



Delegated Report

Full Planning Application

Planning Application No:	20231050
Location:	Grange Travel Coach Hire Limited, Canal Road, Gravesend, Kent
Description:	Erection of a portal frame shed for servicing and maintaining coaches, including space for an office on a mezzanine floor and storage on the ground floor.
Applicant:	Mr B Smith, Grange Travel Coach Hire
Site Visit Date:	Desktop assessment (site visit undertaken for previous application)

Submitted Documents/Plans

Application form
Drawing no. D-01 (Site Location Plan, Block Plan)
Drawing no. D-02 (Block Plan as Proposed)
Drawing no. MID-494-01 Rev. B (General Arrangement of Building)
Drawing no. MID-494-02 Rev. B (Grid-Line Plan (Base Layout))
Drawing no. MID-494-02A Rev. B (Mezz Plan)
Drawing no. MID-494-05A Rev. A (Rear Gable Elevation - Mezz Steel Work)
Michael Evans Associates drawing 18-086 SK1 (foundation design)
Design and Access Statement (dated 03/10/2023)
Flood Map for Planning
Flood Risk Assessment (dated February 2022)
Acoustic Assessment (Doc. Ref. 142324 dated 18/09/2023)

Relevant Planning History

Reference	Description	Decision	Decision Date
20230239	The erection of a portal frame shed for servicing and maintaining coaches, including space for an office on a mezzanine floor and storage on the ground floor.	Refused	21.07.2023

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
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

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

Paragraph 33 of the NPPF (2023) 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 (2023)

- 2 – Achieving sustainable development
- 6 – Building a strong, competitive economy
- 9 – Promoting sustainable transport
- 12 – Achieving well-designed places
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

External Consultees

Environment Agency

Initial comments 16.11.2023:

We have reviewed the below information and have the following comments to make:

- Flood Risk Assessment (FRA) (Grange Travel, Dated: February 2022)

Environment Agency position

We have no objection to the proposed development, subject to the following conditions being included on any permission granted.

Without these conditions we would object in line with Paragraph 174 of the National Planning Policy Framework (NPPF).

Condition: Contamination Investigation

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 174 of the National Planning Policy Framework.

Condition: Contamination Verification

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 174 of the National Planning Policy Framework.

Condition: Unsuspected Contamination

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 174 of the National Planning Policy Framework.

Condition: Surface Water Drainage

No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. 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 174 of the National Planning Policy Framework.

Condition: Piling

Piling or any other intrusive works 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 174 of the National Planning Policy Framework.

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

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 NPPF. 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.).

Informative

Surface Water Drainage

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.

Foul Drainage

It is understood that there is to be no domestic effluent produced on site and as such no foul drainage plans have been proposed. This is acceptable in principle, however, should these plans change in the future we would wish to be consulted further.

Piling

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 EA 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".

Waste

The CLAIRE Definition of Waste: Development Industry Code of Practice (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 EA
- 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. 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

Disposal of soils

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.

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

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 Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to LPA

Flood Risk

If there were to be a breach in the Thames Tidal Flood Defences during a 0.5% AEP event for the 2115 epoch, the site could face a flood of up to 5.84 mAOD. The ground floor FFLs are approximately 4.84 mAOD which means that there could be a flood depth of 1.00 m.

Flood resistance and resilience

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>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless may be important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Advice to applicant

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

"(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

Note to applicant

Planning advice service

Should you wish us to review any technical documents or want further advice to meet the requirements of the conditions recommended, we may do this as part of our charged for planning advice service.

Further engagement will provide you with certainty of our position as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development. As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost estimate, please contact us at kslplanning@environment-agency.gov.uk.

Note to LPA

Condition Wording

If you wish to amend the wording of our requested conditions or if you wish to merge them with other Local Planning Authority conditions, please contact us to discuss the revised wording.

Decision notice

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Further comments 08.12.2023

We initially objected as the applicant had not provided any information as to the scale of the development proposed other than a coach servicing building and associated office, this included not providing plans for the proposed development. As such we objected to the application as the potential risk could not be appropriately assessed as the proposed development was unclear. The most recent application included plans for the proposed development and outlined that foundations extended only 350mm below ground level. Given the additional details provided we considered that the risk to groundwater could be assessed through the addition of suitable conditions.

The presence of the shed would not impact the conditions we have recommended for the new development as the responsibility would still be on the applicant to provide sufficient risk assessments as to the potential risks to groundwater through assessment of drainage, contamination and storage of oils fuels and chemicals.

Further comments 12.12.2023

Following our response dated 16 November 2023 we would like to update our recommended conditions. Please see below for the following update.

We have reviewed the information available via the planning portal and in particular the below technical report and have the following comments to make:

- Flood Risk Assessment (FRA) (Grange Travel, Dated: February 2022)

The previous use of these land for storage of vehicles and historic use as a landfill may have left contamination which could impact on the proposed development or cause it to impact on the environment. An assessment into the past uses of land and any potential risks arising from the grounds for the proposed end use and wider environment should be carried out prior to the development works proposed. In particular investigations should take account the potential for contamination from previous spills from stored vehicles, and the potential risks associated with the historic landfill. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.

Environment Agency position

We have no objection to the proposed development, subject to the following conditions being included on any permission granted.

Without these conditions we would object in line with Paragraph 174 of the National Planning Policy Framework (NPPF).

Condition: Contamination Investigation

A strategy to deal with the potential risks associated with any contamination of the site should be 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 174 of the National Planning Policy Framework.

Condition: Contamination Verification

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 174 of the National Planning Policy Framework.

Condition: Surface Water Drainage

No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

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 174 of the National Planning Policy Framework.

Condition: Piling

Should piling or any other intrusive works should be supported through the submission of sufficient documentation (i.e. a piling risk assessment) evidencing that there is no resultant unacceptable risk to groundwater.

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 174 of the National Planning Policy Framework.

Condition: Above ground storage of oils, fuels or chemicals and pollution management plan
A Pollution Management Plan should be submitted to and approved, in writing, by the local planning authority.

Reason:

To prevent pollution of controlled waters and comply with the NPPF. 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.).

Informative

Surface Water Drainage

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.

Piling

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 EA 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".

Waste

The CLAIRE Definition of Waste: Development Industry Code of Practice (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.

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

Disposal of soils -

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.

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

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 Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to LPA

Flood Risk

We have reviewed the proposal and Flood Risk Assessment (FRA) (Grange Travel, Dated: February 2022). The proposed development is defined by Table 2 of the Planning Practice Guidance (PPG) as Less Vulnerable and lies within Flood Zone 3, defined by Table 1 of the PPG as having a 'High Probability' of flooding. Although the site is protected by the Thames Tidal Flood Defences up to a 1 in 1000 (0.1%) chance in any year flood event, it is at risk of flooding if there were to be a breach in the defences.

While the site is at risk of flooding during a breach event, the proposal is less vulnerable and does not propose any sleeping accommodation. The development is sufficiently offset from flood defence assets, within breach extent. We do not have any concerns with the construction of the shed, and it would not be appropriate to request raising finished floor levels.

If there were to be a breach in the Thames Tidal Flood Defences during a 0.5% AEP event for the 2115 epoch, the site could face a flood of up to 5.84 mAOD. The ground floor FFLs are approximately 4.84 mAOD which means that there could be a flood depth of 1.00 m.

Flood resistance and resilience

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>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless may be important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Advice to applicant

Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." (<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)

Note to applicant

Planning advice service

Should you wish us to review any technical documents or want further advice to meet the requirements of the conditions recommended, we may do this as part of our charged for planning advice service. Further engagement will provide you with certainty of our position as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development. As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available here.

If you would like more information on our planning advice service, including a cost estimate, please contact us at kslplanning@environment-agency.gov.uk

Note to LPA

Condition Wording

If you wish to amend the wording of our requested conditions or if you wish to merge them with other Local Planning Authority conditions, please contact us to discuss the revised wording.

Decision notice

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

KCC Heritage

I understand that the shed was built in early 2023 and without any archaeological mitigation. It would be helpful to know from the applicant if any photographs were taken during the ground preparation and construction which could help understand whether any archaeological features (e.g. associated with the former canal and lock gates, railways lines etc..) was present and/or may exist at the site.

Internal Consultees

GBC Environmental Protection

The Acoustic Assessment undertaken by Ned Johnson Acoustic Consultants dated 18/09/2023 Report Ref 142324) has been reviewed. Appropriate noise measurements have been undertaken with regards to the nearest residential premises on Canal Road and a BS4142 noise assessment has been carried out. Road traffic noise and noise from other commercial premises in the area were the main perceived noise sources. The assessment indicates that noise from the operations within the portal frame building does not affect the residential premises and is well below background noise levels at the façade. In this respect, no mitigation is required.

As the noise measurements were only undertaken during daytime hours, it is still recommended that a condition restricting hours of use of the building is applied to any permission. Work being undertaken later in the evening/at night time could be more noticeable as traffic levels and noise lessens and other commercial operations stop work. No hours of work have been given in the application form, so appropriate hours have been recommended in a condition below.

In the response to the earlier (refused) application, a condition was advised regarding keeping the roller shutter doors and side doors closed which serving and maintenance took place within the building. The noise assessment has demonstrated that this is not required as levels are well below background (by - 24dB) at the nearest residential premises even with doors open. By keeping doors closed, this level would be even further reduced. In view of this, this condition is not required.

The D & A has advised that body work repairs and paintshop work are undertaken off site, so any concerns regarding extraction/local exhaust ventilation noise and fumes are negated.

Reference has been made in the D & A to Environmental Protection raising concerns regarding contamination entering groundwater as a result of construction on the site. This was the Environment Agency (EA) as opposed to this team. As the EA have responsibility and expertise reading groundwater contamination, it is advised that they are consulted (if they haven't been already) regarding this matter and a decision as to whether a contamination assessment is required or not. The D & A has advised that the portal frame shed has already been constructed on shallow foundations.

The D & A also advises that there is no mains or running water to the building, but no information has been provided regarding toilet/wash facilities for workers. It is assumed that this is elsewhere on the site so does

not form part of this application. The informative below has been included in case this situation changes within the building.

To address the above the following conditions and informatives are recommended:

Hours of use:

Hours of use of the building for vehicle servicing and maintenance must be restricted to:

Monday to Friday 07:30 to 17:30

Saturday 08:00 to 13:00

Sundays and Bank Holidays No working

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the premises in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

GBC Highways

The additional information provided by the applicant over the previous application is welcome and demonstrates that the Council was correct in refusing the previous application, as the information supplied, was misleading being either wrong or missing.

The applicant states that they employ 19 staff on the application form, which appears to be very low for the operation of 60 coaches across two sites in the immediate area.

19. Employment			
Please complete the following information regarding employees:			
	Full-time	Part-time	Total full-time equivalent
Existing employees	19	0	19
Proposed employees	19	0	19

With 14 car parking spaces and 30 coaches parked on site according to the submission, although no parking plans are submitted.

10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of Vehicle	Total Existing	Total proposed (including spaces retained)	Difference in spaces
Cars	14	14	0
Light goods vehicles/ public carrier vehicles			
Motorcycles			
Disability spaces			
Cycle spaces			
Other (e.g. Bus)	30	30	0
Other (e.g. Bus)			

Version 2018.1

The applicant also states that the coach drivers park their cars where the coaches are parked. However, to ensure such an arrangement is viable it generally requires a parking/site management plan, to ensure vehicles are not blocked in and there is spare space available to allow for the first driver or drivers to park in a car parking space, unless they are expected to move the coach and then park the car in the vacated space before moving on. Also with tandem parking, this could result in a coach that is required being blocked in or a late returning driver unable to access their vehicle.

It is assumed that the applicant has some form of management plan in place to ensure the safe arrangement and operation in the yard and this should be formalised and submitted as a part of this application. If you are minded to approve, a condition should suffice. Equally a parking plan for both cars and coaches with tracked/swept path drawings for access/egress should be submitted that clearly demonstrates that the yard still has adequate capacity with the shed in place. If a suitable layout cannot be achieved the applicant may need to review his operator's licence and reduce the number of vehicles permitted to park on site.

The google satellite image does not support the description given in the supporting information.



There appears to be 26 cars parked on site and 19 coaches of various sizes with some limited space for additional coaches, but where coaches may be missing, they have not been replaced by parked cars.

I consider the applicant has not adequately demonstrated that the site can be operated safely without overspilling onto the public highway, given the extent of his current operator's licence.

Neighbouring Properties

The application has been advertised by individual neighbour letters to 104 properties. The overall consultation period expired on 17 November 2023.

Five letters of representation have been received, with the following comments:

- Disbelief that this has been built without planning permission.
- The site operates all sorts of hours and is disruptive.
- There are no proper waste/drainage facilities for the coach toilets – they use the storm drains to dispose of the waste and the odours are unpleasant.
- The site should be regenerated with new homes, as it is an eyesore.
- Permitting such a development will delay redevelopment.

Other Consultees

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

National Grid has not responded.

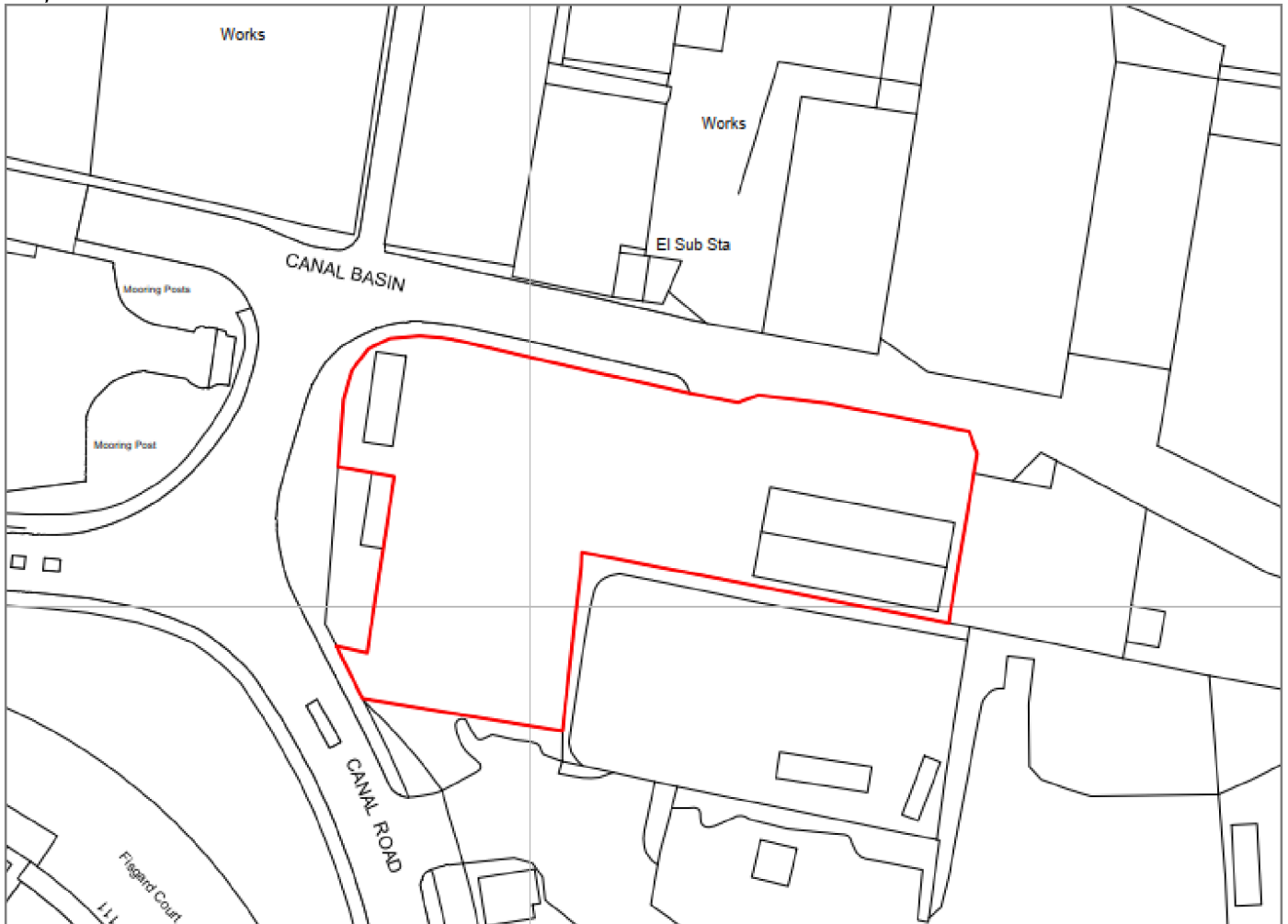
Due to the amount of floorspace the proposal does not meet the criteria for consulting the HSE and no further comments were sought.

Officer's Analysis

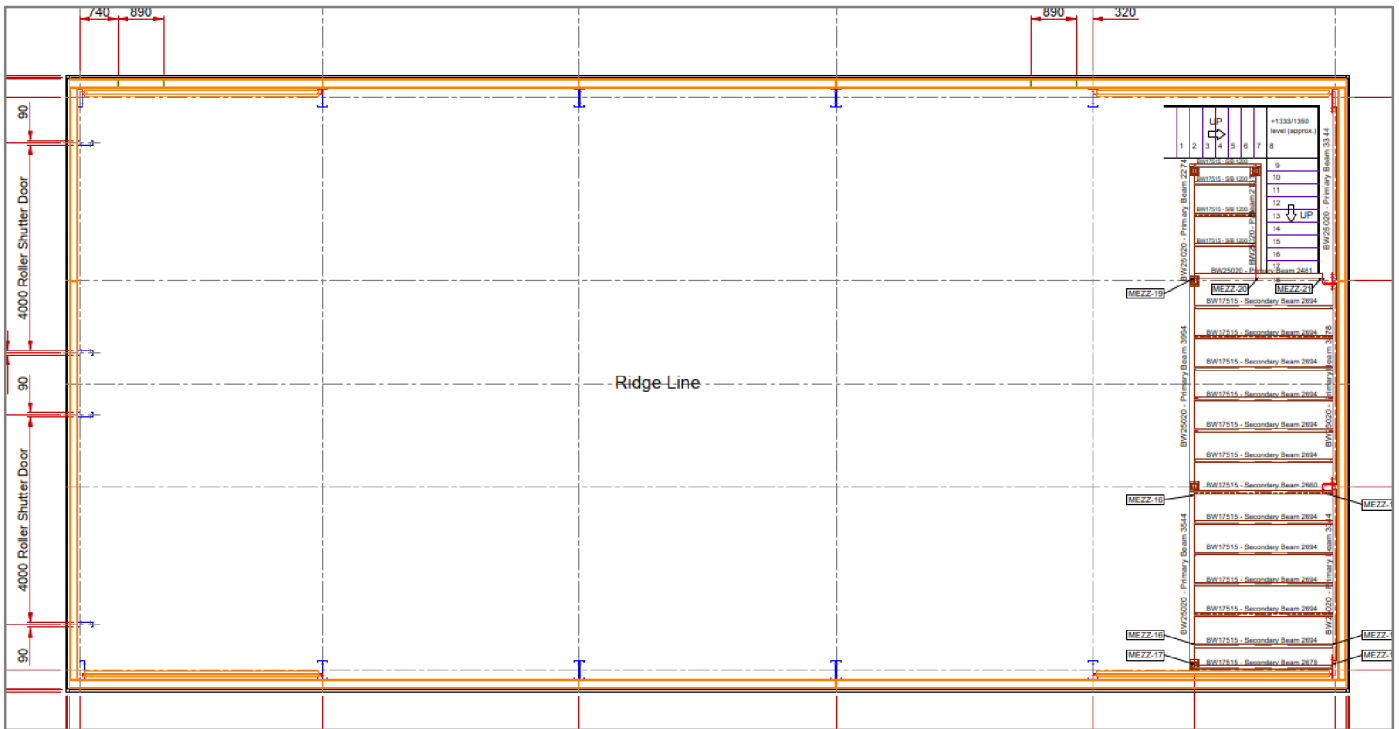
Proposal

This application seeks planning permission for the erection of a portal frame shed for servicing and maintaining coaches, including space for an office on a mezzanine floor and storage on the ground floor.

Proposed Block Plan



Proposed Floor Plan/Elevations



The building has already been constructed and measures approximately 25m by 12m, with an eaves height of 6m and a ridge height of 7.1m:



Background

The previous application for the same proposal was refused on the following grounds:

- 1. In the absence of a preliminary risk assessment, the proposal fails to demonstrate that the risks of pollution to controlled waters are acceptable or can be appropriately managed. The proposal therefore fails to comply with the contamination requirements of Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 185 of the National Planning Policy Framework 2021.*
- 2. In the absence of a noise impact assessment, the proposal fails to demonstrate the level of noise nuisance from the vehicle maintenance activities or hours of operation, which would have the potential to adversely impact the amenities of neighbouring properties. As such, the proposal would fail to comply with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 130 and 185 of the National Planning Policy Framework 2021.*
- 3. In the absence of sufficient information about staff/driver numbers or a parking/cycle plan, it is unclear whether there would be any overspill parking, which would have the potential to be detrimental to highway safety, contrary to the requirements of Policy CS11 of the Gravesham Local Plan Core Strategy 2014, and Policies T1, T5 and P3 of the Gravesham Local Plan First Review 1994.*
- 4. In the absence of sufficient information about the foundations of the building and how this impacts the archaeology of the site, and in particular the infilled section of the Thames Medway Canal, the proposal fails to comply with the requirements of Policy CS20 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 194, 195 and 197 of the National Planning Policy Framework 2021.*

This application has been submitted in an attempt to overcome these refusal grounds, and these comprise the main issues for the determination of this case. The principle of the development has already been established as being acceptable, as well as the design of the buildings, as assessed in the previous submission. For details of this, the delegated officer report for application reference 20230239 can be reviewed online.

1. Contamination

The previous use of the development site as an industrial/commercial site and as an historic landfill presents a high risk of contamination that could be mobilised to pollute controlled waters. Controlled

waters are particularly sensitive in this location because the site is located upon a principal aquifer overlain by a secondary aquifer.

The Environment Agency previously objected to the proposal as it was not demonstrated that the risks of pollution to controlled waters were acceptable or could be appropriately managed.

Under the current application, the newly submitted Design and Access Statement explains that the planning application is for the building as opposed to the operation, as the site has been a lorry/coach park for many years:

The shed will enable regular vehicle maintenance to be carried out under better conditions but these operations were carried out before the shed was built. Paint shop and bodywork operations are carried out off-site by specialists. There are no additional operations being carried out as a result of the construction of the new building.

Notwithstanding this, oils etc resulting from this work will be disposed off site and will not go into the ground or the drainage system or the canal basin. To this end there is no mains water or running water in the building. The operation uses a waste oil tank and the client has a contract with a commercial waste disposal company to empty it.

The Statement also asserts that the foundations of the building are very shallow, which minimises the impact on the existing ground.

The Environment Agency has considered the additional submissions and has stated that the previous use of the land for the storage of vehicles and the historic use as a landfill may have left contamination that could impact on the proposed development or cause it to impact on the environment. An assessment into the past uses of land and any potential risks arising from the grounds for the proposed end use and wider environment should be carried out. In particular, investigations should take account of the potential for contamination from previous spills from stored vehicles, and the potential risks associated with the historic landfill. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed.

The Environment Agency no longer objects to the proposal subject to contamination conditions (see above comments). Given that the development has already been constructed, it is considered appropriate to require details within three months of the date of decision.

GBC's Environmental Protection Officer has also recommended informatives relating to drainage/sewerage and lighting.

The previous refusal ground has been overcome on the basis of the additional information submitted to address pollution risk and the proposed conditions. The proposal is therefore considered to comply with the contamination requirements of Policy CS18 and CS19 of the Core Strategy 2014 and paragraph 185 of the NPPF 2023.

2. Noise Impacts

Residential Amenity

The NPPF 2023 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, and avoid adverse environmental impacts from pollution, including noise, air and odour pollution.

Neighbouring Properties

The site is in an industrial estate location but there are residential properties in fairly close proximity to the south-east on the other side of Canal Road.

Portal framed buildings are not always particularly robust in terms of noise insulation and vehicle servicing and maintenance activities can be noisy – particularly when using power, pneumatic etc tools. If body work is to be undertaken, grinding and sanding equipment can also be noisy and require the use of extract equipment which will need to be extracted externally via Local Exhaust Ventilation (LEV). Any vehicle paint spraying is also likely to need to be linked to the LEV. Again, noise can be associated with the extraction equipment. There were no hours of work included with the proposal previously to judge whether there were likely to be any noise issues out of usual working hours.

Although it is appreciated that the northern side of Canal Road is commercial/industrial, the residential premises on the other side of Canal Road have the potential to be affected by the proposal. It was previously considered that as no information was put forward in terms of the likelihood of noise nuisance occurring due to poor construction/insulation and noise from the vehicle maintenance activities, or hours of operation, the impact on amenities could have been adverse.

Under the current application, the Acoustic Assessment undertaken by Ned Johnson Acoustic Consultants (dated 18/09/2023, Report Ref 142324) has been reviewed. From an environmental protection perspective, appropriate noise measurements have been undertaken with regards to the nearest residential premises on Canal Road and a BS4142 noise assessment has been carried out. Road traffic noise and noise from other commercial premises in the area were the main perceived noise sources. The assessment indicated that noise from the operations within the portal frame building does not affect the residential premises and is well below background noise levels at the façade. In this respect, no mitigation is required.

As the noise measurements were only undertaken during daytime hours, it is recommended that a condition restricting hours of use of the building is applied to any permission. Work being undertaken later in the evening/at night time could be more noticeable as traffic levels and noise lessens and other commercial operations stop work. No hours of work have been put forward in the application form, so appropriate hours are recommended via a condition.

In relation to the earlier (refused) application, a condition was advised regarding to keep the roller shutter doors and side doors closed where servicing and maintenance took place within the building. The submitted noise assessment has demonstrated that this is not required as levels are well below background (by -24dB) at the nearest residential premises even with doors open. By keeping doors closed, this level would be even further reduced. In view of this, this condition is not required.

The submitted Design and Access Statement has advised that body work repairs and paintshop work are undertaken off site, so any concerns regarding extraction/local exhaust ventilation noise and fumes are negated.

The Design and Access Statement also advises that there is no mains or running water to the building, but no information has been provided regarding toilet/wash facilities for workers. It is assumed that this is elsewhere on the site so does not form part of this application. An informative is recommended in case this situation changes within the building.

On the basis of the conclusions of the submitted acoustic assessment, the impact on neighbouring properties would be acceptable under the current application. As such, the proposal would comply with Policy CS19 of the Core Strategy 2014 and paragraphs 130 and 185 of the NPPF 2023, and the previous refusal ground is considered to have been overcome.

3. Parking and Highways

Under the previous application, there was a concern about the lack of information on staff numbers and how this would impact on parking and highway safety.

In terms of parking on the site, under the current application it is stated that 19 staff are employed, with 14 car parking spaces and 30 coaches parked on site, although no parking plan has been submitted.

The application also states that the coach drivers park their cars where the coaches are parked. However, to ensure such an arrangement is viable it would generally require a parking/site management plan. This is something that can be conditioned to ensure that parking on site is appropriately managed.

It is also noted that the means of foul drainage is unknown; this should be identified along with any increase in the number of employees. If it is not mains drainage, it may require resizing to accommodate demand and needs to be readily accessible for emptying. Or if there is no foul drainage on site because of previous uses and possibly no facilities provided, the means of foul drainage needs to be resolved. This can be conditioned, as per the Environment Agency comments above.

With the additional information about staff/parking numbers, and the imposition of a condition requiring a parking management plan, the impact on highway safety would be considered acceptable, and in compliance with the requirements of Policy CS11 of the Core Strategy 2014, and Policies T1, T5 and P3 of the Local Plan 1994.

4. Archaeology

The application site lies in an Archaeological Notification Area and over the line of the infilled section of the Thames Medway Canal. The location of the building would be partially over the infilled canal and partly over the southern towpath.

Drawing no. 18-086 SK1) has been submitted to show the foundation design of the building. The maximum depth of dig is 450mm from ground level. The submitted Design and Access Statement states that the very shallow nature of this work minimised the impact of the dig.

Whilst the development had the potential to impact on archaeological features, as the building has already been fully constructed, the need for archaeological works/a watching brief has now passed.

On the basis of the details about the shallow nature of the construction, and the fact that the development is complete, the impact on archaeology of the site is now negated. On this basis, the previous refusal ground is considered to have been addressed, and the proposal complies with the requirements of Policy CS20 of the Core Strategy 2014 and paragraph 197 of the NPPF 2023.

5. Any Other Material Considerations

Flooding

The application includes a Flood Risk Assessment (FRA) (Grange Travel, Dated: February 2022).

The proposed development is defined by Table 2 of the Planning Practice Guidance (PPG) as Less Vulnerable and lies within Flood Zone 3, defined by Table 1 of the PPG as having a 'High Probability' of flooding. Although the site is protected by the Thames Tidal Flood Defences up to a 1 in 1000 (0.1%) chance in any year flood event, it is at risk of flooding if there were to be a breach in the defences.

Whilst the site is at risk of flooding during a breach event, the proposal is less vulnerable and does not propose any sleeping accommodation. The development is sufficiently offset from flood defence assets, within breach extent. The Environment Agency does not have any concerns with the construction of the shed, and it would not be appropriate to request raising finished floor levels.

The EA states that if there were to be a breach in the Thames Tidal Flood Defences during a 0.5% AEP event for the 2115 epoch, the site could face a flood of up to 5.84 mAOD. The ground floor FFLs are approximately 4.84 mAOD which means that there could be a flood depth of 1.00 m.

The EA strongly recommend the use of flood resistance and resilience measures. An informative is recommended on this basis.

Conclusion and Recommendation

Under this resubmission proposal, the additional details provided relating to contamination, noise, parking and highways and archaeology are considered to have overcome the previous refusal grounds subject to appropriate conditions. On this basis, the proposal would comply with the requirements of Policies CS11, CS18, CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, saved Policies T1, T5 and P3 of the Gravesham Local Plan 1994 and paragraphs 130, 174, 185, 194, 195 and 197 of the National Planning Policy Framework 2023.

The previous refusal grounds are considered to have been overcome and the application is accordingly recommended for permission.

(For detailed conditions and informatives, see draft Decision.)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	12 December 2023	Dated:	13 December 2023