



Delegated Report

Full Planning Application

Planning Application No: 20221036

Location: Optimus Access Ltd Highfield Works Site E Dering Industrial Park
Dering Way

Description: Permanent retention of an office building, raised open storage platform with timber deck, metal clad shed and open-sided shed.

Applicant: Mr Michael Collier

Site Visit Date:

Submitted Documents/Plans

Cover letter dated 30 September 2021
Cover letter dated 2 September 2022
Application form
Flood Risk Assessment (Ref. 6682-AEA-ZZ-XX-RP-Z-0001)
Drawing no. L(EX)001 (Site Location Plan)
Drawing no. L(EX)002 (Block Plan)
Drawing no. L(EX)003 (Structure A Plans and Elevations)
Drawing no. L(EX)004 (Structure C Plans and Elevations)
Photos of Structure B and D
Land Quality Desk Top Study and Preliminary Risk Assessment (dated 6 April 2022) including Appendices A-E

Relevant Planning History

Reference	Description	Decision	Decision Date
20211283	Application for permanent retention of an office building, raised open storage platform with timber deck, metal clad shed and open sided shed.	Withdrawn	31.01.2022
20180988	Application for approval of condition 11 attached to planning permission reference no. 20160114 relating to the details of the sustainable surface water drainage scheme for the site.	Approval of details	01.11.2018
20180768	Proposed construction of gas powered generators, gas kiosk, DNO switch House, MV switchgear and control building, retention of access road, associated hard standing and acoustic noise fence.	Permission	15.01.2020
20160114	Change of use of land to Use Class B8 Storage and Distribution together with formation of new access road.	Permission	19.07.2017
20151078	Application for the approval of conditions 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 attached to planning permission reference no. 20110473 relating to details of the	Withdrawn	26.04.2016

	means of construction of the vehicle access, scheme for the drainage of surface water, contaminated land assessment, code of construction practice (CoCP), strategy for enhancing local biodiversity, details of artificial lighting on site, details of hours of use of the site, provisions for the on-site storage of waste, travel plan and dust management plan.		
20111070	Outline application for the erection of a warehouse with parking provision.	Permission	13.02.2013
20110473	Change of use of land to Use Class B8 Storage and Distribution together with formation of new access road.	Permission	21.01.2013
20100060	Application for renewal of outline planning permission reference number 20010970 renewed under planning permission reference number for 20070896 for outline application for the erection of light/general industrial development within Classes B1(c), B2 and B8 of the Town & Country Planning (Use Classes) Order 1987.	Withdrawn	28.10.2010
20070896	Application for variation of conditions 2 & 3 of planning permission reference number GR/2001/970 and condition 1 of GR2004/994 relating to outline application for the erection of light/general industrial development, to allow the submission for the approval of the reserved matters to be extended to 13th February 2010 and the commencement of the development to be extended to 13th February 2012.	Permission	25.01.2008
20040994	Application for variation of conditions 2 & 3 of planning permission reference number GR/2001/970 for outline application for the erection of light/general industrial development, to allow the submission for the approval of the reserved matters to be extended to 13th February 2008 and the commencement of the development to be extended to 13th February 2010.	Permission	29.12.2004
20040350	Use of land for open storage and construction of a temporary vehicular access.	Permission	03.09.2004
20010970	Outline application for the erection of light/general industrial development within Classes B1(c), B2 and B8 of the Town & Country Planning (Use Classes) Order 1987.	Permission	13.02.2002
19970869	Erection of single storey extension on the west elevation to form battery charger enclosure.	Permission	18.02.1998
19960004	Application for the approval of the archaeological watching brief as required by condition (iv) of planning permission reference number GR/94/247.	Approval of details	17.01.1996
19880090	Retention of the canopy on the north elevation to form a covered storage area.	Permission	17.03.1989
19870248	Retention of portakabin for use as a security gatehouse	Permission	28.05.1987
19860345	Erection of an extension on the east elevation to form a covered loading bay	Permission	19.06.1986
19810470	Change of use of former engineering works to use for the storage and distribution of household electrical equipment	Permission	29.06.1981
19750652	Formation of a concrete access road and provision of ash hardcore surface for the storage of steel and tunnelling machines	Permission	29.12.1975

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS04 – Gravesend Riverside East and North-East Gravesend
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving sustainable development
- 9 – Promoting sustainable transport
- 12 – Achieving well-designed places

Supplementary Planning Guidance

- SPG4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

External Consultees

Environment Agency

Initial comments:

Objection. A Preliminary Risk Assessment is required. The site history indicates medium polluting potential from previous use which always flags significant concerns about land contamination. The site is also underlain by an aquifer, meaning there is also a risk of pollution to water resources. We need to ensure that the proposals, with associated foundation and drainage designs and the required ground disturbance, will not cause an unacceptable risk to the aquifer.

Further comments:

We do not have any objections subject to the following informatives and conditions being applied to any planning permission granted.

Flood Risk

We have no objection to the proposed application, but we would like to highlight the following informative:

Informative

It is recommended to raise finished floor levels (FFL) to 600mm above the site modelled tidal Thames breach level for the 0.5% Annual Exceedance Probability (AEP) event for the year 2115.

Groundwater and Contaminated Land

This site represents a moderate contamination risk and is located in an area of high groundwater vulnerability. It is understood this is a retrospective application for the siting of several structures. None of these structures have required ground to be broken, and instead sit on the concrete hardstanding.

Given the nature of this application we do not object in principle but would wish to be re-consulted should any of the submitted plans change. The drainage report indicates a continued discharge to the local stream/ditch, with the addition of surface water treatment systems.

Therefore, we do not object, subject to the following planning conditions being applied: watching brief; no drainage systems infiltration of surface water drainage; and drainage informative.

KCC Flood and Water Management

Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment (31 May 2022) and, given that the application does not increase impermeable area and is not expected to increase flood risk, we would regard the development as low risk.

With the sighting of the development being within flood risk zones and high surface water flood risk, as shown on Environment Agency mapping considerations should be made of flood protection measures to protect the buildings against water ingress or to be designed to mitigate its impacts.

KCC Highways

No objection. Public highway informative to be added.

KCC Heritage

As the modular structures appear to be sitting on existing concrete without any significant foundations, it is considered unlikely that there will have been any significant below-ground archaeological impact and therefore have no further comments to make in this case.

Southern Water

The Planning Authority should take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 61 metres from the Gravesend Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response. Please contact Southern Water to discuss and agree the Scope of the odour assessment.

Due to the potential odour nuisance from a Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Natural England

No comment received.

Internal Consultees

GBC Highways

This application is slightly confusing when looking at the original planning permission 20160114; the land under consideration is Plot A and the decision notice under condition 7 defines this as:

7. The use hereby permitted shall not be open to customers outside the following times for each plot.

Plot A Storage of Vehicles for Sales
06:00 to 18:00

The Planning Statement with the 2016 application clearly identifies each plot within the application site and details what each plot will be used for:

Figure 3 Proposed Site Layout Plan (Not To Scale)



The Change of Use

- 3.1 The proposal is to change the use of the site to a B8 industrial land with the site separated into five plots to form:

Plot A Storage of Vehicles for Sales

Monday – Friday 07:00 to 18:00 and Saturdays, Sundays & Bank Holidays 07:00 to 13:00 (with some staff operations taking place outside of these hours).

Plot B Builders Merchants Yard

Monday – Friday 07:00 to 18:00 and Saturdays, Sundays & Bank Holidays 07:00 to 13:00 (with some staff operations taking place outside of these hours).

Plot C General Storage

Monday – Sunday (Including Bank Holidays) - 24hr operation (generally unmanned with access typically needed once a week/month).

Plots D + E Articulated HGV Parking, storage and maintenance

Monday – Sunday (Including Bank Holidays) - 06:30 to 20:00

Looking at the previous applications there seems to be insufficient detail to now make a qualified judgement on what has been approved, it seems the applicant and Kent County Council agreed certain details outside of the formal planning process and does not now form part of the planning record.

In terms of the current use, a certain level of office accommodation including welfare facilities and undercover storage can be anticipated at any B8 use site where the storage is primarily external. Of perhaps more concern is the raised platform as this has the potential to increase the onsite area, by providing a stable platform to store materials on, although this is potentially minimal in this case.

Of concern, but now beyond any form of control is the absence of any form of formal parking controls? The Google Satellite image copied below demonstrates vehicle blocking and an apparent inadequate parking provision for staff with vehicles parked on street in front of the property. The site opposite has its own car parking provision and the number of spaces available would suggest that vehicles do not have to overflow onto the adjacent street.



Given the situation, assuming the use is permissible and not restricted by the original permission which listed this area as storage of vehicles for sale I have no objections.

GBC Environmental Protection (Regulatory Services)

There is no objection to this application, but like the Environment Agency (their interest is impact on water resources) would ask that a contaminated land assessment is undertaken due to the historic nature of the site. The site falls within the boundary of the former Denton-Comma Oil Landfill site. This site was pre 1974 and our records indicate that it was filled with putrescible waste which could have some gassing implications.

It is recommended that a contaminated land assessment condition be applied in order to assess any risk to the current and future occupants of the site in terms of human health.

Further comments (odour)

In terms of assessment methodology, the Stantec ES (Volume 1) in relation to Ebbsfleet Central East refers to the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Odour for Planning' and states:

The Institute of Air Quality Management (IAQM) has undertaken a comprehensive review of how odour should be considered in the planning process and has issued revised guidance on the assessment of odour for planning (version 1.1) in July 2018 (IAQM, 2018). The document provides guidance on the use of a number of odour assessment techniques and the assessment of odour effects for planning purposes.

This would likely be the guidance used to inform any odour assessment.

Additionally, there's a section which says:

The Environment Agency has produced Guidance for H4 Odour Management (Environment Agency, 2011) to assist potential and existing permit holders in understanding how to apply, vary and comply with their permits. The guidance provides information on regulatory requirements under the Environmental Permitting Regulations, advice on odour management and preparing odour management plans. Whilst the guidance is designed for use in relation to Environmental Permitting, it also contains useful information that can assist with the preparation of odour assessments to accompany planning applications.

If an assessment is required then a condition would have to reference the above, but it does feel over the top when looking at a) the nature of the use, b) the fact the use is already there and has not to date complained, c) the high density of other commercial/industrial uses in the neighbouring vicinity (in every direction except to the east of the treatment works) who would also be disturbed if there was foul odour, d) the much more sensitive and quite dense residential uses also well within their 500m buffer zone (who would be the first to complain if there were odour issues – backed up by the fact that there has been only about 6 complaints odour complaints logged against the Dering Way SW works in the last 5 years and none apparently from commercial/industrial premises in the area).

In summary therefore, whilst it is understandable SW want to seek to try and protect themselves from possible future enforcement action in the event of complaints being received, and making this a standard response, it seems disproportionate for them to try and pin it on one business in this location when there are many residential properties and businesses already within their 500m buffer zone.

In practice, even if an odour assessment was required and it showed that the premises in question was at an unreasonable risk of odour nuisance and the application was refused, it would not prevent many others also in the area from being disturbed and complaining if/when there was an odour incident.

Neighbouring properties

The application has been advertised by individual neighbour letters to 23 properties. The consultation period expired on 17 October 2022.

No letters of representation have been received.

Local Ward Councillors were also consulted, and no responses were received.

Officer's Analysis

Proposal

This application seeks planning permission for permanent retention of an office building, a raised open storage platform with a timber deck, a metal clad shed and an open-sided shed.

Planning permission 20160014 (see Planning History above) included a condition (13) that stated the following:

No buildings, structures, portable buildings or other built development, whether of a temporary nature or not, shall be erected or placed on the land without the prior written permission of the Local Planning Authority having first been obtained.

It has been brought to the Council's attention that structures have been erected on the site in contravention of this condition and therefore this application has been submitted to seek permission for these structures.

There are four principal structures present on the application site, which forms one of the five plots granted

under application 20160114 (Plot A):

- Structure A – a modular building measuring approximately 17x6m on plan in use as ancillary offices serving the primary use. Above this are positioned three modular site huts in use principally as welfare facilities for staff.



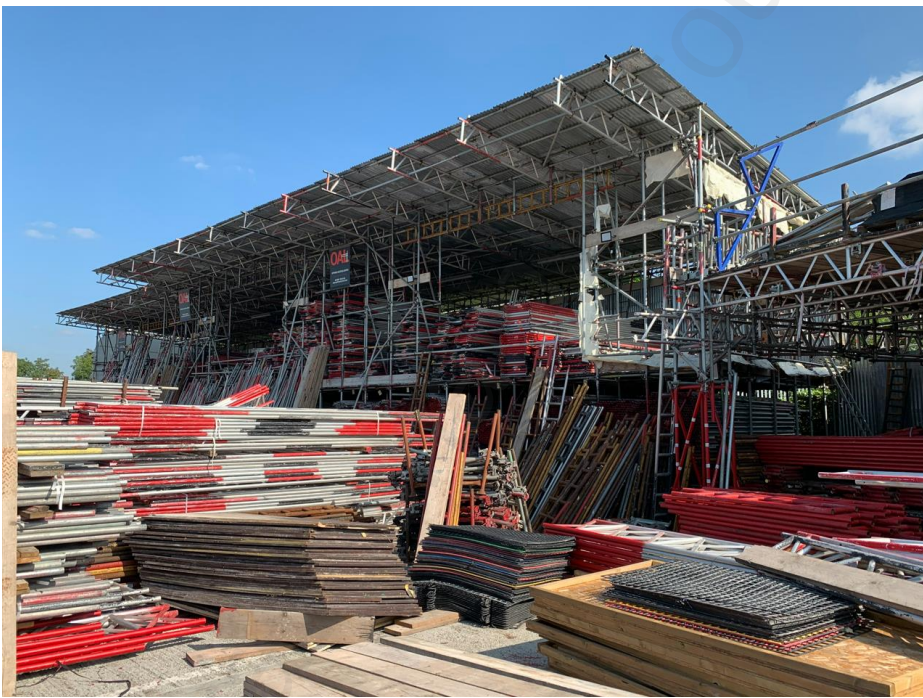
- Structure B – a raised open storage platform with flat timber deck:



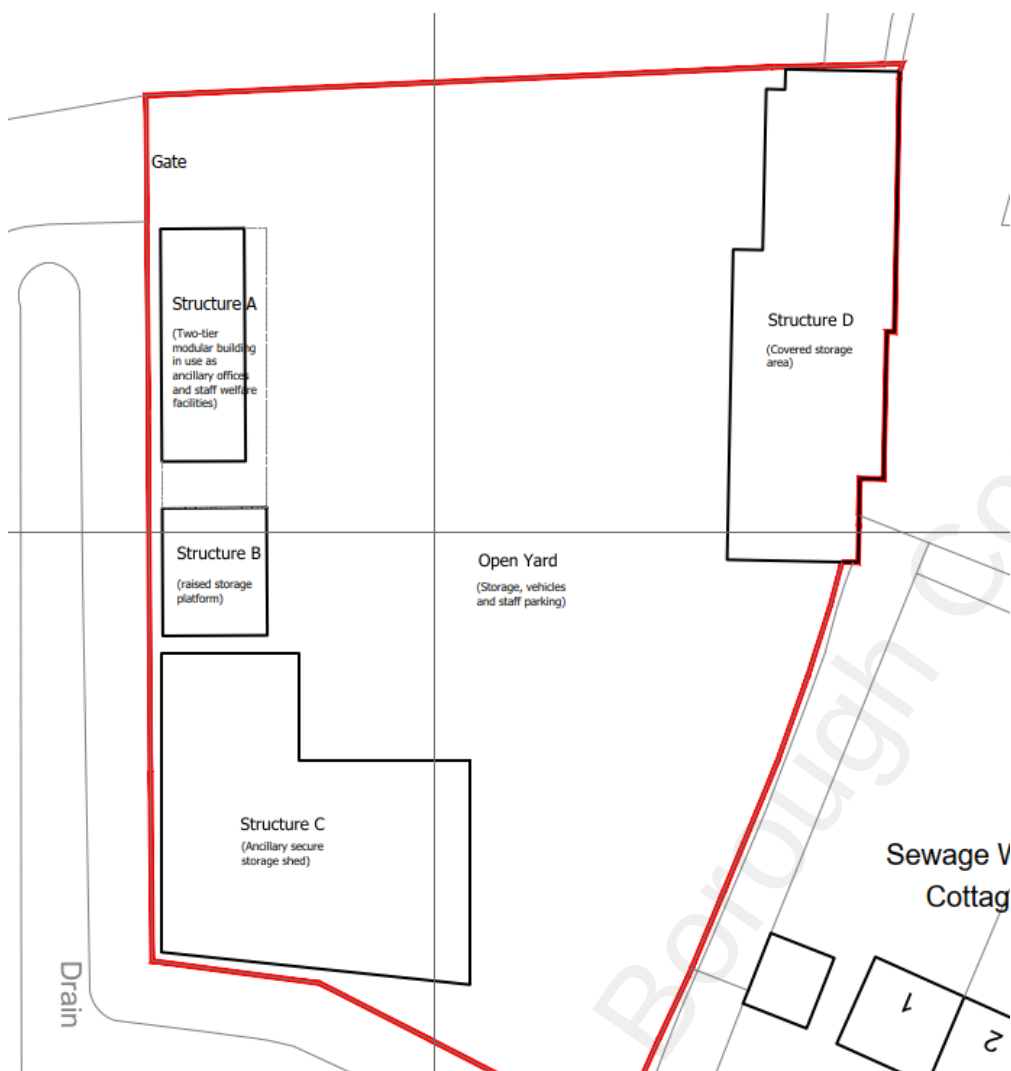
- Structure C – a metal clad single-storey shed in use for ancillary storage.



- Structure D – an open-sided shed also in use for ancillary storage:



Extract from submitted Block Plan:



These structures are all in the same use as the principal land use, being B8 (storage and distribution), in accordance with the original permission.

None of the structures have substantial foundations – instead they sit under their own weight directly on the concrete hardstanding covering the plot. None are of permanent construction, instead they are largely formed of temporary scaffolding elements. Their form may be subject to periodic modification in response to the changing needs of the business.

Background

The site has a history of industrial permissions, with the most recent granted under application 20160114 for the use of the land for B8 (storage and distribution). It is therefore recognised that the site has generally been accepted for industrial use. The site lies between existing industrial uses consisting of Moove Lubricants to the west and the Southern Water wastewater treatment plant to the east. It is bound to the north by the North Kent Railway Line. The site is a key site at NE Gravesend allocated under Policy CS04 of the Local Plan, which supports the principle of residential and employment uses, including use classes B1, B2 and B8.

Current Google Earth image (looking south-west)



A certain level of office accommodation including welfare facilities and undercover storage is to be expected where the storage use is primarily external. The buildings and structures that are the subject of this application are consistent with the existing industrial use of the site, and therefore the proposal is considered to comply with planning policy and the vision for development in this area.

Design, Character and Appearance

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

To the east of the site is a pair of two storey dwellings that appear to be occupied in connection with the Southern Water site. There is a larger area of housing located to the south, although this is some distance from the application site.

The previous application (20160114) set out the proposed site layout as follows:



Plot A was for the storage of vehicles, Plot B a builders merchants yard, Plot C was for general storage and Plots D and E for articulated HGV parking, storage and maintenance. There were no restrictions on the planning permission in terms of these uses and their location. The application site relates to Plot A, which is the only plot to date that has been developed to any great extent.

The current site layout is shown in the extract from the submitted Block Plan above, and whilst the site is not being used for the storage of vehicles as indicated in the previously approved plans for 20160114, the buildings/structures that have been installed on the site include ancillary offices and welfare facilities, a storage platform, a metal clad shed and an open-sided shed both used for storage, all of which are appropriate within a general B8 use of the site.



The heights and scale of the buildings and structures on the site appear in line with neighbouring buildings. In terms of appearance, they are consistent with the industrial nature of the surrounding area and are not considered to adversely affect the character and appearance of the street scene.

Condition 14 on planning permission 20160114 restricted the height of the goods and materials to be stored or stacked on the site up to 6m. The largest building on the site (Structure C as seen in the foreground of the image above) is approximately 3.75m high. It is considered appropriate to reimpose such a condition on any forthcoming planning permission given the nature of the use and the openness of the site.

Residential Amenity

The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

With regards to the previously approved scheme granting the B8 use of the site, suitable mitigation in terms of residential amenity was achieved through controlling the hours of use, noise levels and external lighting by planning condition.

Southern Water have raised a concern regarding the location of the development in relation to existing uses that may be a source of pollution (in terms of odour), in this case within 500m of the wastewater treatment works buffer zone, and have therefore requested an odour assessment. However, considering the existing permission and the nature of the use on the site, together with the fact that there are other similar existing uses in the area (none of which have made complaints) as well as more sensitive residential uses all within the buffer zone of the treatment works, it would be disproportionate to raise odour as an issue on this particular business in this location, where there are many other existing businesses and residential properties already within the buffer zone. On balance, it is not considered necessary or reasonable to request or condition an odour assessment.

There are no further conditions necessary related to the amenity impact of the retention of the buildings and structures on the site, and the proposal is considered to comply with the NPPF and Core Strategy Policy CS19.

Highways and Parking

In terms of the use of the site, a certain level of office accommodation, welfare facilities and undercover storage can be anticipated where the storage is primarily external. The raised platform has the potential to increase the onsite storage area, by providing an additional platform to store materials on, but this is

minimal in this case, and the level of storage was not restricted on the original planning permission.

Of some note, but now beyond any form of control, is the absence of any form of formal parking control. There would appear to be a potential inadequate level of parking provision for the site, as there are vehicles parked on the street in front of the property. The Moove Lubricants site opposite has its own car parking provision and the number of spaces available would suggest that vehicles do not have to overflow onto the adjacent street. The overflow parking is therefore likely to be solely related to the application site.

However, given that the use is permissible and not restricted by the original permission which listed this area as storage of vehicles for sale, there are no objections in relation to the impact on parking and highway safety. The proposal would therefore comply with Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014.

Any Other Material Planning Considerations

Flooding and Contaminated Land

Initial comments from the Environment Agency (EA) sought a Preliminary Risk Assessment (PRA) due to a medium polluting potential from the previous use. The site is also underlain by an aquifer, meaning there is also a risk of pollution to water resources. They wished to ensure that the proposals, with associated foundation and drainage designs and the required ground disturbance, would not cause an unacceptable risk to the aquifer.

Following the submission of a PRA, and as a result of the construction of the structures not having required the ground to be broken, being sited on a concrete hardstanding, the EA raised no objections to the proposal subject to informatives and planning conditions relating to flood risk and ground water and contaminated land.

The site falls within the boundary of the former Denton-Comma Oil Landfill site. This site was pre-1974 and records indicate that it was filled with putrescible waste which could have some gassing implications. The Council's Environmental Protection Officer has also recommended a contaminated land assessment condition due to the historic nature of the site and in order to assess any risk to the current and future occupants of the site in terms of human health.

KCC Flood and Water Management regard the development as low risk given that the application does not increase the impermeable area and is not expected to increase flood risk.

On this basis, the proposal complies with Policies CS18 and CS19 of the Core Strategy 2014 and paragraphs 167, 183, 185 and 187 of the NPPF 2021.

Archaeology

The site lies within an area of archaeological potential. As the modular structures appear to be sitting on existing concrete without any significant foundations, it is considered unlikely that there will have been any significant below-ground archaeological impact. The proposal therefore complies with Policy CS20 of the Core Strategy 2014 and paragraph 197 of the NPPF 2021.

Conclusion

As this application involves the retention of buildings and structures in line with the approved B8 use of the site and having evaluated the proposal against national and local plan policies, it is considered that the proposal is acceptable in principle and with regards to the design and impact on the application site and the character and appearance of the surrounding area, and with regards to residential amenity, highway, flooding, contamination and archaeological matters. The proposal would therefore be in line with the provisions of Policies CS02, CS04, CS11, CS18 and CS19 of the Core Strategy 2014, saved Policies T1, and P3 of the Local Plan 1994, and paragraphs 11, 111, 124, 126, 130, 167, 183, 185, 187 and 197 of the

NPPF 2021.

Recommendation

Approve subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Miss Faye Hobbs
Signed:	<i>K. Parkin</i>	Signed:	
Dated:	18 January 2023	Dated:	18 January 2023