



Delegated Report

Planning Application

Application No:	20240960
Location:	Former SGN Gasholders Site, Land on The East Side of Canal Road, Canal Road, Gravesend, Kent, DA12 2RS
Description:	Change of use to open storage (Use Class B8) with associated works, cycle and car parking
Applicant:	-
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form – dated 21 October 2024;
- Covering Letter by Rolfe Judd – dated 18 October 2024;
- Planning, Design and Access Statement by Rolfe Judd (dated 18 October 2024);
- Agent of Change Principle Assessment by Rolfe Judd (dated 16 January 2024);
- Transport Statement by SLR (Vectos (South) Limited – dated 20 March 2024;
- Air Quality Technical Note by The PES (dated 25 March 2024);
- Noise Impact Assessment (ref. J643_R01) by ALN acoustic design – dated 20 March 2024;
- Flood Risk Assessment & SuDS Strategy Report (FRA20197.1) by The PES – dated 20 March 2024;
- Ground Condition Desk Top Study by GCC – dated March 2024;
- Drawing no. AR-XX-XX-XX-DR-0001-001 – Site Location Plan (scale – 1:1250);
- Drawing no. AR-XX-XX-XX-DR-0001-002 – Existing Site Plan (scale – 1:500);
- Drawing no. AR-XX-XX-XX-DR-0001-003 – Rev. D – Proposed Site Plan (scale – 1:500).

Relevant Planning History

Reference	Description	Decision	Decision Date
20240292	Temporary change of use to open storage (Class B8) with associated parking.	TEMP PERMISSION	01.08.2024
20210270	Hybrid planning application comprising: Part A - Full planning application for demolition of existing buildings and structures, construction of a mixed use development comprising C3 and C2 Residential Uses and commercial floorspace (Use Class E), a new river wall, works to Swing Bridge, highway junction improvements at Milton Road and Ordnance Road, associated new public open spaces and public realm improvements, car and cycle parking, landscaping, infrastructure and earthworks and ancillary works; and	PERMITTED	08.06.2021

	Part B - Outline planning application with all matters reserved (apart from access) for demolition of all existing buildings and structures and the construction of a mixed use development comprising C3 Uses and commercial floorspace (Use Class E) with associated vehicular access, car parking, landscaping, associated infrastructure and earthworks and ancillary works. (The proposed development would consist of up to 1,500 homes and up to 4,500sqm (GIA) of commercial floorspace). DEPARTURE: Application does not fully accord with the provisions of the Development Plan (Core Strategy Policy CS04).		
20020666	Outline planning application for the mixed use redevelopment of the area to provide: - Up to 1000 residential units - Up to 2000 square metres of commercial (B1) floorspace - Up to 3500 square metres of other non-residential floorspace including A3 (food and drink), D2 (assembly and leisure), D1 (non-residential institutions) and A1 (retail), with A1 retail to be less than 2500 square metres. Together with associated parking and servicing; alterations and improvements to the pedestrian, cycling and highway network (inclusive of construction of a riverside walk and improvements to Ordnance Road junction); hard and soft landscaping; repairs and enhancement works to the Canal Basin and provision of boat storage facilities; and associated surface water attenuation works (including on the site of former Thames and Medway Canal).	PERMITTED	07.05.2003
20221306	Hazardous Substances Consent Revocation request for Gravesend Gasholder Site.	NO OBJECTION	07.12.2022
20170553	Application for determination as to whether prior approval is required for the demolition of non-operational gasholders and associated ancillary above ground structures comprising brick buildings and pre-fabricated GRP units.	PRIOR APPROVAL NOT REQUIRED	14.06.2017
20161030	Confirmation that all of conditions attached to planning permission reference 20020666 have been complied with.	CONFIRMED	28.02.2017
20150441	Erection of a standby electricity generation plant in individual sound proof containers.	REFUSED	03.12.2015
20140226	Erection of a small scale standby electricity generation plant.	REFUSED	12.12.2014

20090964	Erection of single storey building to house a replacement pressure station, existing station and covers to be removed.	PERMITTED	21.01.2011
20081073	Application for approval of condition 10 of planning permission reference number GR/2002/666 relating to the contaminated land survey.	APPROVAL OF DETAILS	05.12.2011
20040183	Redevelopment for up to 1,000 residential units, up to 2,000 sq.m. of commercial (B1) floor space, and up to 3,500 sq.m of other non-residential floor space including A3 (food and drink,) D2 (Assembly and leisure), D1 (non-residential institutions) and A1 (retail), together with other associated works	PERMITTED	28.02.2005
20040104	Submission for the approval of details pursuant to condition 6 of outline planning permission reference number GR/2002/666 for the re-development of the Canal Basin area, Gravesend comprising the creation of up to 1,000 residential units, up to 2,000 sq.m. of commercial (B1) floorspace, and up to 3,500 sq.m. of other non-residential floorspace including A3 (food and drink), D2 (assembly and leisure), D1 (non-residential institutions) and A1 (retail), together with other associated works, with the documents to be approved being:- - The phasing and implementation strategy; - Details of costs for Sub-phase 1 Site Preparation Works; and - Details of costs for Sub-phase 2 Site Preparation Works.	APPROVAL OF DETAILS	08.09.2004
20030968	Submission for the approval of details pursuant to conditions 5 of grant of outline planning permission reference number GR/2002/666 for the re-development of the Canal Basin area, Gravesend comprising the creation of up to 1,000 residential units, up to 2,000 sq.m. of commercial (B1) floorspace, and up to 3,500 sq.m. of other non-residential floorspace including A3 (food and drink), D2 (assembly and leisure), D1 (non-residential institutions) and A1 (retail), together with other associated works, with the documents to be approved being - An analysis of the site's key characteristics; - A development Masterplan; - A development Design code; - A Public Realm Strategy, and; - A Sustainability Appraisal Strategy.	APPROVAL OF DETAILS	29.07.2004
20020581	Application for the continuation of Hazardous Substances Deemed Consent for the storage and distribution of natural gas.	PERMITTED	05.09.2002
20000891	Application for determination pursuant to Part 24 Class A of the Town and Country Planning (General Permitted	REFUSED	31.01.2001

	Development) Order 1995 as to whether prior approval is required for the erection of a 15m high lattice mast mounted with six sector antennae and two 600mm dishes, an equipment cabin and ancillary development thereto.		
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Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS04 – Gravesend East and North-East Gravesend Opportunity Area
- CS07 – Economy Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network

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 (2023), 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 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-Designed Places
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

External Consultees

Environment Agency – Thank you for consulting us on the above application. We have no objections to the proposal subject to the following planning conditions and informatives being applied to any planning permission granted.

Groundwater and Contaminated Land - The previous use of the proposed development site as a gas holder presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer overlain by a Secondary aquifer.

The reports submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development.

Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority. In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Land affected by contamination (conditions)

1. No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

Note - We consider the Ground Condition Desk Top Study produced by Ground Conditions Consultants Ltd (Ref: J24-012-R01, dated March 2024) to satisfy part 1 of this condition.

We have reviewed the Ground Condition Desk Top Study produced by Ground Conditions Consultants Ltd (Ref: J24-012-R01, dated March 2024) and understand that significant contamination has been identified

within previous investigations including elevations of heavy metals, Polycyclic aromatic hydrocarbons, Benzene, Toluene, Ethylbenzene, and Xylene and potential for Nonaqueous Phase Liquid product within the underlying groundwater and soils. It is also understood that previous remediation has been limited to some surface soils and that no detailed controlled waters risk assessment has been conducted for the site. It is noted within the proposed designs that the proposed permeable paving is to comprise of approximately 500mm of material. It is unclear as to whether the site level is to be increased or reduced to accommodate for this hardstanding and what groundworks may be required. We welcome the recommendation for further assessment outlined within the above mentioned report.

2. Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework.

Surface Water Drainage Strategy

We have reviewed the Flood Risk Assessment and Sustainable Drainage Systems Strategy Report provided by the PES (Ref: FRA20197.1A, dated 26th March 2024) and it is understood that sealed permeable paving is to be utilised across the site. It is also noted that an oil interceptor is to be utilised, in areas where Heavy Goods Vehicle vehicles are to be sitting / turning on site, prior to discharge to local watercourse. Given that the site is underlain by contaminated soils we welcome the use of sealed permeable paving to prevent infiltration to ground. It is understood that no discharge to ground is to be conducted on site and that a detailed design is to be presented following assessment of Ground Investigation data.

The design of infiltration Sustainable Drainage Systems may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

4. No drainage systems for the infiltration of surface water drain age into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, or is not put at unacceptable

risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework.

Foul Drainage

5. Development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by, the local planning authority in consultation with the water undertaker and Environment Agency. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

Piling

6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework.

Above ground storage of oils, fuels or chemicals and pollution management plan

It is noted within the proposed plan that a HGV Servicing area present within the north-east corner. It is unclear from the proposed plans as to what servicing or maintenance is to be conducted on site. As such we would recommend the addition of the following condition to this application unless it is made clear that chemicals and oils are not to be stored on site as part of the proposed site use.

7. No occupation of any part of the permitted development shall take place until a Pollution Management Plan is submitted to and approved, in writing, by the local planning authority.

Reason To prevent pollution of controlled waters and comply with the National Planning Policy Framework. The plan must outline what monitoring and surveillance procedures are in place to mitigate the risks to the environment from fuel spillages at the site, and what provisions are available on site to deal with a spillage (e.g. spill kits etc).

We also recommend the following informatives.

1. Drainage Informative - Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.
2. Piling Informative - Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be

demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with the Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

3. Waste on-site Informative - The CLAIRE Definition of Waste: Development Industry Code of Practice (DoWCoP version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the Environment Agency
 - some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It should be noted that re-use of historic landfill materials (including capping materials) is not covered under DoWCoP.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

4. Waste Informative - Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010 • The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

5. Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the

secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Flood Risk

We have reviewed the documents submitted for the application at Canal Road and have **no objections** to the proposal, subject to the following informatives being applied to any planning permission granted.

6. Flood resistance and resilience - advice to Local Planning Authority (LPA)/applicant Informative

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Construction Industry Research Information Association Code of Practice for property flood resilience https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

7. Flood warning and emergency response - advice to LPA Informative

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

8. Flood mitigation - advice to applicant/LPA Informative

Although we have no objections to the proposed development, the developer may wish to include measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

9. Signing up for Flood Warnings Informative

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

10. Flood Risk Activity Permit – Fluvial Informative

Please be aware that a designated 'main river' is under the jurisdiction of the Environment Agency for its land drainage functions. Under the Environmental Permitting (England and Wales) Regulations 2016 any works in, over, under or within eight metres of the top of bank or river wall, where one exists, may require a permit from ourselves. Please be aware that we will not usually approve works which obstruct access to the watercourse.

To apply for consent we recommend you contact one of our Flood and Coastal Risk Management Officers at the following email address: PSO.SELondon&NKent@environment-agency.gov.uk

Kent County Council Highways – This application is supported by a Transport Statement dated 20th March 2024 and which is considered to be robust in its approach and conclusions.

The proposed use of open storage is expected to result in minimal vehicle movements in the peak hours (4 - 6 movements) and therefore is likely to have little impact on the local highway network. The access has sufficient visibility and width to accommodate large HGVs. Whilst adequate car and cycle parking is proposed, I do note that the size of the car parking spaces quoted in Para. 4.17 of the TS is sub-standard and should be increased to 5.0m x 2.5m. This should be amended.

As this is an existing access with minimal traffic movements then, in accordance with the advice provided in the NPPF it would not be appropriate to object to this application on highway grounds since the likely impact is not considered severe and I therefore raise no objection to this application provided the following conditions are applied to any consent granted:

1. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing - minimum size 5.0m x 2.5m.
2. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
3. The gates at the entrance shall remain open during all working hours of the site in order that vehicles do not wait on the adjacent public highway whilst the gates are opened / closed.

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.

Any changes to or affecting the public highway in Kent require the formal agreement of the car parking

spaces Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

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

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

Kent Police Designing Out Crime - 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. We recommend boundary treatments be a minimum of 2m and the installation of lockable gates to the sides of the unit to provide controlled access to the rear. These gates must be flush to the building line to optimize surveillance.
2. We recommend natural surveillance for parking areas. As a secondary layer of security, we would also recommend CCTV be installed to further monitor use. We also strongly recommend gating access roads/ parking areas to prevent nuisance parking and misuse out of hours.
3. Defined pedestrian routes to/ from the building are recommended to improve safety and avoid

pedestrian and vehicle conflict.

4. Cycle storage must be well lit and with natural surveillance. We recommend the sold secure or SBD recommended products for additional security.
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 ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. we recommend that a suitable lighting policy is installed to ensure that the units and staff have safe access to and from the units and to help deflect criminality. External lighting to conform to min standard of BS5489-1:2020.
6. CCTV to be installed, especially in areas with limited natural surveillance such as rear of the units, utility areas/ bin stores and on the access/ exit road. We also recommend cameras in the following areas to keep users safe and monitor their movements; any stairs, emergency access doors, lifts, loading/ unloading areas, car park and reception, main office/ safe. The CCTV must not infringe any lighting plan.
7. 7. We strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.
8. 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.
9. 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.
10. 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
11. Bin Stores must be secure, lit and, if in an area with limited natural surveillance we recommend CCTV cameras be installed. We also strongly advise against placing this store close enough to the building that it can be used as a climbing aid into the building when closed. Please note where there is a mixed-use building, residential and commercial bins must be segregated.
12. If any buildings are to have roof access for maintenance of solar panels and lift shafts etc., we recommend that ladders/ access doors to these areas are securely locked so that members of the public are unable to access this area. We also require CCTV to cover this area in order to monitor unauthorized access.
13. 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.
14. The Access Control, Doorsets and Windows should also meet SBD Commercial 2015 advised standards. Any public access to commercial units should be restricted to one main public/visitor entrance into the building. Reception, Audio/Visual systems linking to the reception or personnel managing access control is essential for businesses that could attract crime risk (we can advise). For doorsets, we recommend minimum standards of PAS 24:2022, LPS 1175: Issue 7, SR2, STS 201 or STS 202: Issue 3, BR2. Units may require additional strengthening for some uses.

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.

Internal Consultees

Gravesham Environmental Protection (Regulatory Services) – The same technical reports for air quality, noise and contaminated land have been submitted as for the previously approved temporary permission under reference number 20240292. Therefore, the comments made in the response from Environmental Protection to that application dated 25th April 2024 are re-iterated.

If you are minded to grant this application it is recommended that condition numbers 3, 4, 5, 7, 8, 9 and 11 of 20240292 are attached.

Local Ward Councillors – No comment received.

Neighbouring properties

A notice was displayed on site 14 November 2024.

In addition, nineteen surrounding properties were consulted and no representations were received. The consultation period expired 07 January 2025.

Preliminary Matters

This application follows a planning permission in 2024 (ref. 20240292) for a “*temporary change of use to open storage (Class B8) with associated parking*”, granted approval for 3 years until 31 July 2027.

Following the permission, the applicant has sought to secure a tenant, but the temporary consent and extensive conditions has resulted in the site being an unviable investment for potential occupants. As such, this application seeks a permanent change of use of the site to open storage (Class B8).

Officer’s Analysis

Site Description

The site lies on the eastern side of Canal Road and previously accommodated two gasholders, which have now been decommissioned and dismantled. The site forms part of the wider Norfolk Road Industrial Estate and the surrounding area (to the east) is predominantly industrial in character, with warehouse buildings and structures, lorry parking and other uses.

To the west and northwest of the application site are residential properties on Suffolk Road and Canal Road.

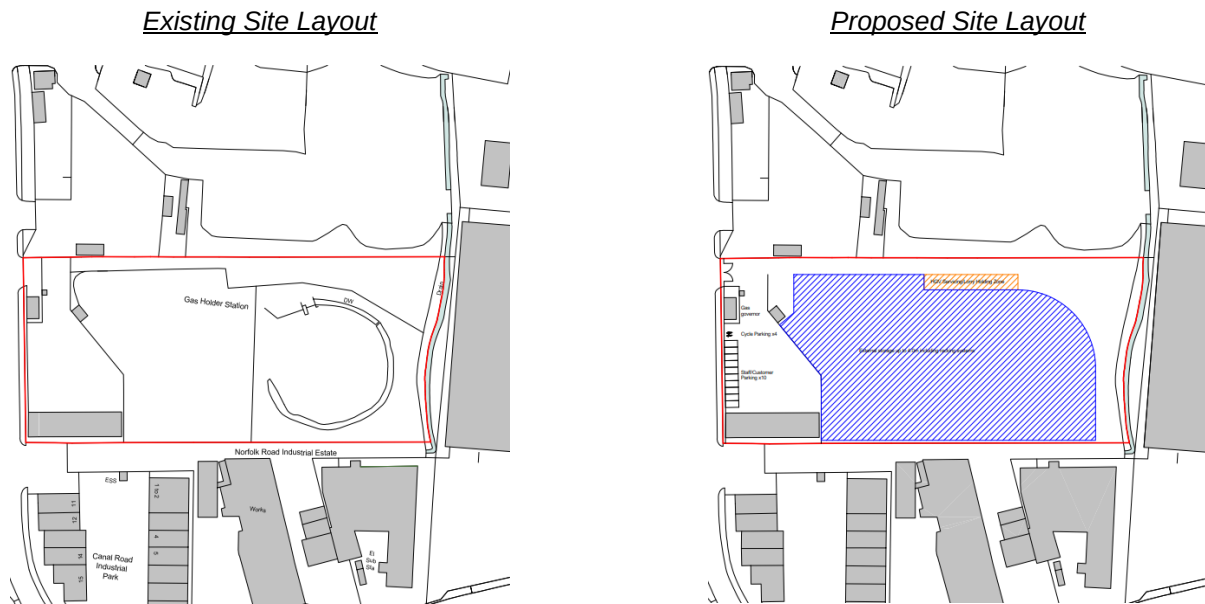


The site is within Flood Zone 3a.

Proposed Development

This application seeks planning permission for change of use to open storage (Class B8) with associated parking and cycle parking.

The existing use of the land is a former gasholder site and planning permission is required for a change of use to storage. The screenshots below demonstrate the existing and proposed layouts of the site:



The proposed storage use would consist of 4m high storage racks (highlighted blue), with parking spaces (x10), cycle parking (x4) and a HGV Servicing/Lorry Holding Zone (highlighted orange).

The planning, design and access statement confirms that there would no full-time employees working at the site, with security being predominantly operated remotely.

Principle of Development

The application site lies within the Gravesend Riverside East and Northeast Gravesend Opportunity Area. This area is allocated in the adopted Local Plan Core Strategy (LPCS) (2014) to be subject of riverside regeneration to comprise a mix of new housing, jobs and supporting development.

The LPCS (4.5.10) states that the presence of the existing gas holders is a major constraint on the potential for redevelopment of the area, due to health and safety implications. To the north of the application site is the Canal Basin Regeneration Area, which is identified as a key site for regeneration to help meet the identified need for housing and employment, as set out in Policies CS02 and CS04 (LPCS). The Canal Basin Regeneration Area is allocated to provide a mixed-use development of around 650 dwellings and around 4,650m² of new employment floorspace. The Canal Road Gasholders are identified within Policy CS04 (LPCS) to be retained as employment use, with the presumption that proposals for improved operation and quality of the environment would be supported by the Council.

Although the proposed development does not deliver housing and would not create jobs, based on no full-time employment, the LPCS states that Class B8 uses for warehouse and distribution falls under employment land. Nevertheless, the adjacent land to the north has been granted a hybrid planning

permission (Albion Waterside - ref. 20210270) for a development comprising of 1,500 new homes, elderly accommodation, 4,500m² of commercial space and associated infrastructure.

The application has been supported by an Agent of Change (AoC) Assessment. As set out in national planning policy and guidance, the AoC principle places the onus of mitigating impacts of existing nuisance causing uses on forthcoming development on the applicant (AoC). The forthcoming development is the Albion Waterside reserved matters application (ref. 20210270) discussed above, and the AoC assessment demonstrates that the resolved residential and proposed open storage uses can co-exist successfully. The AoC assessment highlights the existing lawful use of the land as industrial, reinforces conclusions from the noise and air quality assessments as negligible impact and sets out that the outline application proposes no windows facing south onto the site. As such, the AoC assessment, along with supporting documents, is considered to meet objectives set out in national policy / guidance and would not result in nuisance for the forthcoming residential development.

Therefore, based on the proposed use falling under the umbrella of employment land, the gas holders already being removed with some remediation works required (as discussed later in this report) and the existing approval for a mixed use development adjacent to the site (being brought forward by the same applicant), this development accords with the wider objectives of Policies CS02 and CS04 (LPCS).

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Section 12 of the National Planning Policy Framework (NPPF) (2024) sets out that the creation of high-quality places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The proposed development would be industrial in nature and appearance, which fits with the prevailing characteristics of the Norfolk Road Industrial Estate to the east. The 4m racking and external storage would be acceptable against the backdrop of warehouses and coach storage adjacent to the site. Therefore, the proposed development would not be out of character with the industrial appearance of the area in line with Policy CS19 (LPCS) and Section 12 of the NPPF (2024), and in accordance with Policy CS04 would improve the operation and quality of the site.

Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 12 of the NPPF (2024) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed use is not out of character with the surrounding uses within the Norfolk Road Industrial Estate, however it does front onto Canal Road is within 24m of the nearest residential properties. Therefore, the development and use of the site as Class B8 open storage could have a negative impact on amenity, through issues such as noise.

The application has been supported by a noise impact assessment (produced by ALN Acoustics), which contains a record of baseline noise levels at the site boundary and predicts the operational noise levels of the proposed use.

Gravesham's Environmental Protection have reviewed the noise impact assessment and consider the findings to be appropriate. The temporary permission (ref. 20240292) was approved with a condition

restricting operational hours of the proposed B8 storage, as the proposal did not include any information on hours of opening. This application proposes the following hours of opening:

- Monday to Friday - 06:00-22:00
- Saturday - 06:00-22:00
- Sunday/Bank Holiday - Closed

Gravesham's Environmental Protection Officers have recommended that the previous hours of operation condition is retained on the decision notice, based on the background noise levels falling considerably (46dB – 36dB) outside of normal hours and the proximity of residential properties on Canal Road. As such, it is advised that in the event of permission being forthcoming that the condition (8) from the temporary permission (ref. 20240292) will be attached, to read as follows:

8. *Notwithstanding the details included on the application form and approved plans, the site shall only be used as a Class B8 storage use, and shall also only operate, between the hours of 07:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday, with no use on Sundays or Bank Holidays.*

Reason *To protect residential amenities of occupiers of properties surrounding the site in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2024).*

However, following discussions with the agent, the proposed hours opening have been amended to enable opening of the site to be separate from any noisy uses deliveries or industrial uses. Gravesham's Environmental Protection Officers have agreed that the following conditions can be attached to the decision notice, to read as follows:

Hours of Opening –

- *The site can be opened between the following hours, 06:00 to 22:00 Mondays to Fridays, 06:00 to 22:00 Saturdays, with no use on Sundays or Bank Holidays.*

Reason *To protect residential amenities of occupiers of properties surrounding the site in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2024).*

Deliveries (Hour restriction) –

- *Deliveries shall only be taken at or loaded to be despatched from the site (including any loading required) only between 07:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday, with no use on Sundays or Bank Holidays.*

Reason *To protect residential amenities of occupiers of properties surrounding the site in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2024).*

Hours of use (Industrial) –

- *The use of machinery, servicing or testing of machinery, including any associated processes, shall only be operated or carried out on the site between the hours of 07:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday, with no use on Sundays or Bank Holidays, and shall not be operated at any other time.*

Reason *To protect residential amenities of occupiers of properties surrounding the site in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and*

Section 12 of the National Planning Policy Framework (2024).

Given the proximity of residential properties to the site, lighting could have a negative impact on amenity. Similar to the hours of operation, no information has been provided in relation to a lighting strategy or site security, however these matters can be dealt with through planning conditions. Therefore, should permission be forthcoming a condition relating to a lighting strategy will be attached to safeguard amenity.

Overall, subject to conditions, the proposed development is considered to be in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024), and will safeguard the amenity of surrounding residents.

Parking and Highways

The site would utilise the existing dropped kerb access and the proposed B8 storage use. The supporting documents confirm that there would be no permanent staff present on the site, however the plans demonstrate that there are 10no. vehicle parking spaces and 4no. cycle space.

The application has been supported by a Transport Assessment (by Vectos (South) Limited) and notes that the proposed use would generate a low number of vehicle movements, that there is adequate space for on-site turning which enables vehicles to egress in forward gear.

Kent County Council Highways have reviewed the proposal and raised no objection, subject to conditions relating to:

- Provision and permanent retention of the vehicle parking spaces (minimum size 5.0m x 2.5m)
- Provision and permanent retention of the cycle parking;
- The gates at the entrance shall remain open during all working hours

Overall, the proposed change of use provides surplus parking for no employees, a suitable access and has sufficient space to enable vehicles to egress the site safely in forward gear. As such, subject to recommended conditions, the proposal accords with Policy CS11 (LPCS) and Gravesham's adopted parking guidance (SPG4).

Any Other Material Planning Considerations

Contaminated Land and Groundwater Protection

The assessment of contaminated land and groundwater protection from the previous report (ref. 20240292) remain relevant for this proposal:

"There is a risk of contamination on site due to the former use as a gasholder and various land raising on site, with significant contamination having been identified within previous investigations including elevations of heavy metals, Polycyclic aromatic hydrocarbons and Benzene, Toluene, Ethyl Benzene and Xylene.

In the context of open storage use, the site is classed as moderate risk, and generally the placement of hardstanding on site will reduce this risk to human health. However, the proposed designs show that the proposed permeable paving would comprise of approx. 500mm of material, but it is unclear as to whether the site level is to be increased or reduced to accommodate for this hardstanding or what groundworks may be required. Therefore, based on the information provided with the application both Gravesham's Environmental Protection Team and the Environment Agency have requested additional detailed information relating to contamination, which would be prior to the development beginning.

The wording of the contaminated land condition proposed by Gravesham Environmental Protection and the

Environment Agency differ. As such, both parties were consulted and it was agreed by the EA via email that GBCs condition was acceptable and they were happy to proceed on that basis.

Due to the made ground there is also a risk of ground gas generation. Although the open nature of the site helps to minimise the risk, further investigation into ground gas generation is also recommended.

Note – the recommended contaminated land condition from the Environment Agency and GBC Environmental Protection Team differed. The LPA consulted both parties on the wording of the condition and the Environment Agency agreed to proceed with GBCs condition.”

Flood Risk

The site is located within Flood Zone 3a. The application has been supported by a Flood Risk Assessment (by PES) and sets out that the development would incorporate design methods to mitigate floor risk in the form of SuDS surface water management solution.

There has been no objection raised by the Environment Agency on flooding risk, and an informatives will be attached to provide information to the applicant regarding resistance and resilience measures, mitigation, flood warning and activity permits.

Air Quality

The assessment of Air Quality from the previous report (ref. 20240292) remains relevant to this proposal:

“As referenced previously in this report, the proposal involves the formation of permeable paving, comprising of approx. 500mm of material. While it is unclear whether the site level would increase or be reduced or what groundworks may be required, the works would involve the movement of soil and material on site which will result in dust and other disturbance.

The supporting Air Quality Technical Note (25/03/2024) highlights that the impact of dust would be medium and based on this conclusion, Gravesham’s Environmental Protection Team state that a Dust Management Plan is submitted to ensure mitigation of impact on amenity, in accordance with measures in the IAQM Guidance “Guidance on the assessment of dust from demolition and construction” (v2.2 January 2024). However, Environmental Protection advise that the dust mitigation should be included as part of the Construction Environmental Management Plan condition.

In addition to the groundwork proposed, the potential traffic increase as a result of the proposed use could create air quality issues. The application site is located close to residential properties and the Gravesham A226 AQMA (air quality management area). However, based on the conclusions of the transport assessment, the change in traffic flows is not considered to have any significant impacts in terms of air quality to either the AQMA or nearby properties.”

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

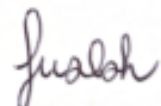
The proposed Class B8 storage use of the site is not considered to have any detrimental impact on the character of the area, which is industrial in nature. The use would have no impact on the highway network. Furthermore, subject to conditions, the development would safeguard amenity and have no impact through contamination, flood risk or air quality.

Therefore, subject to conditions, it is recommended that planning permission is granted.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	17 th March 2025	Dated:	19 March 2025