafter be implemented in full prior to first residential occupation of the development and thereafter maintained and managed in accordance with the approved scheme.

This condition is attached to ensure the sustainable drainage is incorporated into the development to safeguard against water pollution.

The applicant has engaged with KCC Flood and Water Management following an initial objection in November 2024, with the amended SUDs design and strategy being agreed and confirmed as acceptable by KCC.

Therefore, the submitted details relating to sustainable drainage are appropriate, would serve to safeguard against water pollution and condition 4 can be discharged.

Condition 5 states the following:

5. *No development shall take place until details of the measures which will be undertaken to divert the public sewers is provided by the applicant and submitted for approval to the Local Planning Authority (In consultation with Southern Water). The development hereby permitted shall be carried out in accordance with the approved details.*

This condition was attached to ensure that the existing sewer infrastructure is protected.

The applicant has presented evidence of an agreement with Southern Water regarding public sewers through a Section 106 agreement. This was approved by Southern Water on 13 May 2025. As such, it is considered that sufficient detail has been provided to discharge condition 5.

Condition 6 states the following:

6. *No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.*
 - a) *The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.*
 - b) *A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.*
 - c) *Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.*
 - d) *Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.*
 - e) *Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.*

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

This condition was attached to prevent any adverse effects of soil contamination to the public, environment and underlying groundwater.

The application has been supported by a contaminated land risk assessment and remediation strategy, which have been reviewed by GBC Environmental Protection, who are satisfied that parts (a) and (b) of the condition can be discharged. The remaining parts of the condition require details to be submitted at a later date to ensure accordance with parts (c), (d) and (e) of the condition and to safeguard contamination.

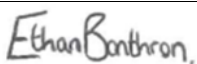
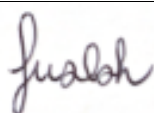
Therefore, the details relating to parts (a) and (b) of Condition 6 can be discharged.

Conclusion

The details submitted are adequate to discharge Condition(s) 4 (Sustainable Surface Water Drainage), 5 (Diversion of Public Sewers) and 6 (a)(b) (Contaminated Land).

Recommendation

Approval of Details

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	23 May 2025	Dated:	23 May 2025