



Delegated Report

Application No:	20250300
Location:	BRT Properties Kent, Top Yard, Hardys Corner, 2 Vale Road, Northfleet, Gravesend
Description:	Application for the approval of conditions 3 (Code of Construction Practice), 4 (Telecommunications and Fibre network route), 6 parts (i), (ii) and (iii) (Land Contamination) and 10 (External Facing Materials) attached to planning reference number 20240998.
Applicant:	BRT Properties Kent Ltd

Submitted Documents/Plans

Covering Letter
Application form
Remediation Strategy by Lustre Consulting
Supplementary Phase 2 Site Investigation by Lustre Consulting
Verification Plan
Acoustic Specifications
Air Quality Scheme Checklist
Ventilation Specifications 155CM
Ventilation Specifications 155WM
Code of Construction Practice by Black Oak Developments
Open Reach Letter
Design Schedule
External Materials Schedule revision B

Drawing no. 7985-PD-501 (proposed fibre network route)
Drawing no. 7985-PD-20 (proposed ground and first floor plans)
Drawing no. 7985-PD-21 (proposed second and third floor plans and roof plan)
Drawing no. 7985-PD-22 (proposed elevations and indicative section)
~~Drawing no. 7985-PS-01 rev D (proposed site layout plan, street scene, site section and location plan)~~
~~Drawing no. 7985-PD-06 rev B (proposed landscaping plan including exterior lighting)~~

Drawing no. 01-1 rev 03 (flat 1)
Drawing no. 02-1 rev 03 (flat 2)
Drawing no. 03-1 rev 03 (flat 3 and 5)
Drawing no. 04-1 rev 03 (flat 4 and 6)
Drawing no. 05-1 rev 03 (flat 7)
Drawing no. 06-1 rev 03 (flat 8)
Drawing no. 07-1 rev 03 (flat 9)
Drawing no. 08-1 rev 03 (flat 10 and 12)

Drawing no. 09-1 rev 03 (flat 11 and 13)
Drawing no. 10-1 rev 03 (flat 14)

Relevant Planning History

20240998 Application for the variation of condition 2 attached to appeal ref APP/K2230/W/22/3302467 relating to erection of a three storey building with rooms in the roof space to provide 14 x two bedroom self-contained flats, with associated access, car parking, cycle parking, refuse stores and amenity space; to allow the alteration of the design of the windows and different sized dormers and ground floor doors accessing private terraces to be altered to windows and adjust the landscaping to suit.

Approved 5 March 2025

Consultations, Publicity and Representations

Environment Agency

Thank you for consulting us on the above application which we received on 7 April 2025. As part of this consultation, we have reviewed the following documents:

- Supplementary Phase 2 Site Investigation produced by Lustre Consulting Limited (ref: 3869 - 210913 - ML, dated November 2021),
- Vale Road Verification Plan (dated 28th March 2025), and
- Remediation Strategy produced by Lustre Consulting Limited (ref: 3869 - 210916 - ML, dated November 2021).

Environment Agency Position

We have no objections to the discharge of condition 6 (land contamination).

We consider the proposed remediation and associated mitigation measures to be acceptable. However, we note that the verification plan should include the capping and sealing of pipework from the Underground Storage Tanks that are to be left off-site. This should be included as set out within the Remediation Statement. Therefore, we are satisfied that condition 6 can be discharged for this application.

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

KCC Flood and Water

Kent County Council as Lead Local Flood Authority has reviewed the application with supporting documentation and can confirm to the LPA that we have no comments to make regarding any of the conditions seeking to be discharged.

GBC Environmental Protection Officer

Condition 3 (Code of Construction Practice)

There is no objection to the condition being discharged.

Condition 6 (Land Contamination)

The reports condition requires the following and comments have been made in bold beside each section:

- i) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination of the site. **Looking at previous applications, a report relating to this has already been submitted and approved.**
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. **The ‘Supplementary Phase 2 Investigation’ by Lustre has been reviewed. The methodology and findings of this are accepted. Made ground on the site (with elevated levels of lead, PAHs, TPHs and asbestos) places the site at Moderate to Low risk therefore remediation works are required. This is agreed with and again, looking at past applications, this report has been submitted previously and approved.**
- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. **A Remediation Strategy also by Lustre has been submitted (Again submitted and approved previously).**
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved. **The document entitled ‘Vale Road Verification Plan’ provides an outline of verification documents and actions to be taken. Although this is an unusual way of submitted a verification plan, it does comply with the requirements of this part of the condition. However, in order to fully discharge this section of the condition, satisfactory confirmation that the remediation measures have been carried out in accordance with the recommendations of the remediation strategy and provision of the verification data, information etc as given in the Verification Plan must be submitted for approval.**

To summarise, parts i), ii) and iii) can be fully discharged but part iv) can’t be discharged until the work has been completed and relevant documentation submitted for approval.

Analysis

Condition 3

Condition 3 states:

No development shall commence until a comprehensive Code of Construction Practice (CoCP), covering all environmental impacts, is submitted to and approved, in writing, by the Local Planning Authority. The CoCP shall include details of the hours of work, delivery times for materials, parking for site personnel and visitors, loading and unloading of plant and materials, storage of materials and wheel washing facilities. The development hereby permitted shall be carried out in full accordance with the approved details.

Reason: To ensure the free flow of traffic on the highway and to minimise the impact on residential amenity and in accordance with policy CS19 of the CS.

The Code of Construction Practice by Black Oak Developments has been submitted in support of this condition discharge. The contents of the document are acceptable and this condition can be discharged.

Condition 4

Condition 4 states:

Details of fixed telecommunication infrastructure and high-speed fibre optic cables (minimal internal speed of 1000 mbps) capable of connection to commercial broadband providers shall be submitted to and approved, in writing, by the Local Planning Authority. The approved infrastructure shall be installed prior to the first occupation of the permitted scheme in accordance with the approved details and maintained for the lifetime of the development.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 119 Framework 2024.

A plan showing the proposed fibre network route and a letter from BT Open Reach has been submitted with the application showing that full fibre is available for future residents. The details are acceptable and this condition can be discharged.

Condition 6

Condition 6 states:

Following site clearance works, no further works shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to and approved, in writing, by the local planning authority. This strategy shall include the following details:

- i) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination of the site.*
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.*

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 183 of the Framework 2024.

The applicant is applying to discharge parts (i)-(iii) of this condition as part (iv) requires the development to be complete. The Remediation Strategy by Lustre Consulting and Supplementary Phase 2 Site Investigation by Lustre Consulting have been submitted in support of discharging this condition and are both acceptable. Parts (i)-(iii) of this condition can be discharged.

Condition 10

Condition 10

Prior to the commencement of above ground works, additional details (including samples where necessary) of all the external facing materials to be used in the construction of the development hereby permitted shall be submitted to and approved, in writing, by the local planning authority.

The development shall be carried out in accordance with the approved details.

Reason: To maintain the character and appearance of the building and to ensure a satisfactory visual relationship between the existing and new development in accordance with policy CS19 of the CS.

In terms of materials the following is proposed:

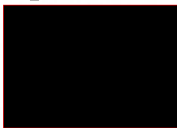
- (i) roof is to be finished in slate grey concrete tiles
- (ii) gutters, downpipes, soffits and fascias are to be black upvc
- (iii) dormer is to be textured plank in slate grey
- (iv) the external walls are to be a light grey render
- (v) the bin store is to be a black facing brick with proposed stone wall
- (vi) the bike store for units 1-7 and bin and bike store for units 8-14 are to be finished in horizontal weatherboard
- (vii) windows are to be white UPVC
- (viii) rooflights to be velux, grey on the outside and white on the inside
- (ix) doors are to be grey aluminium

The application mentions the black tarmac roads and beige tarmac pavements which have already been approved under the hard landscaping condition and therefore do not fall within this condition that deals only with facing materials.

Recommendation:

Discharge conditions 3, 4, 6i, ii, iii and 10 of 20240998.

See draft Decision

Case Officer: Alison Webster	Team Leader: Faye Walsh
Signed: 	Signed: 
Dated: 4 June 2025	Dated: 06 June 2025