



Delegated Report

Planning Application

Planning Application No: 20250550

Location: Land To The North West Of Factory Road Northfleet Gravesend Kent

Description: Erection of a workshop (Use Class E(g)(iii)), access, parking, and associated landscaping.

Applicant: Bellway Homes Limited (Thames Gateway)

Site Visit Date: 16th June 2025

Submitted Documents/Plans

Planning Application Form;
Drawing No. MRT-BPTW-S01-00-DR-A-0101 rev C02 (Site Location Plan);
Drawing No. MTW-BPTW-H01-ZZ-DR-A-2001 rev C03 (Proposed Elevations);
Drawing No. MRT-BPTW-S01-ZZ-DR-A-1002 rev C04 (Proposed Site Layout - First Floor Plan);
Drawing No. MRT-BPTW-S01-ZZ-DR-A-1001 rev C05 (Proposed Site Layout – Second Floor Plan);
Drawing No. 13281-LUC-TW-XX-DR-L-1001 rev P06 (Landscape Proposals GA);
Drawing No. 2408/01/3000 (Drainage Layout);
Drawing No. 2408/01/7000 (Levels Strategy);
Covering Letter;
Planning Statement;
Preliminary Ecological Appraisal April 2025;
Design and Access Statement Rev. C03 – May 2025;
Noise Technical Note – Stantec 14.11.25;
Noise Technical Note – Stantec 14.10.25;
EDC/21/0023 Decision Notice;
Noise Impact Assessment – Stantec 10.03.25;
Contamination Testing - IDOM 26.05.21;
Contamination Testing - IDOM 01.05.21;
Infrastructure Statement – Stantec 28.07.25;
Letter to EDC from agent responding to consultee responses – 30.07.25;
Advisory Technical Note – Bureau Veritas 16.02.26;
Drainage Technical Note – RLT 29.07.25;
Transport Technical Note 2 – Stantec 24.07.25;
Biodiversity Net Gain Technical Note – Aae May 2025;
BNG Metric;
Arboricultural Implications Report – SJA Trees June 2025; and
Utilities Appraisal Technical Note – Stantec 08.05.25.

Relevant Planning History

The application site is subject to extensive planning history. The below list is not exhaustive, however it relates to the most recent and relevant planning history.

Reference	Description	Decision	Decision
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			Date
20250599	EDC consultation EDC/25/0081 - Full planning application for the erection of a workshop (Use Class E(g)(iii)), access, parking, and associated landscaping.	Pending Consideration	Associated EDC Consultation
20211271	**14 DAY CONSULTATION** EDC Consultation EDC/21/0081 -Reserved matters application (access, layout, scale, appearance and landscaping) Pursuant of condition 2 of outline planning permission reference no. EDC/16/0004 for Land North of Hive Lane (Phase 1B). Comprising the erection of 120 no. dwellings together with associated infrastructure including details relating to finish floor and site levels, noise attenuation measures, ecological mitigation and enhancement strategy and schedule of public open spaces (Condition 9) renewable energy, water conservation and carbon reduction technologies (Condition 11), design and maintenance of the public realm and other areas with public amenity function, provision of, and timetable for installation of public art and heritage interpretation (Condition 15).	Observations Sent	02.11.2021
20211018	** RECONSULTATION DOCUMENT** EDC Consultation EDC/21/0081 -Reserved matters application (access, layout, scale, appearance and landscaping) pursuant to condition 2 of outline planning permission reference no. EDC/16/0004 for land north of Hive Lane (Phase 1B) comprising the erection of 122no. dwellings together with associated infrastructure including details relating to finished floor and site levels, noise attenuation measures, ecological mitigation and enhancement strategy, and schedule of public open spaces condition 9), renewable energy, water conservation and carbon reduction technologies (Condition 11), design and maintenance of the public realm and other areas with a public amenity function, provision of and timetable for installation of public art and heritage interpretation (condition 15).	Observations Sent	21.10.2021
20211227	EDC Consultation EDC/21/0173 - Continued use of land for external storage, vehicle parking and stationing of a welfare cabin in connection with the approved Mixed Aggregates Plant Facility for a temporary period.	Observations Sent	20.10.2021
20210654	EDC Consultation - EDC/21/0078 - Partial discharge of condition 16 (Construction Environmental Management Plan) relating to development on the residential element of the site pursuant to outline planning permission EDC/16/0004.	Observations Sent	09.06.2021
20210598	EDC Consultation -EDC/21/0086 - Partial discharge of condition 27 (Local Employment and Training Plan) relating to development on the residential element of the site pursuant to outline planning permission EDC/16/0004.	Observations Sent	25.05.2021

20210434	EDC Consultation - EDC/21/0067 - Partial discharge of condition 26 (Community Development Strategy) relating to development on the residential land pursuant to outline planning permission EDC/16/0004.	Observations Sent	27.04.2021
20210445	EDC/21/0068 EDC consultation - Partial discharge of condition 45 (Method and measures to minimise vibration), relating to land at Factory Road (Phase 1a) only, pursuant to outline planning permission EDC/16/0004.	Observations Sent	26.04.2021
20210394	RE-CONSULTATION - EDC Consultation - EDC/20/0147 - Revised Description - Formation of a development platform (residential and employment) comprising excavation and infilling of the site, including access roads.	Observations Sent	21.04.2021
20210262	EDC Consultation EDC/21/0031 - Application for the discharge of condition 22 and condition 40 (i) attached to outline permission reference no EDC/16/0004 relating to a programme of building recording for the site and historic building record of the College Road flint boundary wall.	Observations Sent	09.04.2021
20210281	EDC Consultation - EDC/21/0019 - Application for the partial discharge of condition 16 attached to outline permission reference no. EDC/16/0004 relating to a Construction Environmental Management Plan for development on land at Factory Road (Phase 1a) only.	Observations Sent	30.03.2021
20201223	EDC Consultation EDC/20/0083 - *Duplicate* Application for the discharge of condition 7 attached to planning permission reference no. EDC/16/0004 relating to the Phasing and Implementation Plan.	Observations Sent	10.12.2020
20201070	EDC Consultation EDC/20/0080 - Application for the partial discharge of condition 8 attached to planning permission reference no. EDC/16/0004 relating to a detailed Masterplan for the residential land.	Observations Sent	06.11.2020
20201069	EDC Consultation EDC/20/0079 - Application for the discharge of condition 7 attached to outline planning permission reference no. EDC/16/0004 relating to a detailed Phasing and Implementation Plan.	Observations Sent	06.11.2020
20200926	EDC Consultation EDC/20/0080 - Application for the partial discharge of condition 8 attached to planning permission reference no. EDC/16/0004 relating to a detailed Masterplan for the residential land.	Observations Sent	09.10.2020
20200925	EDC Consultation EDC/20/0075 - Application for non-material amendment to outline planning permission reference no. EDC/16/0004 to alter the wording of condition 40 in respect of the College Road flint wall.	Observations Sent	09.10.2020
20200924	EDC Consultation - EDC/20/0077 - Application for non-material amendment to outline planning permission reference no. EDC/16/0004 to allow for the relocation of the community facility involving (i) change to description of development, (ii) changes to the wording of condition 4 to replace the Land Use and Development Framework Parameter Plans and (iii) changes to wording of condition 14.	Observations Sent	09.10.2020

20200923	EDC Consultation - EDC/20/0079 - Application for the discharge of condition 7 attached to outline planning permission reference no. EDC/16/0004 relating to a detailed Phasing and Implementation Plan.	Observations Sent	09.10.2020
20200557	EDC Consultation - EDC/20/0080- Application for the partial discharge of condition 8 attached to planning permission reference no. EDC/16/0004 relating to a detailed Masterplan for the residential land	Observations Sent	07.08.2020
20200556	EDC Consultation - EDC/20/0076 - Application for approval of reserved matters (relating to access, layout, scale, appearance and landscaping) pursuant to outline planning permission reference no. EDC/16/0004 for Phase 1a comprising the erection of 3no. dwellings together with associated infrastructure including details relating to parking, energy and sustainability, finished site and floor levels, noise attenuation and mitigation measures and ecological enhancement.	Observations Sent	31.07.2020
20200534	EDC consultation EDC/20/0078 - Application for a non-material amendment to condition 4 of outline planning permission reference no. EDC/16/0004 to replace the Building Heights Parameter Plan to allow for an increase in the maximum height of buildings in one location within the residential part of the site from 3 storeys to 4 storeys.	Observations Sent	31.07.2020
20200533	EDC consultation EDC/20/0077 - Application for non-material amendment to outline planning permission reference no. EDC/16/0004 to allow for the relocation of the community facility involving (i) change to description of development, (ii) changes to the wording of condition 4 to replace the Land Use and Development Framework Parameter Plans and (iii) changes to wording of condition 14.	Observations Sent	31.07.2020
20200531	EDC Consultation EDC/20/0079: Application for the discharge of condition 7 attached to outline planning permission reference no. EDC/16/0004 relating to a detailed Phasing and Implementation Plan	Observations Sent	31.07.2020
20200532	EDC consultation EDC/20/0075 - Application for non-material amendment to outline planning permission reference no. EDC/16/0004 to alter the wording of condition 40 in respect of the College Road flint wall.	Observations Sent	17.07.2020
20200180	EDC Re-consultation EDC/19/0201 - Application for the discharge of condition 6(a) attached to outline planning permission reference no. EDC/16/0004 relating to a site-wide Heritage Management Plan.	Observations Sent	11.03.2020
20191324	EDC Consultation EDC/19/0201 - Application for the discharge of condition 6(a) attached to outline planning permission reference no. EDC/16/0004 relating to a site-wide Heritage Management Plan.	Observations Sent	24.01.2020
20191323	EDC Consultation EDC/19/0207 - Application for the discharge of conditions 3, 4 and 5 attached to planning permission reference no. EDC/19/0001 relating to a Site Management Plan, surface water drainage scheme, boundary treatment and arrangements for fuel and waste storage.	Observations Sent	18.02.2020

20191170	EDC Consultation EDC/19/0177 - Request under Section 106A of the Town and Country Planning Act 1990 (as amended) to modify a planning obligation in respect of use of the access tunnels to serve the residential and mixed use areas of the development approved by Outline planning permission reference EDC/16/0004.	Observations Sent	22.11.2019
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Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS03 – Northfleet Embankment and Swanscombe Peninsula East Opportunity Area
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 - Heritage and the Built Environment

Gravesham Local Plan: First Review (1994)

- TC7 - Other Archaeological Sites
- T1 - Impact of Development on Highway Network
- T5 - New Accesses onto Highway Network
- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 6 – Building a strong, competitive economy
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, *Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC* [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Other Relevant Guidance

- Ebbsfleet Implementation Framework 2017
- Design for Ebbsfleet Guide
- Ebbsfleet Public Realm Strategy
- Ebbsfleet Sustainable Travel Strategy
- North Kent Strategic Housing and Employment Needs Assessment (SHENA)
- Gravesham Economy and Employment Background Paper (October 2020)

Consultations, Publicity and Representations

Consultees

External

KCC Biodiversity

24.10.25

SUMMARY: SUFFICIENT INFORMATION PROVIDED

Habitats onsite have limited value for protected species, having been recently cleared. Some young trees are present which may offer potential for nesting birds, though are of negligible potential to support roosting bats. Species such as hedgehog, reptiles and amphibians may be present within the surrounding area and

may occur incidentally onsite. Recommendations have been provide to prevent adverse impacts to these species during the construction phase.

The BNG assessment (AAe, May 25) demonstrates an overall net gain of 0.0334 habitat units (+17.61%) onsite. No offsite habitat creation is required and these gains are not considered significant.

PRECAUTIONARY WORKING METHODS

Suggested Condition Wording:

1. *Habitats shall remain managed in their current condition up until the commencement of development to prevent increased suitability for protected species.*
2. *Any trees to be retained, including its roots, shall be protected from damage in line with The British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012);*
3. *Any required clearance of tall/dense vegetation with potential to support reptiles should be undertaken in two stages, with a first cut to 150mm, followed by a second cut several days later to ground level;*
3. *Brash, rubble and log piles to be relocated shall be dismantled by hand. Where these are suitable for hibernating reptiles/hedgehog, removal shall be conducted outside of the hibernation period (November – February);*
4. *Backfilling of trenches and other excavations shall be undertaken before nightfall, or a ramp shall be left to allow any animals to easily exit;*
5. *All excavations and trenches shall be checked each morning throughout the construction period and prior to infilling;*
6. *All temporarily stored building materials (that might act as temporary resting places) shall be isolated within hardstanding areas and raised off the ground, e.g. on pallets.*
7. *Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.*
8. *If at anytime a protected species is discovered within the works area all works must stop while a suitably qualified ecologist and/or Natural England are consulted. Works shall not resume until any required surveys and/or mitigation are completed.*

ARTIFICIAL LIGHTING

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows¹. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2024.

Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent updates) should be consulted in the lighting design of the development.

We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via an attached condition with any planning permission.

Suggested Condition Wording:

No external lighting, whether temporary or permanent, shall be installed on the site unless details are submitted to and approved in writing by the local planning authority. Details of any proposed external lighting shall accord with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note

08/23: Bats and Artificial Lighting at Night' and demonstrate that no impacts to bat foraging/commuting activity will result. Such details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) as well as an ISO lux plan showing light spill. The details shall be implemented as approved and retained hereafter.

Reason: To limit the impact of light pollution from artificial light in accordance with the NPPF 2024, paragraph 198(c). With consideration for bats and other nocturnal wildlife in accordance with the NPPF 2024, paragraph 187(d).

BIODIVERSITY NET GAIN

In response to our previous request, the applicant has confirmed that habitat clearance works undertaken on site were done so as part of EDC/16/0004, and were therefore undertaken lawfully. We are therefore satisfied that the baseline information as detailed within the Biodiversity Net Gain Technical Note and Metric (AAe, May 25).

Baseline habitats comprise artificial unvegetated unsealed surface, developed land – sealed surface, and introduced shrub with some immature trees. Post-development habitats will be largely the same, however will include new tree planting (5 x small trees). A net gain of 0.0334 habitat units (+17.61%) is anticipated. No hedgerows are currently present onsite, and an additional 0.0454 hedgerow units are proposed.

Habitat creation onsite is not considered to be significant, given the small unit uplift and the limited scale of medium distinctiveness habitat creation. There is therefore no requirement for 30 years of management and monitoring with LPA oversight. We suggest that any habitat creation measures contributing towards BNG onsite are secured through the production and implementation of a Biodiversity Gain Plan and a Landscape and Ecological Management Plan.

BIODIVERSITY GAIN PLAN

Suggested Condition Wording:

The Biodiversity Gain Plan shall be prepared in accordance with the baseline information within the Biodiversity Net Gain metric (AAe, May 25).

Reason: To ensure the proposals are in accordance with details submitted and considered as part of the planning application, in accordance with [insert relevant policy].

The above condition is not a statutory requirement but unless imposed there would be no requirement that the Biodiversity Gain Plan submitted for approval to be in accordance with any biodiversity or ecological information submitted with the planning application. This condition may not be appropriate for some outline planning permissions where the post-development biodiversity value will not be known until reserved matters have been approved.

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

Suggested Condition Wording:

Prior to any landscaping works commencing on site a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The plan shall accord with the measures outlined in the Preliminary Ecological Appraisal (AAe, April 25) and the Biodiversity Net Gain (BNG) report and Metric (AAe, May 25) associated with the planning application and shall include details of the following:

- a) Habitat creation measures for all creation and enhancements contributing towards BNG onsite*
- b) A full planting schedule utilising primarily native species;*
- c) Details (specifications and locations) of the incorporation of biodiversity enhancement features (e.g. bird and bat boxes) as recommended within the PEA (AAe, April 25)*
- d) Rolling, long-term maintenance measures covering up to a 30-year period; and*

e) Details of responsible persons.

The approved plan shall be implemented as described and retained thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

EVIDENCE OF IMPLEMENTATION – LEMP

Suggested Condition Wording:

Within twelve months of first use of the development hereby approved, photographic evidence of the implementation of such habitat creation and biodiversity enhancement measures as are required by condition X (the LEMP condition) shall be submitted to the local planning authority for approval. The approved measures shall be thereafter retained.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

03.10.26

SUMMARY: ADDITIONAL INFORMATION REQUIRED

At present the site offers little value for protected species as it consists largely of bare ground. We require confirmation as to whether the recent habitat clearance was undertaken under existing planning permission as if it was not taken place as part of extant permissions then pre-clearance habitats will need to be used as the BNG baseline and a precautionary approach given to assessing habitat type and condition.



Fig 1 and 2: Habitats onsite 2020 and 2025

The Town and Country Planning Act 1990, Schedule 7A (6 and 6B) seeks to discourage developers from engaging in site clearance prior to making a planning application. This legislation essentially states that if habitat degradation/loss has occurred on an application site on or after 30 January 2020, “the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.”

This rule does not apply if the activities were carried out in accordance with planning permission before 25

August 2023. This rule also does not apply if the activities were carried out in accordance with planning permission after 25 August 2023, but in this case only if the consented development has been completed.

Where the pre-development biodiversity value of a given site is unknown, this legislation (i.e. paragraph 6B) states that the baseline “is to be taken to be the highest biodiversity value of the onsite habitat which is reasonably supported by any available evidence relating to the onsite habitat.

KCC Heritage Conservation

The site lies in an area for Palaeolithic archaeological potential and was the site of a former Drill Hall. The Drill Hall was constructed (c1905) and is recorded on the Kent HER as a small building in which 2 X 6pr. guns were mounted for training of volunteers. It was re-used for a coach repair works. This building had been demolished.

A Reserved Matters approval was granted at the site on 18 December 2020 (LPA Ref. EDC/20/0076) pursuant to conditions on EDC/16/0004 for the wider Northfleet Cement Works site. I understand from the submitted Planning Statement for this application that foundations trenches have been excavated, and the permission implemented.

Although the site has some archaeological potential, I consider it unlikely that the proposed development would have a significant below ground archaeological impact, because of the depth of made ground, and I have no further recommendations to make on archaeological matters in this case.

KCC Highways and Transportation

12.08.25

Thank you for your re-consultation regarding the above planning application. The Highway Authority has reviewed the additional submission documents and provides the following comments in relation to highway matters:

Access and Parking Layout

The Transport Technical Note 2 (TTN2) confirms that the existing access is a crossover.

As per previous KCC comments, the southern radius of the crossover appears to terminate at the same location where a vehicle would reverse from the disabled parking bay, which is a concern. Furthermore, the plans do not show taper details or dimensions, and it is unlikely that there would be sufficient space to provide tapers between the three bays. It is therefore likely that a continuous dropped kerb will be required along the entire site frontage, and the area resurfaced to ensure a continuous footway. These details can be discussed at the detailed design stage.

Please note that while the annotations state “*lighting column to be retained*”, KCC is likely to require its relocation, which would be at the applicant's expense. KCC is also likely to require confirmation from the adjacent pole's asset owner, that they agree to its retention and placement on a dropped kerb.

Paragraph 2.7 of TTN2 states: “*It is now proposed to provide two passive electric chargers, one at each of the car parking spaces at the front of the proposed building.*” The proposed provision still does not meet KCC standards, which require car parks with fewer than 10 spaces to include one active and one passive charger. One of the chargers must therefore be active.

Visibility

Visibility splays for the three crossovers on Factory Road are shown on Plan 011 Rev 003 in Appendix D of TTN2. These are acceptable. However, no pedestrian splay is shown for the existing crossover. The required 2m x 2m splay is unlikely to be achievable on the northern side due to the presence of the flint wall, which is unlikely to be able to be removed. As this is an existing crossover, a sub-standard splay is acceptable but should be secured by condition.

Conclusion

The Highway Authority has no further objection to the application, subject to the following conditions:

- A minimum of two cycle parking spaces to be provided prior to first occupation and retained for the lifetime of the development.
- Implementation of the vehicle visibility splays shown on Plan 011 Rev 003, with no obstructions over 1.05m within the splays, prior to first occupation and maintained thereafter.
- Implementation of the pedestrian visibility splays shown on Plan 011 Rev 003, with no obstructions over 0.6m within the splays, prior to first occupation and maintained thereafter.
- Pedestrian visibility splays of 2m x 2m (or the achievable sub-standard splay on the northern side) to be implemented with no obstructions over 0.6m within the splays, prior to first occupation and maintained thereafter.
- Use of a bound surface for the first 5m of the existing crossover, measured from the back of the footway.
- Provision of one active and one passive electric vehicle charging point to be provided prior to first occupation and retained for the lifetime of the development.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

04.07.25

Access and Parking Layout

The proposal includes use of the existing junction and an additional two crossovers on Factory Road. However, the details are unclear, as the Planning Statement refers to a bell mouth (junction) whereas the Transport Statement refers to it as a crossover. The surfacing shown on the plan suggests it is a junction. The plans should be updated to clarify this.

In line with the Kent County Council (KCC) Vehicle Crossover Guidance, crossovers need to be a minimum of 10m from a junction, which is unlikely to be achievable for both crossovers, if the main access is confirmed to be a junction. While it is recognised that the junction will serve only a small proportion of traffic, the radius appears to terminate at the same location where a vehicle would reverse from the disabled parking bay, which is a concern.

Furthermore, the KCC Vehicle Crossover team - whose separate approval is required for any crossover, irrespective of planning consent - are likely to require a minimum of 4.5m of full-height kerb between the tapers of the two crossovers. The submitted plans do not show taper details or dimensions, and this information must be provided to assess compliance.

It is questioned why the two parking bays currently located on Factory Road could not be switched with the building, allowing all parking to be provided to the rear of the building, accessed from the existing bell mouth. This would enable the building line to align with the existing residential dwellings on Factory Road, allow more room for turning vehicles on site (noting that current vehicle tracking is acceptable), and retain existing on-street parking.

With regard to existing assets, the proposed crossover for the disabled bay is located in close proximity to an existing street lighting column. The Vehicle Crossover team may require this to be relocated at the applicant's expense. The applicant should also engage with the owner of the telecommunications pole to discuss the implications of the proposal.

Parking Provision

The proposal includes five parking spaces, which exceeds the standards set by KCC (three spaces), the EDC (two spaces) and GBC (two spaces). The Highway Authority does not consider this over-provision to have a detrimental impact on the highway network in this location.

The KCC and EDC parking standards require car parks of up to 40 spaces to have two disabled spaces plus one space of sufficient size but not specifically designated. Although the proposal does not meet this standard, the provision of one disabled bay within a five-space car park equates to 40% of the total provision and is therefore deemed acceptable.

No dedicated goods vehicle or motorbike spaces are proposed; however, informal accommodation of such vehicles on site is considered likely and acceptable.

The proposed provision of one passive electric charger does not meet the KCC standards, which require car parks with fewer than 10 spaces to have one active and one passive space. This standard should be met and therefore an active charging space is required.

No dimensions are shown for the parking bays. In line with KCC's standards, these should be 2.5m x 5m. The parking space at the eastern end of the row appears to be abutting a hard boundary / vegetation and should therefore have an additional 0.2m in width to assist manoeuvring into and out of the space. Disabled parking bays should be 5.5m in length and 3.7m in width (including hatching). The dimensions should be shown on a plan to demonstrate they are achievable.

Two cycle parking spaces are proposed to be provided, which is in line with the KCC, EDC and GBC standards and is therefore acceptable. The cycle parking is proposed to be located within the building, which is welcomed as this enhances security. However, if cyclists are required to access the cycle parking using the main entrance path from Factory Road, this will require a dropped kerb to allow them to access and egress the carriageway and this should be shown on the access plans.

Visibility

Visibility splays for the parking bays on Factory Road are shown on Plan 011 Rev 002 in Appendix B of the Transport Statement.

The pedestrian splay to the south of the non-designated bay is substandard at 1m x 1m. It is recommended that the hatched area on the northern side of the bay is relocated to the southern side of the bay to increase the splay to the required 2m x 2m. This could also improve accessibility for mobility-impaired users.

The vehicle visibility splay is shown as 2.4m x 25m, which is the requirement for a 20mph road. However, whilst vehicles are likely to be travelling slowly on approach to the bend, Factory Road is subject to a 30mph speed limit and therefore the splay should be increased to the required 43m, or evidence provided to demonstrate that the 85th percentile speeds are within 20mph.

Trip Generation

The proposal is anticipated to generate three light vehicles per day (six two-way trips) and three light goods vehicles per month (six two-way trips). This is acceptable.

Conclusion

The Highway Authority would like to place a holding objection on the application until the requested information has been submitted to and approved by KCC. Should the LPA be minded to grant planning permission prior to the above issues being resolved, the following Conditions are requested:

- Two cycle parking spaces to be provided prior to first occupation and retained for the life of the development.
- Implementation of 2m x 2m pedestrian visibility splays and 2.4m x 43m vehicle visibility splays for both crossovers and the bell mouth, with no obstructions over 0.6m within the splays, prior to first occupation and maintained thereafter.
- Use of a bound surface for the first 5m of the access, measured from the back of the footway.
- Provision of one active and one passive electric vehicle charging point to be provided prior to first occupation and retained for the life of the development.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Environment Agency

27.08.25

As part of this consultation, we have reviewed the following documents:

- Contamination Assessment report letter, ref. L17855cz-2.4.2-21-72-CJB Rev A, dated 7 May 2021, by IDOM Merebrook Ltd
- Flooding and Drainage Proposal Technical Note, ref. 240802 rev A, dated 29 July 2025, by RLT

Environment Agency position

We have **no objection** to the proposed development **subject to the following planning conditions** being included in any permission granted.

Please refer to the following sections for our full response:

- Section 1: Technical comments
- Section 2: Conditions and informatives
- Section 3: Advice to the Applicant

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.

30.06.25

As part of this consultation, we have reviewed the following documents:

- Application Form, ref. PP-14040215, dated 27 May 2025
- Location Plan, ref. MRT-BPTW-S01-00-DR-A-0101 rev C02, dated 6 May 2025, by BPTW
- Drainage Layout, ref. 2408/01/3000, dated 6 May 2025, by RLT
- Drainage Technical Note, ref. 240802, by RLT

Environment Agency position

We **object** to this development because there is insufficient information to demonstrate that the risk of pollution to controlled waters can be appropriately managed. We therefore recommend that planning permission is refused.

Please refer to the following sections for our full response:

- Section 1: Reasons for, and how to overcome, our objection
- Section 2: Advice to the Applicant

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.

Port of London Authority

14.08.25

Thank you for consulting the Port of London Authority (PLA) on the re-consultation of the application referenced above for the erection of a workshop at Land To The North West Of Factory Road, Northfleet. I have now had the opportunity to review the amended documents, including the submitted Infrastructure Assessment and can confirm the PLA has no objection to the proposed development.

01.07.25

Firstly, we note the Environment Agency (EA) objection to the proposal as there is insufficient information to demonstrate that the rise of pollution to controlled waters can be appropriately managed. We support this view as the key interest for the PLA is in the health of the river, including water quality. Any new or amended outfall into or from the River Thames will require a River Works Licence with the PLA and the

PLA's Statutory Consents and Compliance team should be contacted at lic.app@pla.co.uk to discuss further.

If the above objection can progress to the satisfaction of the EA, we would also note the close proximity of the site to safeguarded wharves, as shown in the Gravesham Local Plan Core Strategy and Policies Map (Map 1). The proposal must consider Policies CS07 Economy, Employment and Skills and Policy CS11 Transport of the Local Plan, to support the continued use of the River Thames for commercial transport, whilst safeguarding and maximising the use of the existing commercial wharves. Although we acknowledge that the warehouse use is light industrial, there is no evidence within the application to show that the use of the river has been considered for the transportation of goods and waste throughout construction and/or operation. Consideration should also be given to Policy DM8 (Safeguarding Minerals Management, Transportation Production & Waste Management Facilities) of the Kent Minerals and Waste Local Plan.

Kent Police Designing Out Crime

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. CCTV is advised for all areas, especially at entry points, till areas, and other areas with limited natural surveillance or storage areas containing high-value equipment. Please ensure the CCTV supports the lighting plan.
2. We strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.
3. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation, and locks) including folding or sliding to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
4. Windows on the ground floor to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. Any curtain walling and fixings should be tested and meet BS EN 1627:2011 and/or be certified to LPS 1175: Issue 7, SR1 or STS 202: Issue 3, BR1.
5. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the Institution of Lighting Professionals), particularly where a lighting condition is imposed, to help avoid conflict and light pollution.
6. Access control. Adequate access control is required for entrances used by staff only such as storage rooms and other restricted areas.
7. Parking - Where unavoidable, the car parking area must be covered by natural surveillance from an "active" window e.g. till area and sufficient lighting. In addition, we recommend CCTV and appropriate signage to avoid conflict and misuse.
8. Waste bins should be kept in a secure enclosure, ideally away from the building as bins can become a

climbing aid or even an arson hazard.

9. Any Shutters should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013

10. Any current or new trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Internal

Environmental Protection

20.10.25

The Stantec Technical Note has been reviewed which seeks to address Bureau Veritas' comments .

In addition, I note that the planning file has an updated NIA dated 28/08/2025 which I don't think I've seen before. It's difficult to see what changes have been made as any updated parts of the report are not tracked or highlighted.

I still have concerns that with regards to Receptor A (the house next door) in any of the 4 scenarios modelled, noise levels from the operation of the workshop (as given in version 5 of the NIA) are in excess of the existing background noise levels ranging from +4dB to +6dB. As before, I must re-iterate that our standard criteria is for noise levels from any new plant/equipment to be 10dB below the existing background noise levels and not +3dB as the NIA keeps stating. However, it is appreciated that the +3dB level appears to originate from the planning condition attached to the original outline permission, so this level may not be able to be altered. Therefore, we may well have to accept this criteria although it is well above our usual requirement. Bearing in mind the fact that the house next door to the proposed workshop is immediately adjacent, I have concerns that the operation could well result in noise problems and complaints. With this in mind, I would recommend (as before) that a condition is attached to any permission requiring post completion testing for this level to be achieved. A suitable condition is suggested below:

Post Completion Noise Testing

Prior to first operation of the plant, machinery and equipment when operating at its maximum speed and output hereby approved, a post completion noise survey must be undertaken at the maximum operating speed by a competent qualified acoustic consultant. The results of the survey report shall be submitted to and approved in writing by the Local Planning Authority.

If the post completion survey reveals that the noise exceeds the existing background (LA90) noise level (as provided in the Noise Impact Assessment by Stantec (Report Ref 332612492 Rev 05 dated 28/08/2025)) by more than 3 dB when measured one metre from the façade of the nearest existing or proposed residential dwellings and in accordance with BS4142:2014+A1:2019, noise mitigation shall be implemented to ensure this level is achieved.

The final noise mitigation scheme shall be operated and maintained thereafter.

The report proposes plant noise emission criteria for any future fixed plant such as air handling systems etc, and this is set at 10dB below existing background noise levels, so this is acceptable and should be conditioned on any permission. Again, suggested condition below:

Plant Emission Noise Limit

The rating noise from any new fixed building services/mechanical plant/equipment, including any air systems, associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) as provided in the Noise Impact Assessment by Stantec (Report Ref 332612492 Rev 05 dated 28/08/2025) when measured and assessed in accordance with BS4142:2014: +A1:2019.

29.08.25

The revised noise assessment dated 18/07/2025 is noted. However, although the criteria of the noise from the workshop activities and plant has been altered in Table 2.1 to include what is referred to as 'Local Authority criterion' of being +3dB above background, this is still not in line with our criteria which is -10dB below background as advised in the earlier consultation response.

It's noted that the data/levels in Tables 4.7 and 4.8 have been altered but there does not appear to be a clear explanation to account for these changes. With regards to Receptor A (house next door) Table 4.7 shows a slight improvement compared to previously, but levels still range from between +1 and +3 dB for the 4 scenarios. Previously they were between +1 and +4dB.

Section 5 which deals with plant noise levels proposes levels that are 10dB below background in order to meet our criteria. However, it's not clear in Table 5.1 if this is applicable at Receptor A or B or both. The proposed level for the weekday is 1dB more than that proposed in the previous version of the report. In addition, Saturday's level is +7dB greater than that proposed for receptor A previously. This needs clarification as it is essential that noise levels at Receptor A are adequately controlled bearing in mind that the property is adjacent.

Clarification of the above is needed.

BV's Advisory Technical Note has also been reviewed and the comments made in there, particularly with regards to the intermittent nature of some of the workshop tools and the appropriate corrections to BS4142, are agreed with.

Based on the above, there are still concerns that the noise will not be adequately controlled such that the use of the workshop will cause problems to residents in Factory Road –particularly the house next door.

If planning are minded to grant the application, it is advised that a condition requiring post completion noise testing is attached to any permission. That way of noise levels are greater than anticipated in the NIA, additional noise mitigation measures or controls can be implemented to further reduce/control noise from the workshop operations. A suitably worded condition can be suggested if needed.

10.07.25

The 'Noise Impact Assessment dated 10 March 2025 by Stantec (Report Ref: 332612492) has been reviewed. Section 2.4 references conditions pertaining to LA criteria for noise. It's not clear which applications these relate to or the date of decision. They may well be EDC conditions/decision. Unfortunately, the conditions referred to do not reflect our standard criteria which is that:

The rating noise from fixed building services/mechanical plant/equipment, including any air systems, associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with

BS4142:2014

Therefore, the NIA needs to be revised to take account of this level, particularly with regards to Scenario 1 and Receptor A which is the adjacent house.

Neighbouring properties

The application was advertised by the displaying of a site notice, together with individual letters sent to seven surrounding properties, with an overall expiry date of 7th July 2025. Three letters of objection were received, two of which were from the same person, making the following summarised comments;

- Noise
- Parking
- Narrow access
- Congestion
- Not appropriate for residential area
- House value – not a material consideration.

Officer's Analysis

Site Context and Background

This application relates to a flat and almost square piece of land, measuring about 0.05 hectares. The site fronts onto Factory Road in Northfleet, which is a residential street of Victorian Terraces. The site includes the highway footpath to the south-eastern side of the enclosed part of the site.



The south-western site boundary abuts a narrow private footpath, which provides access to the rear gardens of the terraced dwellings to the south-west, which is demarked by a knapped flint wall. The adjacent dwelling No. 51 has its primary access door and a number of windows located in its northeastern flank wall, facing onto this footpath.



The site is currently separated from the street by palisade fence but is open on the northeastern and northwestern boundaries to the land beyond. There is an existing vehicle access at the north end of the palisade fence. The site boundary also includes the footway running along Factory Road in front of the palisade fence.

To the north and west of the site is development land owned by the applicant and, together with the current application site, forms a strategic mixed-use development site in the Gravesham Local Plan known as Northfleet Embankment West, as part of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area.

Northfleet Embankment West benefits from outline planning permission, under reference EDC/16/0004, and numerous reserved matters approvals are also in place. EDC/16/0004 has now expired but some reserved matters permissions remain extant.

Under the EDC/16/0004 application this current site falls within the 'residential' parameter and in fact reserved matters permission has been achieved on the site for the construction of location of 3 houses (under reference EDC/20/0076). That RM permission remains extant as the development commenced by virtue of foundation trench(s) for one of the houses being dug. This trench has now been backfilled.



Figure 2.5: Approved Layout (EDC/20/0076)



Figure 2.4: Approved Elevations (EDC/20/0076)

The LPA had also received, prior to the submission of this current full planning application, a Non-Material Amendment (NMA) application related to this current Factory Road site for:

EDC/25/0035 - Non-material amendment to Condition 4 of Outline Planning - Permission EDC/16/0004 to amend the land uses illustrated on the parameter plans.

The NMA proposes the change of the approved land use of the site from 'residential' land to 'employment' land.

This application is being held in abeyance currently by mutual agreement, pending the determination of this full planning application.

Furthermore, the EDC LPA currently hold a live planning application for development at Abacus Corner, which is also within sub-area 1.4 of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area under Policy CS03 and is identified as an 'Existing Employment Area'. This employment area is not identified to be retained within the sub-area, which is to provide residential, community and supporting development for the Hive Local Centre. Policy CS03 provides for employment land outside sub-area 1.4. However, whilst most of the Abacus Corner land is now vacant, or on short-lease, there is one unit which is privately owned and operational at the site and its remaining at Abacus Corner would prevent the proposed EDC/25/0104 residential-led development coming forward. The applicant has identified that this current application at Factory Road is to provide a site to be able to relocate that remaining commercial operator at Abacus Corner within the same sub-area of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area in which it currently lies. This would enable the EDC/25/0104 development to come forward. The Noise Impact Assessment and discussion within the Planning Statement of the current proposal are based on that existing operation at Abacus Corner.

Proposal

This application is a full planning permission but as the application site falls cross-boundary between the Gravesham Borough Council (GBC) and Ebbsfleet Development Corporation (EDC) administration the application has been submitted as a 'joint application', with the larger part of the site falling within the GBC administration area.

The proposal is for the erection of a workshop in Class E(g)(iii) use (light industrial) together with a modified access arrangement from Factory Road and provision of on-site parking and landscaping.

The workshop would be a two-storey brick-built property with a traditional tiled, hipped roof and would be set back from the street allowing for two parking spaces on the property frontage (one as accessible) and 3 car parking spaces to the rear of the unit.

Internally the building would be divided into 2 workshop areas, each with a roller shutter door to the rear. A central staircase would lead to the first floor where a store and office would be located.

The proposed hours of use are:

Monday to Friday 07:30 hours to 18:00 hours
Saturday 07:30 hours to 13:00 hours

The application form indicates three full time employees.

The applicant also proposes to repair the existing flint boundary wall and proposes retention of self-seeded trees and new planting. The landscape plan also denotes a new fence to contain the site.

In the applicant's Planning Statement accompanying this current application they explain that they have a tenant waiting to take the space. That tenant currently operates from a site at the Abacus Corner existing employment site in Northfleet and has two operations – the production of gaskets from graphite and a light engineering/repair service to repair worn and broken machinery parts, produce small replacement parts and produce small component parts for machinery. The Abacus Corner existing employment site, is currently proposed for residential redevelopment under live planning application, made to Ebbsfleet Development Corporation, under reference EDC/25/0104.

Principal

At the local level, Gravesham Local Plan Core Strategy (LPCS) promotes sustainable development by prioritising the redevelopment of previously developed land in the urban area and focussing on former industrial sites within identified Opportunity Areas. Policy CS03 of the LPCS is for the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area. That Opportunity Area is subdivided into Key Development Sites to provide around 980 dwellings and around 133,500 sqm gross employment floorspace.

The NPPF sets out the Government's commitment to building a strong and competitive economy and that significant weight should be placed on the need to support both residential and economic growth through the planning system. Paragraphs 85 and 87 state that planning decisions should help create conditions in which businesses can invest, expand and adapt with significant weight being placed on the need to support economic growth for both local business needs and wider opportunities for development as well as resilience.

Policy CS03 of the Gravesham Local Plan Core Strategy is for the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area. That Opportunity Area is subdivided into Key Development Sites to provide around 980 dwellings and around 133,500 sq m gross employment floorspace.

The Ebbsfleet Implementation Framework 2017 is also a material consideration for planning applications and seeks to facilitate the establishment and growth of new and existing businesses providing a mix of sustainable jobs accessible to local people that puts Ebbsfleet on the map as a successful business location. The Framework also states in the Northfleet Riverside redevelopment guidelines state that it is EDC's ambition to retain where possible existing employment floorspace and develop new employment activities.

In relation to the LPCS, where Policy CS03 would allow for new employment land in the wider Northfleet Embankment and Swanscombe Peninsula East Opportunity Area, it is not directed specifically to the sub-area in which the application site lies. The application site falls within Key Site 'sub-area 1.4' (Old Northfleet Residential Extension) for which Policy CS03 states:

"This will provide a residential development of around 530 dwellings, open space, an extension and improvements to the Hive local centre and provision of community facilities."

However, there is an illustrative plan within the LPCS that is not referred to within the policy wording itself but does not show the application site for any specific 'indicative' use – the plan shows the site area undefined.



(Source: Extract Figure 6: Key Site 1.4 Old Northfleet Residential Extension Schematic Plan)

Notwithstanding the above, the land uses parameter plan approved pursuant to the wider outline planning permission (reference EDC/16/0004) identified the application site for residential use for which 3no. houses were subsequently approved under reserved matters approval reference EDC/20/0076, albeit not built.

The current proposal is not for residential development in accordance with the OPP parameter plan, but is a full standalone planning application for employment development in an E(g)(iii)(light industrial) use class. However, in the light of the LPCS Figure 6 plan shown above, which does not show this site for any specific land use (although a schematic plan only), there appears to be sufficient space within the LPCS allocation to allow for a non-residential use being considered on this site without being in conflict in principle with the LPCS policies. In summary, having regard to the LPCS allocation, the principle of employment development on the application site is considered to be acceptable, but the acceptability of the scheme is subject to consideration of other relevant planning policies.

Design, Character and Appearance

Gravesham Core Strategy Policy CS19 requires new development to be visually attractive, fit for purpose and locally distinctive with the design, layout and form of new development derived from a robust analysis of local context and character, and to include appropriate hard and soft landscaping. Paragraphs 131 and

135 of the NPPF require good design that functions well and is visually attractive as a result of good architecture, layout and appropriate and effective landscaping that should be sympathetic to local character and history. Good design results in better places in which to live and work and creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and do not undermine the quality of life or community cohesion and resilience. Delivery Theme 1 of the Ebbsfleet Implementation Framework seeks to ensure good urban design principles and positively toward an appropriate character for Ebbsfleet.

In terms of scale, the proposal is for a two-storey brick-built building of a traditional appearance which visually sits comfortably within this street of Victorian terraced housing. Internally the building would be divided to allow for the 2 operations separately in workshops at ground floor level, each with a roller shutter door on the rear elevation. A single office and storage room is proposed at first floor levels. The workshop would be set back from the highway and proposed two new parking spaces (one as accessible) served by a new crossover to the front of the building, together with access footpath and some planting. The existing access point would provide access to a car park for a further 3 cars to the rear of the building. A row of existing apparent self-seeded trees will be retained on the southern side of the rear car park and be underplanted. The existing flint wall that runs along the southern boundary of the site will be repaired.

The location and scale of the building is not dissimilar to the extant RM permission for three houses.



Figure 2.4: Approved Elevations (EDC/20/0076)



The massing drawings within the Design and Access Statement demonstrate the position and form of the building within the street.



Aerial view of Factory Road showing relationship of proposals to neighbouring buildings and wider masterplan

Following a contextual character study of adjoining terraces in Factory Road, repeating architectural details such as stone window cills, brick arch detailing above windows, quoins and mid-banding detailing help to assimilate the building into the streetscene. A material palette of yellow multi-stock brick and slate-colour roof tiles are proposed to reference the traditional colouring of neighbouring buildings.

The site layout and architectural detailing to the proposed building demonstrated a narrative for the development which is appropriate to the local site context, with the proposed appearance and character of the building drawing from the street dwellings reflective of this in a contemporary style. The scale, appearance and layout of the proposed development is therefore considered satisfactory subject to approval of external facing materials.

Amenity

Gravesham LPCS Policy CS19 requires new development to be located, designed, and constructed to safeguard the amenity of neighbouring properties including privacy, daylight, and sunlight. These considerations also form part of the concern of the NPPF at paragraphs 96, 135 and 198. The NPPF seeks to avoid granting consent for development which would give rise to significant adverse impacts on living conditions, health and quality of life and mitigate and reduce adverse impacts arising from new development.

51 Factory Road adjoins the application site to the northeast, separated by a side access path and low wall. Additional houses lie beyond this in terraced form comprising two storey dwellings with single storey sections to the rear. Similar terraced houses face the site across Factory Road.

No neighbour representations have been received to the EDC application, as part of this joint-application proposal, but GBC have received objections to their application (as part of this joint application submission) from three neighbours in respect to noise and loss of on-street parking in a street already under pressure for on-street parking.

Privacy, outlook and overshadowing

The building would be set back from Factory Road so that the position of the building frontage would be approximately in-line with the single storey rear sections of existing terraced housing to the south. This relative relationship will ensure no harm would result to the daylight and sunlight received by 51 Factory Road, which has doors and windows facing north towards the application site.

In respect of outlook and overshadowing, the proposed building would be sited to the north of no. 51 and the proposed separation distance, as well as set back of the frontage away from the northern flank windows, would ensure that no detrimental impact upon outlook from no 51 or overshadowing of the property of no. 51 would occur. Due to the separation distance and position being aligned with the existing built form, the proposal is also not considered to have a detrimental overbearing impact.

In respect of privacy the proposed building would match the orientation of the existing dwellings along Factory Road. It would be two storey and allow mutual views across Factory Road with existing terraced houses, which is common in the urban setting. No windows are proposed in the side elevation of the proposed building facing No. 51, so no direct overlooking or loss of privacy would occur.

Any grant of planning permission would also require a planning condition to secure the agreement of a Construction Environmental Management Plan (CEMP) which would control matters related to construction working such as the routing of construction traffic, hours of working, suppression of dust, wheel washing etc. Operation in accordance with the agreed CEMP would ensure protection of the neighbours' living conditions during construction.

Commented [MJ1]: No condition proposed so needs to be added.

No external lighting has been proposed but is expected to be required for this use. Poorly planned external lighting may harm neighbours' living conditions in respect of light glare and/or harm ecological interests, most specifically bats. A planning condition requiring the agreement of details prior to installation can ensure no harm would occur.

In respect to waste and recycling no external bin stores are proposed. The applicant advises that a scrap metal vehicle is anticipated to collect scrap metal periodically and would need to reverse into the site. Standard waste and recycling would need to collect from Factory Road. Whilst it is not considered to be necessary for a fixed bin store within the site, it is considered necessary to ensure that no bins or other items are stored externally to the front of the building in this residential street. This can be controlled by planning condition.

Noise

The proposed hours of operation for the unit are:

Monday to Friday 07:30 hours to 18:00 hours
Saturday 07:30 hours to 13:00 hours

A Noise Impact Assessment (NIA) has been submitted in support of the application, which is based specifically on a known tenant who currently operates from another site locally – at Abacus Corner. The matter of the operational noise of the proposed use is a key matter in the consideration of this proposal given the proximity to residential dwellings. Neighbour representations have been received by GBC in relation to this joint application in part raising concern in respect to noise disturbance.

The site is located within a residential street that is densely inhabited and the NIA is based upon an operation that utilises manufacturing machinery and equipment. Whilst the proposal is for the use, the specificity of the NIA is based on an existing operation at Abacus Corner, and the supporting documents advise that the proposed unit is intended for the relocation of that existing operation. The Abacus Corner site has been granted resolution to approved planning permission (awaiting S106 finalising) for residential redevelopment under planning application reference EDC/25/0104. It is therefore reasonable that conditions are specific to the content of the NIA operational details, to ensure any noise from the operation is not harmful to residential neighbours.

The submitted NIA provides rating noise limits for the cumulative plant noise from the development based on a worst-case scenario. This includes sound from loading/unloading activity and from vehicle movements, including occasional visitors, and operational noise from workshop plant and are required to be considered within the scope of BS 4142. The NIA has been updated through the progress of the application following

interrogation by EDC's noise consultant and GBC Environmental Protection Officer (EPO) and additional information and clarifications provided.

The EDC Noise Consultant has reviewed all noise related documents and recommended the use of planning conditions. Discussion of these have also taken place with the GBC EPO. Conditions for the control and mitigation of noise are required for any grant of planning permission related to: the implementation of the development in accordance with the noise mitigation measures within the NIA, verification of the noise assessment prior to the operation commencing; cumulative additional non-manufacturing and manufacturing equipment meeting specific suitable noise levels; limited operating hours using an angle grinder; agreement of an Operational Management Plan. GBC would be responsible for investigating any noise disturbance matters once operational.

Subject to suitably worded planning conditions the proposal is considered to ensure the living conditions of residential neighbours and the amenities of other neighbours are not harmed, in accordance with Policy CS19 of Gravesham Local Plan Core Strategy and paragraphs 135, 180 and 185 of the NPPF.

Contamination and Drainage

Policy CS19 of the Gravesham LPCS requires new development to avoid adverse environmental impacts including land contamination and unacceptable risk or harm to the water environment and seeks proposals to build in resilience to the effects of climate change, including protection against flood risk. Policy CS18 expects development proposals to reduce the overall local risk of flooding and demonstrate that they are adequately defended and safe over their lifetime.

Paragraph 198 of the NPPF requires that planning decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment and that the proposed site is suitable for its proposed use that decisions should ensure that taking account of ground conditions and any risks arising from land instability and contamination and requires 'adequate site investigation information, prepared by a competent person...'. Paragraph 197 states that '*Where a site is affected by contamination or land instability issues, responsibility for securing a safe development rest with the developer and/or landowner.*' and paragraph 196 that adequate site investigation information should inform the assessment of contamination risk as well as suitable mitigation and remediation undertaken. Paragraphs 170 and 181 of the NPPF state that new development should not be at risk of flooding nor increase the risk of flooding elsewhere. Development should utilise sustainable drainage systems unless there is clear evidence that this would be inappropriate.

A 'Drainage Technical Note' and drainage layout drawings have been submitted in support of the application. The site is located within Flood Zone 1 as shown on the Environment Agency flood Risk maps, which means that it has a 'very low' risk of river flooding. The site is also not at risk of surface water flooding. The Environment Agency (EA) advise that the development site is located within a Source Protection Zone 2 and upon a principal bedrock aquifer overlain by a secondary aquifer. As such, controlled waters are therefore sensitive in this location.

Southern Water have provided a plan showing the approximate location of their buried assets, which run along the southern boundary of the site, as well as advice in regard to planting within the vicinity of their assets and the need to apply to them for connection. These have been supplied to the applicant for their information.

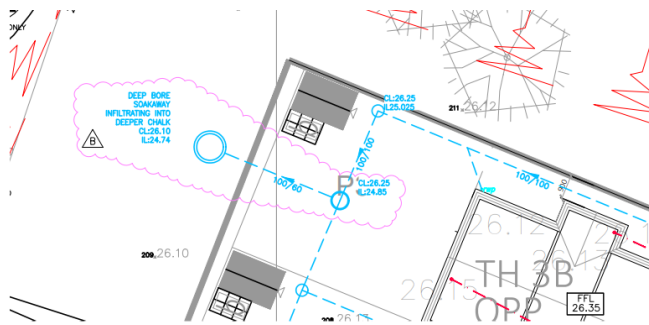
Due to its small scale, the site falls below the threshold for the Lead Local Flood Authority (LLFA) to comment. The EA have commented with regard to the potential impact of the drainage scheme, which proposes a deep bore soakaway, on contamination pathways.

It is also seen that the drainage proposal for this development is not the same as the drainage strategy for the RM development (EDC/21/0023 condition). The RM proposal showed a deep bore soakaway location being within the adjacent site (same landowner) and of a depth as follows:

Commented [MJ2]: What does this show? Presume the proposal has no conflict with buried assets etc so can you say this.

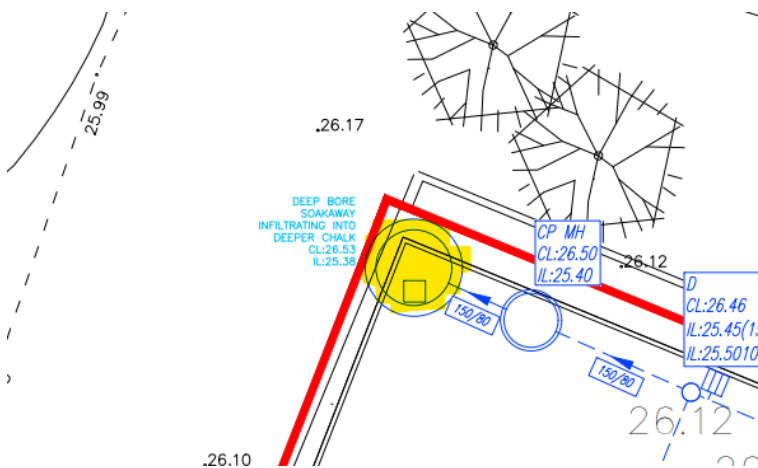
Commented [MJ3]: Because contamination and drainage seem so interlinked here, I'd suggest combining those sections - it seems odd discussing drainage here by then having a separate drainage section later in the report.

2. BOREHOLE TO BE TAKEN DOWN TO A LEVEL TO ACHIEVE THE REQUIRED SOAKAGE RATE. TO A MAX. OF 5m INTO HYTHE BEDS



(Source: EDC/21/0023 'Private Drainage & Section 106 Connection' plan)

However, for the current proposal a deep bore soakaway has been located inside the application site and the revised Drainage Technical Note says '*The discharge is to commence at 12.5m below existing ground level and terminate at 20m below ground level.*' The application site sits at a ground level that the submitted report says is about 10m higher than the surrounding site and the difference of land levels will need to be taken into account in the design of the drainage system which is now proposed as all to be contained within the site and segregated from the wider OPP drainage system.



(Source : Drainage Technical Note for EDC/25/0081)

The applicant has also provided with this application a copy of the contamination reports that were submitted for the RM proposal, but these have not been based on the currently proposed drainage strategy for the proposed development. Whilst these former contamination reports are helpful to understand the site further specific contamination investigation is required based on the proposed details to fulfill the requirements of policy and guidance.

This is agreed by the Environment Agency (EA) who advise that planning conditions related to contamination investigation, remediation and verification are necessary to ensure there is no contamination risk to groundwater due to the proposed development. It is also necessary to address the matter of further reassessment of gas risk, mitigation and verification by planning condition as part of a remediation strategy; the importation of clean cover within soft planting areas and a verification plan setting out collection of samples which would be presented in a verification report to demonstrate that the works set out in the remediation strategy have been completed.

Commented [MJ4]: As above, you need to add a condition requiring this.

It is also necessary to note that in the discharge of the drainage scheme for the three house RM proposal the EA required various actions in addition to the condition submission documents. They required the borehole soakaway be of plain pipe until the natural formation was encountered; they recommended a watching brief be implemented during installation of the soakaways including collection of samples for leachate analysis (to be included in the verification report); the depth of the soakaways wasn't specified and they recommended a thickness of 10m of unsaturated below the base of the soakaway – for inclusion in the verification report, and appropriate control measures for drainage access roads, car parking and roof drainage. As such is it considered that the final drainage detail for the current proposal will need to be undertaken with the contamination assessment and be subject to pre-commencement timing. At the time of the RM application the EA also referred to matters of the impact of ground stability from the borehole, but ultimately they concluded that was a matter for building control and no similar comments has been made in their consideration of this application.

In summary planning conditions are required to ensure contamination investigation, remediation, mitigation and verification are agreed as well as detailed surface water drainage system and the foul water drainage system. The final drainage scheme needs to account for any matters raised by the EA, with respect to contamination, that may require addressing within the final drainage scheme design. Following the agreement of the contamination investigation, a verification report is required prior to the first use of the building. Subject to these conditions the proposal is considered to comply with Policies CS18 and CS19 of the Gravesham LPCS and with Paragraphs 170 and 181 of the NPPF in relation to flood risk and drainage.

Heritage

Policy CS20 of the Gravesham LPCS affords high priority towards the preservation, protection and enhancement of its heritage and historic environment. When considering the impact of a proposed development on heritage assets will have regard to the scale of the harm and the significance of the asset. Saved Policy TC7 of the Gravesham Borough Local Plan First Review says that applications will normally be refused unless arrangements have been made to allow for satisfactory archaeological investigation.

Commented [MJ5]: As a general point, I think we should be dealing with site constraints such as heritage and ecology earlier in the appraisal, as they can be quite fundamental considerations.

Paragraph 207 of NPPF states that where development on a site has the potential to include heritage assets with archaeological interest a desk-based assessment and, where necessary, field evaluation be submitted. Paragraph 215 says that where a development would lead to less than substantial harm to the significance of a heritage asset the harm should be weighed against the public benefits of the proposal.

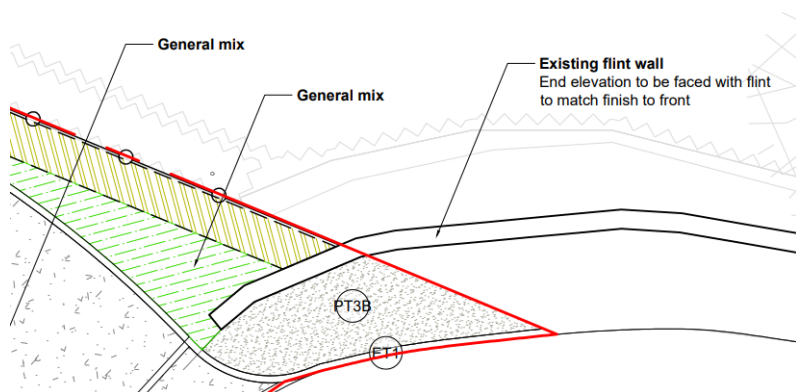
There are two relevant aspects to the assets for this site – archaeology and the historic flint wall.

With respect to archaeology, whilst no heritage report or assessment has been submitted the KCC Archaeologist advises that they have referred to the Wessex Archaeology geoarchaeological report previously submitted for the wider site (for which this site has previously formed a part). KCC advises that the area immediately to the west of the current application site is recorded as having c.2.0m of made ground above the interesting fluvial Pleistocene gravels (TP220 - Transect 4 in Palaeolithic Geoarchaeological Watching Brief, Updated Site Deposit Model and Additional Scientific Dating Report, Wessex Archaeology Document Ref.: 232997.04 April 2025). The potential for relatively large volume of modern made ground appears to be supported by the photographs of the implementation trenches (of the RM permission) and it looks like it will comprise demolition material from the 19th and 20th century structures. The proposed groundworks for foundations and drainage etc are unlikely therefore to have a

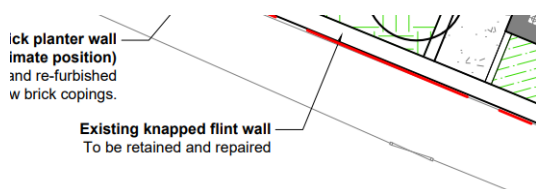
significant impact on the geoarchaeological interest of the site and monitoring would be unlikely to add significantly to our existing understanding of either the Palaeolithic archaeology or modern history of the site. The KCC Archaeologist therefore advises that no further archaeological work is required this specific site and development. This is accepted.

From the OPP, which included this site, it is noted that the flint walls around the former Cement Works perimeter are considered to be undesignated heritage assets. In relation to the application site there are two different sections of flint wall within the site boundary.

Firstly, there is a section of wall along the Lawn Road/Factory Road frontage that is subject of an OPP condition, which requires that any repairs to flint walls shall first be agreed with the LPA and carried out in accordance with the agreed details.



The second section of flint wall is along the southern boundary of the site and is collapsing in part and in places has been infilled with brickwork. It appears that the roots of the trees on the inside of the site boundary are causing the wall to collapse. The proposed Landscape GA drawing shows :



In relation to the flint walls the KCC Archaeologist advised the LPA *"I would prefer to see the flint boundary wall retained and conserved if possible but would defer to any advice on this built heritage aspect from your/Gravesham's Conservation Officer."*

Overall, the section of wall along the frontage of the site, which continues along the frontage of the heritage park, is considered to be of the greater importance due to its public visibility and the continuation along the heritage park frontage, in addition to the overlap into the application site. It is considered beneficial in heritage terms to retain this section of wall, which is a non-designated heritage asset, in accordance with the application proposal.

In relation to the flint wall on the southern boundary of the application site it is taken into account that this length of wall is not seen from the street, its condition is very poor in part and that the trees to be retained within the application site appear to be causing the damage to the wall. In discussion with Borough Council case officer it is considered, notwithstanding the proposed retention of this wall, the wall ultimately may need to be removed and a replacement boundary treatment can be agreed by planning condition.

On balance, in the consideration of the matters of the archaeological and heritage interests of the site and this proposal, reference is also made to the historic considerations of these matters. In conclusion, it is accepted that no further archaeological work is required this specific site and development, and the proposal to retain the Lawn Road section of flint wall and the loss, if necessary, of the flint wall along the southern boundary would be accepted as leading to less than substantial harm to the significance of a heritage assets, and the benefits of a sustainable new commercial development would outweigh that harm, in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy Saved Policy TC7 of the Gravesham Borough Local Plan First Review and paragraph 215 of the NPPF.

Highway Access and Parking

Gravesham LPCS Policy CS11 seeks new developments to mitigate their impact on the highway and public transport networks and sufficient parking in accordance with the adopted standards. Policies T1 and T5 of the Local Plan First Review require the impact on the transport system be considered and that the formation of new accesses only be permitted where no danger would arise. Policy P3 relates to vehicle parking, in accordance with Kent County Council Vehicle Parking Standards. Paragraph 115 of the NPPF requires new development to achieve highway safety and paragraph provides that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117 requires, in part, that developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

EDC has published a Sustainable Travel Strategy, which requires a level of parking that balances the needs of businesses without undermining the viability of city-wide high-frequency public transport, or the adoption of walking and cycling for shorter journeys.

In this case the application is supported by a Transport Statement Technical Note and proposes 5no. parking spaces. 3no. parking spaces would be provided to the rear of the building and to the front of the building would be provided 2no. spaces, 1no. as an accessible parking space. Both frontage spaces would be provided as passive EV charging spaces. 2no. cycle parking spaces would be made available inside the building. The traffic movements for the intended tenant are detailed as being three light vehicles per day (accounting to six one-way trips per day) and three box vans per month accounting for six one-way delivery vehicles per month. A scrap metal vehicle is anticipated to collect scrap metal and would need to reverse into the site. Standard waste and recycling would need to collect from Factory Road.

The provision of 5 parking spaces for this development, of approx. 150sqm new floorspace, would meet the KCC standards requiring 1 parking space per 35sqm. An objection to the loss of on-street parking, as a result of the frontage parking spaces, has been raised by one neighbouring property to the parallel GBC application. They are concerned that street parking opportunities are already under significant pressure. Whilst this objection was not submitted to EDC for this application, it is prudent to have regard to it. No parking assessment has been submitted in support of the planning application but it is noted that there is an extant planning permission on the site for three houses (EDC/20/0076 RM) which, if completed, would have the same impact on on-street parking as the current proposal. As such it would be unreasonable to resist this proposal due to the loss of on-street parking space in the light of that extant permission, notwithstanding that the concern is understood.

In respect to EV charging the KCC Highway officer states that one active EV space is required to meet KCC standards, however the 'Kent County Council's Parking Standards' document dated January 2025 states the non-residential EV charging will be in line with Building Regulations Part S, which only requires

Commented [MJ6]: I think you need a more general summary relating to archaeology and the flint wall - this summary is focussed solely on the flint wall rather than overall heritage assessment.

Commented [MJ7]: It's really odd to have parking spaces inside the building in the location proposed, which requires access via two domestic type doors (i.e. equivalent of taking your bike into your front room) - is there not scope for an external covered bike store that will be more accessible and likely to be used?

Commented [WS8R7]: Hi - yes I do understand your point and I think if another scenario this might be more pertinent but I haven't raised for reasons that this is really for Mr Tiller and I really don't think there is a chance of anyone cycling...and GBC have done pre-app and not raised and LHA just say secure...choosing my battles

Commented [MJ9]: Move this to the parking section.

active EV installation in non-residential car parks of over 10 spaces. The Ebbsfleet Sustainable Transport Strategy (STS) similarly would not require an active EV charger for this development. As such this request is not secured by planning condition and the 2no. passive spaces are accepted. These do not need to be conditioned as EV charging provision will be a Building Regulations matter.

The provision of cycle parking spaces within the building is less common but the 2no. cycles spaces being provided meets the KCC standards. The KCC Highway officer accepts the internal provision of these spaces and requires a planning condition to ensure their provision prior to first occupation and retention thereafter. The KCC Highways officers also requires the use of planning conditions for the implementation and retention of vehicle and pedestrian vision splays and 'bound surface' for the first 5m of the access point. However, the plans however do show a hard surface at the access point and as such the 'bound surface' condition is not necessary. Vision splays are secured by planning condition.

Whilst no crossovers are shown on the application plan the KCC highways officer advises that the access arrangements would be via a continuous access crossover along the frontage of Factory Road. This would allow access to the parking area to the rear of the building and to the 2no. frontage parking spaces. The parking area to the rear of the site would allow for the access and turning of a 7.5ton box van so it could access the site and leave in a forward gear. The officer also advises in respect to the drawing annotation '*lighting column to be retained*' that it would be likely to require relocation at the applicant's expense as part of the highway works application. The LHA also advise it is likely to be required that a '*confirmation [be provided] from the adjacent [telegraph] pole's asset owner that they agree to its retention and placement on the dropped kerb.*' Both the lamp column and telegraph pole referred to by the LHA are located within the application site boundary. It appears that cars can access the two frontage parking spaces with the two poles in place and the LHA have not objected to the proposal by virtue of their current location. As such the KCC Highway advice in respect to the light column and telegraph pole will form an informative to any grant of planning permission.

In summary, subject to suitably worded planning conditions the proposed development is acceptable in transport terms, including the provision of acceptable number of parking spaces, vehicular and pedestrian access arrangements and impacts of the local road networks, in accordance with Gravesham LPCS Policy CS11, Saved Local Plan First Review Policies T1, T5 and P3 and paragraph 115, 116 and 117 of the NPPF.

Landscaping

Gravesham Core Strategy Policy CS19 requires new development to include details of appropriate hard and soft landscaping to ensure that the public realm and open spaces are well planned, appropriately detailed and maintained so that they endure. The NPPF requirements for 'Good Design' incorporate appropriate and effective landscaping.

Under this application the proposal includes a 'Landscape General Arrangement' plan, showing planting and hard surface details, and the Design and Access Statement explaining intentions for the site landscaping. The plan has included landscaping detail and also need to be considered in the light of the adjacent Bevan's Park landscaping plan.

Commented [MJ10]: Explain why this isnt necessary.



A perimeter hedge will serve to screen the site from the new Heritage park, and ensure a lasting planted feature within the site. The Rowan tree to the front of the site will benefit the presentation of the development within the street. Both the KCC Ecologist and Following KCC Ecologist and EDC landscape consultant review of the Landscape drawing final conditions are required to agree final planting details and more robust implementation, management and maintenance details and biodiversity enhancement features, particularly mindful of the importance of the function of the boundary hedge to screen this employment use from the heritage park, to secure enhancement features and the planted frontage to the site within the streetscene.

Along the northern and western boundaries, which are currently open to the OPP site beyond, the General Landscape Plan says 'metal security fencing' without any details of this fencing being provided. Given the proximity to the heritage park a palisade style fence would not be acceptable as it would appear too utilitarian and visually harsh in this setting. A mesh style fence would be more acceptable and final details of fencing are therefore required to be approved by planning condition.

Subject to suitably worded planning conditions the proposal would comply with Policy CS19 and the NPPF requirement for 'appropriate and effective landscaping'.

Ecology and Biodiversity

Policy CS12 of the Gravesham Local Plan Core Strategy supports proposals that conserve, enhance and promote biodiversity to ensure no net loss of biodiversity within the Borough. Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework (NPPF, biodiversity should be maintained and enhanced through the planning system.

In relation to Biodiversity Net Gain (BNG), in England BNG is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10% unless they are considered to be exempt. The Town and Country Planning Act 1990, Schedule 7A (Paragraphs 6 and 6B) seeks to discourage developers from engaging in site clearance prior to making a planning application. The legislation states that if habitat degradation/loss has occurred on an application on or after 30 January 2020, 'the predevelopment biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities'.

The applicant has confirmed that habitat clearance works undertaken on site were done so as part of the creation of the development platform for the OPP and were therefore undertaken lawfully. This is accepted by the LPA. This being so the baseline habitats comprise: artificial unvegetated unsealed surface; developed land – sealed surface; and, introduced shrub with some immature trees. Post-development habitats will be largely the same, however will include new tree planting (5 x small trees). As such a net gain of 0.0334 habitat units (+17.61%) is anticipated. No hedgerows are currently present onsite, and an additional 0.0454 hedgerow units are proposed.

The KCC Ecologist advises that habitat creation onsite is not considered to be significant, given the small unit uplift and the limited scale of medium distinctiveness habitat creation. They advise therefore that there is no requirement for 30 years of management and monitoring with LPA oversight. The KCC Ecologist suggests that any habitat creation measures contributing towards BNG onsite are secured by conditions.

In addition to the above conditions the KCC Ecology officer suggests a number of planning conditions related to: the management of the site so that it does not regenerate and habitats improve for protected species (the site has previously been cleared of reptiles); tree protection during construction; site clearance in a way as to protect wildlife; removal of nesting habitat outside of breeding season; stop work if protected species found. These items have either been included within the CEMP condition or as planning informatives.

Commented [MJ11]: Don't know how we can secure this on basis that any conditions wont kick in until they implement the permission - we cant require the owner to prevent it regenerating in the meantime.

Commented [MJ12]: Cover this in the CEMP condition.

The proposal does not include any external lighting but it is anticipated lighting would be required as part of the operation of the development. The KCC Ecologist advises that artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows and Local Authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2024.

Therefore, a condition is required to ensure that any external lighting scheme mitigates against potential adverse effects on biodiversity and its design being in accordance with the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent updates).

Subject to the above conditions the proposal would comply with policy CS12 of the Gravesham Local Plan Core Strategy and paragraphs 187, 192 and 193 of the National Planning Policy Framework.

Sustainability and Climate Change

Gravesham Local Plan Core Strategy Policy CS18 requires, in relation to carbon reduction, for new development to include proposals for low carbon and renewable energy generation in accordance with Part L of Building Regulations and "to consider the potential and include proposals for low carbon and renewable energy generation, including combined heat and power. Where choosing not to do so, applicants must submit evidence which demonstrates that compliance is not technically or financially feasible or that improved fabric energy efficiency or an allowable solution results in improved carbon saving benefits" Policy CS19 requires new development, in its design and layout, to take advantage of opportunities to building resilience to the effects of climate change, including delivering carbon reduction, provision for low carbon and renewable energy and minimising energy consumption and water use.

The NPPF sets out the key role planning plays in delivering reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

In this case the applicant proposes that the building will adopt a fabric first approach that will ensure that the requirements of Part L of the Building Regulations are met. The proposal will therefore employ a fabric energy efficiency which will result in an improved carbon saving benefit. Therefore it is considered that the proposals accord with Policy CS18 of the Gravesham Local Plan Core Strategy, and is acceptable on this basis.

HRA

Regulation 63(1) of The Conservation of Habitats and Species Regulations 2017 requires the competent authority to assess the implications of any proposed plan or project that is likely to have a significant effect on a European Site, and that is not directly connected with or necessary to the management of that site before deciding to grant permission. In this case the Ebbsfleet Development Corporation, in its role as Local Planning Authority, is the competent authority.

The proposed development is located within 6 kilometres of the South Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site, both European Sites designated due to important assemblages of wintering water birds. The proposed development is not connected with and not necessary for the management of the European sites.

Due to the commercial nature of the proposed development and the separation distances it is not considered likely that the development will impact upon the protected sites and therefore it is not necessary to undertake an appropriate assessment of the implications of the proposed development on the European sites in view of their conservation objectives. Requirements of the Conservation of Habitats and Species Regulations 2017 have therefore been adhered to in respect of this proposal.

Other Matters

Agent of Change

Paragraph 200 of the NPPF (2024) states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Under the agent of change principle, it is for the applicant to demonstrate that adequate mitigation can be provided to avoid significant adverse effects and to ensure that the existing lawful operation is not constrained. The principle requires new development to be made acceptable without undermining the viability or operation of the established use, allowing both to coexist without undue conflict.

The proposal seeks to relocate an existing commercial unit to the application site on Factory Road, thus securing the continued operation of this Use Class E(g)(iii) operation. To the south and east of the site are residential dwellings. Beyond the residential dwellings to the east on Factory Road is the rear of Lawn Road Primary School and Lawn Family Hub.

The application is supported by a Noise Impact Assessment which does make reference to proposed workshop resulting in noise generating uses and as such occupiers of the existing residential properties

Commented [MJ13]: We can conclude that the nature of the development is such that it won't have an adverse impact on the European Sites, so please complete this section - refer to a NEW employment app which will probably be helpful and reinforce a conclusion that mitigation isn't necessary.

could be adversely affected by noise. In turn, there would be the potential for complaints about noise and air quality, leading to established and lawful operations being restricted in this location. This would conflict with the “agent of change” principle applied by Paragraph 200 of the Framework, which seeks to ensure that, where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the new development (or “agent of change”) should be required to provide suitable mitigation.

Having reviewed the potential impacts from the proposed use, the applicant’s noise consultants Stantec propose to make the living conditions of existing occupiers acceptable, and therefore to negate potential complaints, via the inclusion of operational restrictions via the imposition of conditions, such as restricting operating hours between 08:00 – 16:30 on weekdays and 08:00 – 12:00 on Saturdays and limit the use of the angle grinder during weekdays. It is also proposed to keep windows and roller shutter doors closed with the exception of delivery times for access, during equipment operation.

This evidence and the proposed mitigation have been reviewed by the Council’s Environmental Protection team, who consider these measures acceptable. Taking this information together, officers are content that it would be possible to provide acceptable living conditions in terms of noise both inside and outside of the existing dwellings.

Planning conditions on construction and development will also ensure that the overall development is designed to fully mitigate the noise impacts arising from operations of commercial operators within the immediate vicinity of the site. This would ensure compliance with the agent of change principle, as it would negate any adverse effects.

Due to the proposed mitigation and relationship of the existing dwellings to the proposed commercial use, it is considered that the proposed development, being the relocation of this existing commercial use would not compromise its the continued operation, having regard to the agent of change principle. The proposal, therefore, accords with the requirements of Para. 200 of the NPPF (2024).

Financial Considerations

Regard should be had to any local finance considerations so far as material to an application for planning permission and financial benefits will accrue to the area if approval is granted. The Government wishes to ensure that the decision-making process for 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 the following benefits to the public purse accrue from development: Business Rates in respect of the commercial units.

Human Rights

In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

Equalities Considerations

The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

Conclusion

The proposed development would provide new light industrial floorspace within a residential street in the established Northfleet area, as part of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area.

The development has been designed having due regard to the surrounding Victorian housing and would be of a brick and tile construction of a height to sit comfortably within the street scene. The building is set back within the site to retain daylight to and outlook from the neighbouring flank wall windows. Noise assessment has been considered in detail and mitigation measures appropriately secured through planning conditions. Matters related to contamination are also carefully considered and controlled given the underlaying aquifer and Environment Agency requirements. The access arrangements and parking levels are acceptable, but the Local Highway Authority has advised of the likely need to relocate existing street /lighting/utilities infrastructure under a future highway works application to be made to them. EV charging is to be provided as well as cycle parking provision and landscaping and ecology matters are suitable addressed and controlled to benefit the visual amenity of the street scene and biodiversity.

As such the proposal would comply with the requirements of Policies CS03, CS18, CS19, CS20, CS11 and CS12 of the Gravesham Local Plan Core Strategy (2014), saved Policy T1 and T5 of the Local Plan First Review (1994) and the NPPF requirements and accordingly the application is recommended for approval.

Recommendation

Permission subject to conditions

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	
Signed:	<i>A Cue</i>	Signed:	
Dated:	26 th May 2026	Dated:	