

Application Reference: 20210757

Custom House (DC 857)

Name of Sender: Lucy Owen
Deputy Director of Planning and Development
Port of London Authority

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FAO: Rebecca Harrison

Thank you for your letter dated 10 October 2022 regarding the revised plans that have been submitted in connection with application 20210757. It is disappointing that the applicant has not engaged with the PLA to seek to resolve the issues that it raised in its consultation response. The PLA still has a number of concerns about the application and as such continues to **object** to application 20210757.

Location

The PLA would reiterate that in line with the Agent of Change Principle and Gravesham Borough Council's planning policy, it is vital that essential river related facilities and activities are protected, and that any residential development proposed at Customs House has been designed to minimise the potential for conflicts of use and disturbance. Whilst some changes have potentially been made to the development, it is not clear that they are secured and that the mitigations that have been mentioned in the documents will be delivered. Whilst it is appreciated that there is existing residential development close to the PLA's facilities, there is a separation through gardens and no residential development is in such close proximity (with the residential building forming a boundary wall with the PLA's site) to that proposed at the Customs site. It remains unclear from the submitted documents how the applicant has designed the scheme to minimise the potential for conflicts of use and disturbance and the PLA has concerns that residents would make complaints particularly about operations taking place at the PLA site during the night time period.

Layout of the Proposed Development.

The PLA remains concerned about the proximity of the proposed residential development to the boundary of the PLA's Gravesend Complex.

Four additional openings are proposed on the rear elevation of the Boathouse which would be openable windows to the bathrooms, with obscured glazing. The addendum documents advise *"if deemed necessary they could be subject to the same mitigation methods as the new build terrace, acoustic trickle vents or non-openable windows/whole house ventilation."* This is not a commitment to providing mitigation – the PLA would recommend that the windows are fixed shut, are obscured glazing and that alternative ventilation is provided and that all these mitigations are secured through a planning condition. This mitigation must be maintained over the lifetime of the development to prevent alternative glazing from being installed by occupiers at a later date.

Whilst the new build appears to be set back slightly (500mm) as a result of the amendments, this is only at height and what is also proposed is a rebuilding of the boundary wall with the ground floor of the residential development being built into the boundary wall. The Demolition Plan does not show the extent of the wall to be demolished and whilst it is stated that the wall be 'detailed to ensure no acoustic, light and vibration disturbance to dwellings, no details are provided. How the wall will be demolished and re-built without impacting on the PLA's property is unclear. It is also unclear how the development will be maintained (such as the cleaning of windows) without impacting on the PLA's property. At the very least the building needs to be set back so that it is capable of being built and maintained wholly from the application site.

Five windows are proposed on the rear elevation on the new building. The Planning Statement advises that the windows are to be non opening with acoustic upgrades / whole house ventilation with details to be confirmed, but the drawing 032 rev A says all windows to be non opening with acoustic upgrades tbc. This gives no certainty as to what mitigation will be provided. Whilst the rooms have been shown as studies, a planning condition would need to prevent their subsequent conversion to bedrooms and conditions would also be needed to ensure the bathroom glazing remains obscured and that all the windows remain fixed shut over the life time of the development. It is not clear whether the windows in the roof would be openable or fixed shut and this should be confirmed.

Noise Assessment

The noise assessment focuses predominately on activities at the PLA site. It doesn't appear to consider a river related use utilising the jetties.

It is not clear whether the noise assessment has been undertaken using BS 4142 and BS 8283. When assessing noise of an industrial nature, from premises, the assessments require that the 'rating level' of the noise is determined. The rating level is the noise emission level plus a correction (which is determined using the provisions of BS 4142) for the character of the noise, which can then be compared to the background sound level (BS 4142) or guideline values (BS 8233). It is not apparent what correction has been applied. The PLA has seen noise corrections of up to +9dB as a result of river related activities.

Over the survey period the L_{max}, F during the day was 81.2dB and was 75.5dB at night. As an operational site, different activities take place on different days/nights depending on the operational requirements. Therefore there is likely to be occasion when the noise levels are higher than those measured. The WHO Guidelines state that indoor noise levels should not exceed approx. 45dB L_{max} more than 15 times a night but it isn't clear from the report how many times the 45dB level was exceeded and the report relies on windows being shut during the night time period to achieve the WHO criteria. This is unrealistic during the summer and the WHO guidelines would be exceeded with open windows which is likely to lead to complaints. This supports the case for the windows being fixed shut.

The report advises that the existing ambient noise levels achieve the BS8233 threshold criteria with both windows closed and windows partially open, but this means that with windows open, the criteria are not reached. This supports the case for the windows being fixed shut.

Red line Boundary

The red line boundary does not appear to have changed and it is unclear whether all of the land included within the red line is within the applicant's control – a reason given for not advancing a full scheme for river related use at the site.

The applicant is proposing to remove the flood gate and for all access to be via an adjoining site. It is not clear how this will be achieved as it appears to involve access/egress via land outside of the applicant's control.



There are concerns that the approach that the applicant is taking will result in a viable river related use being difficult if not impossible to achieve as the only land access/egress that would be available would be via foot via the residents terrace and third party land. The access would also appear to be very narrow (less than the width of a car) significantly limiting what the access can be used for.

The PLA is aware of operator interest in using these Works and therefore if the applicant is not proposing a river related use as part of application 20210757 then as a minimum they need to demonstrate that what they are proposing would not prohibit a river related use from being realised at the site. It is of note that the noise survey does not consider a river related use becoming operational at the site.

It is recommended that the Applicant provides a cross section of the above shown area and adds on the tidal levels and then accounts for the increase in tidal levels corresponding to the increase in flood defences for T2100. There are concerns that the open space that has been provided for residents, which is in front of the flood defence wall, will over the lifetime of the development flood and that people could become trapped in the area in front of the river wall. It would appear that tables, chairs, litter bins etc would be provided in the area and these all have the potential to enter the river if the area was to become inundated with water.

There needs to be a maintenance strategy for the area in front of the river wall including a litter strategy.

Surface Water / Flooding

The PLA would reiterate that any Works over Mean High Water require a licence from the PLA and this includes any outfall.

Suicide Prevention and Shore Side Safety

A condition should secure riparian lie saving equipment and suicide prevention measures.

Access and Car Parking, Ecology, Loss of Office Floor Space and Lighting

The PLA's comments remain as set out in its response dated 11 August 2021

I hope the above is of assistance

Regards

Lucy

Lucy Owen

Deputy Director of Planning and Development

Gravesham Borough Council