



Delegated Report

Condition Discharge Planning Application

Planning Application No:	20230745
Location:	WER Packing Supplies Unit J1 Lower Road Northfleet
Description:	Application for approval of conditions 5(i & ii) and 6 attached to planning permission reference number 20221142 relating to archaeological field evaluation works, any safeguarding measures to ensure preservation in situ of important archaeological remains and the materials to be used in the construction of the external surfaces.
Applicant:	W E Roberts Pension Fund
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

Application form
Geoarchaeological Fieldwork & Palaeoenvironmental Assessment Report (dated 9 June 2023)
Schedule of Building Materials (ref. 1079A)

The following documents have been removed consideration in this application:
~~Northfleet Industrial Estate: Land Quality Desk Study (ref. P22526_R1)~~
~~Geo-Environmental Ground Investigation (ref. 23/36590)~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20221142	Erection of two storey side extension to existing factory/warehouse unit with mezzanine.	Permitted	28.02.2023

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

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
- 12 – Achieving well-designed places
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Consultations, Publicity and Representations

Consultees

Environment Agency

We do not recommend the discharge of condition 3 for the reasons set out below. Conditions 5 (i & ii) and condition 6 are outside our remit.

Groundwater and Contaminated Land

Thank you for Geo Environmental Ground Investigation report ref:23/36590 dated May 2023. Given the intrusive investigation has identified elevated concentration of contaminants in shallow groundwaters and the depth and method of foundation design is yet to be finalised. We do not at this time recommend discharge of condition 3 and refer to condition 4.

Overcoming Our Objection

Please provide further information to address the points set out below.

Geo Environmental Ground Investigation report ref:23/36590 identifies elevated TPH concentrations in groundwater, however only refers to the risk to potable water supply pipe.

Section 5.5 states controlled waters have been identified as a potential receptor due to the designation of the underlying Alluvium and Taplow Gravel member as a Secondary Aquifer (undifferentiated).

However, we advise that the Secondary Aquifer is directly underlain by a Principal Aquifer and the site lies within a Source Protection Zone 3. The evaluation of contaminant concentrations in the table in section 5.5 states the identified contaminants are indicative of diesel fuels and lubricating oils. The site is used as a parking area for vehicles and some storage. Larger vehicles may have been parked/stored in the same area. However, similar contaminants were not identified in the ground and therefore they are considered to represent the condition of the groundwater in the area as a whole due to the surrounding land uses rather than originating from the site.

We note that groundwater was encountered in all boreholes during the intrusive investigation, often at shallow depth. We acknowledge the condition of the groundwater in the area as a whole. However, the phase 2 conceptual model in Section 5.6 does not identify the risk to controlled waters from identified elevated contaminants to the underlying Principal Aquifer which may result from piling activities outlined in Section 6.

Section 6.4 correctly states that construction of a piled foundation is a specialist activity, and that the advice of a reputable contractor, familiar with the type of soil and groundwater conditions encountered at site should be sought prior to finalising the foundation design.

Further Information

Section 1.1 Outline and limitations states the supplementary ground investigation was carried out for the proposed development with information required for the design and construction of foundations and infrastructure. Information was also required in order to assess whether any remediation was required for

the protection of the end user from the presence of the potential for contamination.

We advise that Condition 3 is applied 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.

Paragraph 174 e & f) are applicable to this proposed development and are provided below for ease of reference.

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
(f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

KCC Heritage

Thank you for consulting us on the submission of the report by Quest which sets out the findings of the geoarchaeological fieldwork and palaeoenvironmental assessment undertaken at the WE Roberts – J1 Extension site. The results demonstrate that the development would be unlikely to have a significant below-ground impact and, in my opinion, the work represents a reasonable mitigation of the impacts of the development, and I would be happy to recommend that Condition 5 (parts i and ii) attached to 20221142 could be discharged in full.

GBC Environmental Protection

Only Condition 3 (Contamination) falls within the remit of Environmental Protection. It's noted that this condition was placed on the planning permission at the request of the Environment Agency. This was due to concerns regarding potential contamination of controlled waters which falls under the EA's responsibility.

Therefore, the onus to discharge this condition falls to the EA rather than us as they are the experts in this area of work.

However, the report does highlight some areas of potential risk to human health (high levels of lead, elevated methane and carbon dioxide and also TPH were found in some areas) and in this respect, further works may be needed. Further reporting on this will be needed.

Officer's Analysis

Condition 3 (Contamination)

Condition 3 states as follows:

No development shall take place 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:*
 - o all previous uses;*
 - o potential contaminants associated with those uses;*
 - o a conceptual model of the site indicating sources, pathways and receptors; and*
 - o 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 approval 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 2021.

The submitted reports Northfleet Industrial Estate: Land Quality Desk Study (ref. P22526_R1) and Geo-Environmental Ground Investigation (ref. 23/36590) set out the details required under this condition.

Due to the objection from the Environment Agency (see above for their comments), the applicant has decided to withdraw the details for condition 3 from this application and will re-submit them at a later date. The description of the application has been amended accordingly.

Condition 5 (Archaeology)

Condition 5 states as follows:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and*
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.*

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record, in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy 2014.

The submitted Geo-Environmental Ground Investigation report sets out the details required under this condition.

The advice from KCC Heritage is that the results of the report demonstrate that the development would be unlikely to have a significant below-ground impact and the work represents a reasonable mitigation of the impacts of the development.

The submitted details are considered to be satisfactory in terms of archaeological implications and mitigations, in accordance with the reason for condition 5. Condition 5 (parts i and ii) are acceptable and can be discharged in full.

Condition 6 (Materials)

Condition 6 states as follows:

Notwithstanding the details included on the application form and approved plans the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

The submitted Schedule of Building Materials (ref. 1079A) sets out the full details required under this condition.

Proposed brickwork:



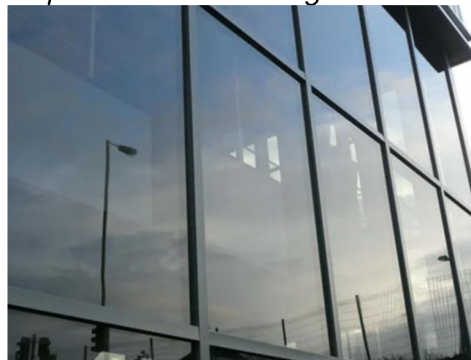
Proposed flat panel wall cladding:



Proposed roof and wall steel cladding:



Proposed curtain walling:



Whilst some of the proposed materials are more modern than those found in the existing building, the different elements that will make up the proposed extension take reference from both the existing building as well as other materials found in the wider street scene. The proposed yellow facing brick will tie in with that found in the existing building, and the colour of the steel cladding will match in with that found in the buildings opposite. Overall, the proposed materials will result in a smart, modern extension to this industrial terrace.

The submitted details are considered to be satisfactory in terms visual amenity, in accordance with the reason for condition 6. The details are therefore considered to be acceptable and condition 6 can be discharged.

Conclusion and Recommendation

The Local Planning Authority is satisfied with the details submitted in relation to application 20221142 for the widening of the existing car park access on the North Street frontage, and the erection of a two storey side extension to the existing factory/warehouse unit with a mezzanine. It is considered that conditions 5 and 6 can be fully discharged.

A further informative should be included to remind the applicant of the need to comply with the requirements of these and the remaining conditions.

(For informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
----------------------	----------------------	---------------------	---------------------

Signed:		Signed:	
Dated:	4 September 2023	Dated:	5 th September 2023