



Delegated Report

Approval of Conditions Application

Application No:	20240521
Location:	FM Conway, Imperial Wharf, Clifton Marine Parade, Gravesend, Kent, DA11 0DY
Description:	Application for the approval of conditions 4, 7 and 13 attached to planning permission reference number 20220733 relating to Condition (4) - Surface Water Drainage Strategy, Condition (7) Hard Landscaping Scheme and Condition (13) Biodiversity Enhancement.
Applicant:	FM Conway Limited

Submitted Documents/Plans

- Application Form – dated 10 June 2024;
- Covering Letter from PDE Consulting Ltd (dated 10 June 2024);
- Surface Water Drainage Discharge Details by Meridian Civil Engineering Consultancy (dated May 2024);
- Hard Landscaping and Biodiversity Enhancement Details by KEDD Ltd. (dated May 2024).

Relevant Planning History

Reference	Description	Decision	Decision Date
20220733	The installation of two additional bitumen tanks, load out gantry and the installation of a bitumen emulsion plant and alternative car parking.	PERMITTED	11.09.2023

Consultations, Publicity and Representations

External Consultees

Kent County Council Biodiversity

We have reviewed the submitted documents in relation to condition 13 and advise that sufficient information has been provided to discharge the condition.

Kent County Council Flood

First Comment (02 July 2024)

Kent County Council as Lead Local Flood Authority have the following comments:

- *Road drainage network* - The drainage strategy proposes to discharge Catchments 2 and 3 to existing road drainage outside of the red line boundary and in the case of Catchment 3, to land outside of that controlled by the applicant. It is noted that a CCTV survey has been undertaken for

some of the network, however the ownership, condition and eventual connectivity of the network is not clear. At detailed design stage we would like to see information confirming the condition and ownership of the network, and in the case that it is maintained by a third party, that consultation has been undertaken to determine that the principle of discharge is acceptable. This will ensure there is a feasible point of discharge for the site before construction commences.

- *River Thames discharge* - For Catchment 1, the strategy involves discharge to the River Thames via a new outfall through the Flood Defence. We would also like to see evidence that consultation has been undertaken with the Environment Agency and that they are in agreement with this in principle.
- *Climate Change Allowances* - As advised in our original consultation response, as of the 10th of May 2022, the Environment Agency's climate change allowances have been updated. As part of this update, revisions have been made to the 'Peak Rainfall Intensity Allowances' that are used in applying climate change percentages to new drainage schemes.

The LLFA would now seek the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios. The latest information on the allowances and map can be found at the following link:

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.

- *Pumping* - Whilst we appreciate that pumping may be ultimately necessary, we would request that pumps are considered only as a last-resort option, and only where infiltration or discharge via gravity can be demonstrated to be unviable. Any pumped system can be prone to failure within the associated development's lifetime, and cannot be considered to be fully sustainable owing to the carbon-cost of the pump's operation. If a pumped system is required, we would like to see details of the pumping system proposed to convey flows at times when the primary outfall is tide locked. We would also like to see the calculations that support the quoted required pumping capacity of 200l/s.
- *Non-return Valve* - We would also like to see details of the non-return valve proposed to be installed in the outlet manhole in Catchment 1.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Second Comment (03 September 2024)

Having reviewed the latest information supplied we can confirm that we are accepting of the majority of the explanations provided in reply to those concerns raised in our response dated 02/07/2024. We will expect for the items detailed in MCEC's response dated 29th July to be supplied as part of the verification report required to discharge condition 5:

- further CCTV survey.
- permitting evidence for the re-use of the outfall into the River Thames.

Further to the above items and the specific requirements of condition 5 we will also expect for the verification report to demonstrate agreement with Southern Water as to the various proposed connections to their network.

However there is one matter we still require to be addressed prior to being able to recommend the discharge of condition 4 - a 40% climate change allowance has been applied to the 1% AEP critical rainfall

event, however the Environment Agency advises that:

"In some locations the allowance for the 2050s epoch is higher than that for the 2070s epoch. If so, and development has a lifetime beyond 2061, use the higher of the two allowances."

This being the case for the Medway Management Catchment we would expect for an allowance of 45% to be applied to the 1% AEP critical rainfall event and would ask that the hydraulic calculations be rerun to demonstrate compliance with the requirements as stipulated by the Environment Agency. Until we can confirm acceptance of the resultant analysis we would advise for the holding objection to remain.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Third Comment (10 October 2024)

Having reviewed the latest information submitted we can confirm that this addresses those concerns raised in our previous response in relation to climate change uplift values and that therefore we remove our request for a holding objection in relation to the discharge of condition 4.

As an additional advisory to those contained within our responses dated 3rd September, which we request be forwarded on to the applicant, we note that the drainage network proposed to be connected to, whilst physically confirmed via a CCTV survey, does not appear on the apparatus location plan supplied by Southern Water.

Should it be determined that the existing sewer network is not a Southern Water sewer and is actually a highway drainage network please be advised that any connection / outfall into assets under the control of the highway authority can only do so by entering into a s.115 agreement between the Highway Authority and Statutory Sewerage Undertaker under the Water Industry Act 1991. For this to be possible, the on-site drainage networks must be adopted by a Statutory Sewerage Undertaker - connections from privately maintained drainage systems are not accepted. The developer must demonstrate that the highway drainage system discharges via a positive outfall (i.e. into a watercourse or public sewer) and that the proposed flows do not result in an increased flood risk to the public highway or elsewhere. Any necessary upgrades to the drainage network will be the developer's responsibility to deliver prior to any discharge of surface water taking place. Please contact drainageta@kent.gov.uk with any queries or for further information.

As per our previous response we will expect for evidence of the '3rd party's' acceptance for a connection to their network to be included within the verification report submission as required under condition 5.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Officer's Analysis

This is an application for the approval of conditions 4, 7 and 13 attached to planning permission reference 20220733. The conditions relate to:

- Surface Water Drainage (4)
- Hard Landscaping Scheme (7)
- Biodiversity Enhancement (13)

Condition 4 states the following:

4. *No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Surface Water Drainage Strategy prepared by AEA dated*

May 2022 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.*
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.*

The drainage scheme shall be implemented in accordance with the approved details.

This condition was attached to ensure that the development is served by satisfactory arrangements for the disposal of surface water and does not increase the risk of on/off site flooding.

Kent County Council (KCC) Flood and Water Management objected to the details originally submitted. However, following the submission additional details and information, KCC are satisfied that their concerns had been addressed and removed their objection.

The application has been supported by sufficient information and there are no objections from consultees and as such Condition 7 can be discharged.

There will be an informative attached relating to ownership of existing drainage.

Condition 7 states the following:

- 7. No development shall take place until details of the proposed hard landscaping to include the proposed surface and boundary treatments, security gates and means of demarcating the car parking spaces, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to first occupation of the development and thereafter retained in good order during the lifetime of the development.*

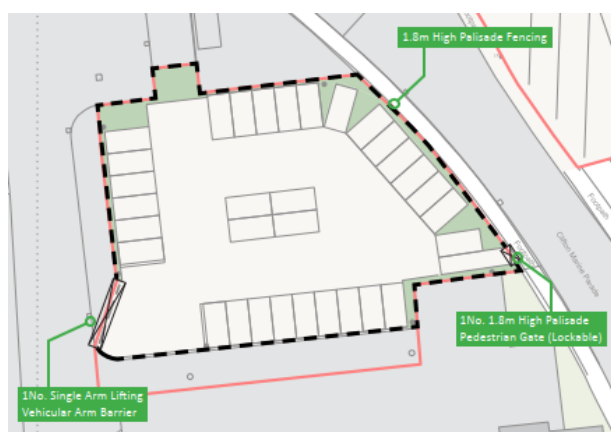
This condition was attached to maintain the character and appearance of the site and to ensure a satisfactory visual relationship. The details of the hard surface treatments and screenings provided to support this application are as follows:

- Existing areas of hardstanding (4x) to be retained – impermeable asphalt

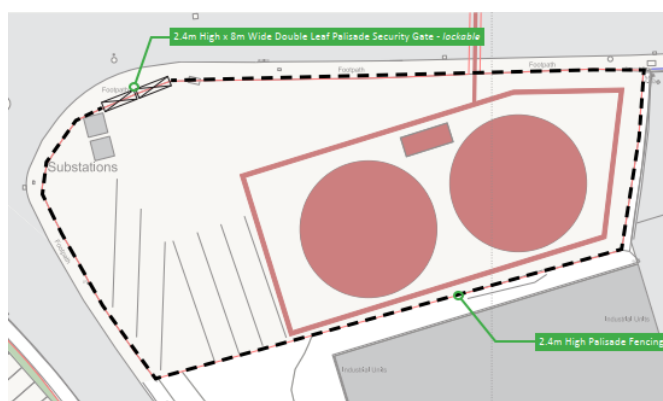


- Existing boundary treatments will be maintained – comprising 1.8m and 2.4m palisade fencing painted green.
- New 1.8m palisade fencing painted green, pedestrian gate and vehicle arm barrier around the new

parking area.



- New 2.4m palisade fencing painted green and 2.4m x 8m double leaf palisade security gate around new bunded bitumen tank area.



The proposed hard landscaping and screenings are considered acceptable and will maintain the character and appearance of the site, achieving a satisfactory visual relationship with no impact on the street scene. Therefore, the application has been supported by sufficient evidence to discharge condition 7.

Condition 13 states the following:

- 13. Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. The approved details will be implemented and thereafter retained.*

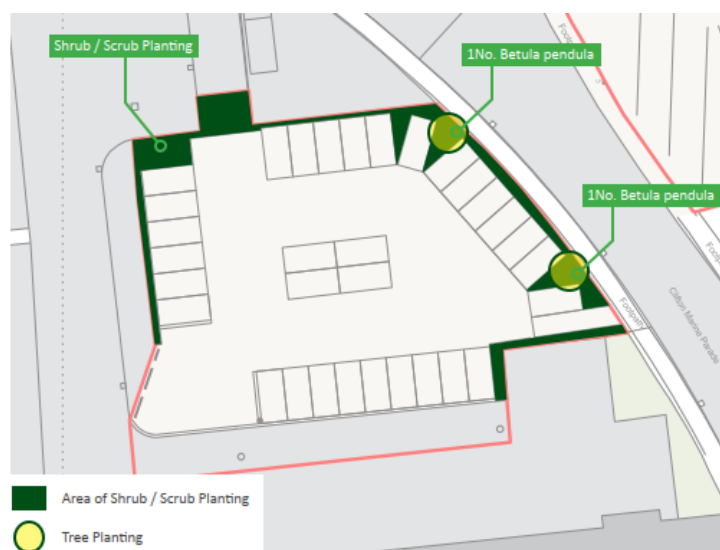
This condition was attached to ensure that ecological interests are fully conserved and enhanced.

The application has been supported by a soft landscaping schedule and plan, as well as details of planting and maintenance. The following schedule details the species and quantity of soft landscaping to be introduced:

Species	To be supplied as:	No.
<i>Berberis vulgaris</i> - Common Barberry (25%)	2L Pots	80
<i>Corylus avellana</i> - Hazel (25%)	Bare Root	80
<i>Ilex aquifolium</i> - Holly (15%)	2L Pots	48
<i>Prunus spinosa</i> - Blackthorn (10%)	Bare Root	32

<i>Viburnum opulus</i> - Guelder Rose (25%)	Bare Root	80
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The planting will be introduced on the new parking area, as shown in the plan extract below:



There was no objection from KCC Biodiversity in relation to the soft landscaping improvements enhancing biodiversity through native species.

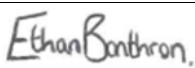
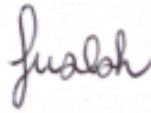
As such, adequate information has been submitted and condition 13 can be discharged.

Conclusion

The details submitted are adequate to discharge Condition(s) 4 (Surface Water Drainage), 7 (Hard Landscaping Scheme) and 13 (Biodiversity Enhancement).

Recommendation

Approval

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	16 th October 2024	Dated:	16 October 2024