



Delegated Report

Planning Application

Application No:	20240292
Location:	Former SGN Gasholders Site, Land On The East Side Of Canal Road, Gravesend, Kent, DA12 2RS
Description:	Temporary change of use to open storage (Class B8) with associated parking.
Applicant:	JH (Milton) Ltd And SGN Property Holdings Ltd
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form – dated 27 March 2024;
- Planning, Design and Access Statement by MJP Planning – dated March 2024;
- Transport Statement by SLR (Vectos (South) Limited – dated 20 March 2024;
- Noise Impact Assessment (ref. J643_R01) by ALN acoustic design – dated 20 March 2024;
- Air Quality Technical Note by PES – dated 25 March 2024;
- Flood Risk Assessment & SuDS Strategy Report (FRA20197.1) by PES – dated 20 March 2024;
- Ground Condition Desk Top Study by GCC – dated March 2024;
- Supplementary Information – Site Maps (1895-2024) and Photographs;
- Drawing no. AR-XX-XX-XX-DR-0001-001 – Site Location Plan;
- Drawing no. AR-XX-XX-XX-DR-0001-002 – Existing Site Plan;
- Drawing no. AR-XX-XX-XX-DR-0001-003 – Rev. D – Proposed Site Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20210270	Hybrid planning application comprising: Part A - Full planning application for demolition of existing buildings and structures, construction of a mixed use development comprising C3 and C2 Residential Uses and commercial floorspace (Use Class E), a new river wall, works to Swing Bridge, highway junction improvements at Milton Road and Ordnance Road, associated new public open spaces and public realm improvements, car and cycle parking, landscaping, infrastructure and earthworks and ancillary works; and Part B - Outline planning application with all matters reserved (apart from access) for demolition of all existing buildings and structures and the construction of a mixed use development comprising C3 Uses and commercial floorspace (Use Class E) with associated vehicular	Resolution to permit from Planning Committee	21.07.2021

	access, car parking, landscaping, associated infrastructure and earthworks and ancillary works. (The proposed development would consist of up to 1,500 homes and up to 4,500sqm (GIA) of commercial floorspace). DEPARTURE: Application does not fully accord with the provisions of the Development Plan (Core Strategy Policy CS04).		
20020666	Outline planning application for the mixed use redevelopment of the area to provide: - Up to 1000 residential units - Up to 2000 square metres of commercial (B1) floorspace - Up to 3500 square metres of other non-residential floorspace including A3 (food and drink), D2 (assembly and leisure), D1 (non-residential institutions) and A1 (retail), with A1 retail to be less than 2500 square metres. Together with associated parking and servicing; alterations and improvements to the pedestrian, cycling and highway network (inclusive of construction of a riverside walk and improvements to Ordnance Road junction); hard and soft landscaping; repairs and enhancement works to the Canal Basin and provision of boat storage facilities; and associated surface water attenuation works (including on the site of former Thames and Medway Canal).	PERMITTED	07.05.2003
20221306	Hazardous Substances Consent Revocation request for Gravesend Gasholder Site.	NO OBJECTION	07.12.2022
20170553	Application for determination as to whether prior approval is required for the demolition of non-operational gasholders and associated ancillary above ground structures comprising brick buildings and pre-fabricated GRP units.	PRIOR APPROVAL NOT REQUIRED	14.06.2017
20161030	Confirmation that all of conditions attached to planning permission reference 20020666 have been complied with.	CONFIRMED	28.02.2017
20150441	Erection of a standby electricity generation plant in individual sound proof containers.	REFUSED	03.12.2015
20140226	Erection of a small scale standby electricity generation plant.	REFUSED	12.12.2014
20090964	Erection of single storey building to house a replacement pressure station, existing station and covers to be removed.	PERMITTED	21.01.2011

20081073	Application for approval of condition 10 of planning permission reference number GR/2002/666 relating to the contaminated land survey.	APPROVAL OF DETAILS	05.12.2011
20040183	Redevelopment for up to 1,000 residential units, up to 2,000 sq.m. of commercial (B1) floor space, and up to 3,500 sq.m of other non-residential floor space including A3 (food and drink,) D2 (Assembly and leisure), D1 (non-residential institutions) and A1 (retail), together with other associated works	PERMITTED	28.02.2005
20040104	Submission for the approval of details pursuant to condition 6 of outline planning permission reference number GR/2002/666 for the re-development of the Canal Basin area, Gravesend comprising the creation of up to 1,000 residential units, up to 2,000 sq.m. of commercial (B1) floorspace, and up to 3,500 sq.m. of other non-residential floorspace including A3 (food and drink), D2 (assembly and leisure), D1 (non-residential institutions) and A1 (retail), together with other associated works, with the documents to be approved being:- - The phasing and implementation strategy; - Details of costs for Sub-phase 1 Site Preparation Works; and - Details of costs for Sub-phase 2 Site Preparation Works.	APPROVAL OF DETAILS	08.09.2004
20030968	Submission for the approval of details pursuant to conditions 5 of grant of outline planning permission reference number GR/2002/666 for the re-development of the Canal Basin area, Gravesend comprising the creation of up to 1,000 residential units, up to 2,000 sq.m. of commercial (B1) floorspace, and up to 3,500 sq.m. of other non-residential floorspace including A3 (food and drink), D2 (assembly and leisure), D1 (non-residential institutions) and A1 (retail), together with other associated works, with the documents to be approved being - An analysis of the site's key characteristics; - A development Masterplan; - A development Design code; - A Public Realm Strategy, and; - A Sustainability Appraisal Strategy.	APPROVAL OF DETAILS	29.07.2004
20020581	Application for the continuation of Hazardous Substances Deemed Consent for the storage and distribution of natural gas.	PERMITTED	05.09.2002
20000891	Application for determination pursuant to Part 24 Class A of the Town and Country Planning (General Permitted Development) Order 1995 as to whether prior approval is required for the erection of a 15m high lattice mast mounted with six sector antennae and two 600mm	REFUSED	31.01.2001

	dishes, an equipment cabin and ancillary development thereto.		
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Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

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

Paragraph 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)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 6 – Building a Strong, Competitive Economy
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-Designed and Beautiful Places
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

External Consultees

Environment Agency – We have no objections to the proposal subject to the following planning conditions and informatives being applied to any planning permission granted.

Groundwater and Contaminated Land

The previous use of the proposed development site as a gas holder presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters

are sensitive in this location because the proposed development site is located upon Principal aquifer overlain by a Secondary aquifer.

The reports submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

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

Land affected by contamination

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

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

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

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

We have reviewed the Ground Condition Desk Top Study produced by Ground Conditions Consultants Ltd (Ref: J24-012-R01, dated March 2024) and understand that significant contamination has been identified within previous investigations including elevations of heavy metals, Polycyclic aromatic hydrocarbons and Benzene, Toluene, Ethyl Benzene and Xylene. It is also understood that previous remediation has been limited to some surface soils and that no detailed controlled waters risk assessment has been conducted for the site. It is noted within the proposed designs that the proposed permeable paving is to comprise of

approximately 500mm of material. It is unclear as to whether the site level is to be increased or reduced to accommodate for this hardstanding and what groundworks may be required. We welcome the recommendation for further assessment outlined within the above-mentioned report.

- Condition 2

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

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

- Condition 3

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

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

Surface Water Drainage Strategy

It is understood that sealed permeable paving is to be utilised across the site and that an oil interceptor is to be utilised prior to discharge to local watercourse. Given that the site is underlain by contaminated soils we welcome the use of sealed permeable paving to prevent infiltration to ground.

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

- Condition 4

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

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

Foul Drainage

- Condition 5

Development hereby approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by the Local Planning Authority in consultation with the

water undertaker and Environment Agency. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy.

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

Piling

- **Condition 6**

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

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

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

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

- **Condition 7**

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

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

We also recommend the following informatives:

- **Surface Water Drainage (Informative 1)** – 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 (Informative 2)** – 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 Environment Agency guidance document “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73”.
- **Waste on-site (Informative 3)** – The CLAIRE Definition of Waste: Development Industry Code of Practice (DoWCoP version 2) provides operators with a framework for determining whether or not

excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the 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.

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

The Environment Agency recommends that developers should refer to:

- The Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - The Environmental regulations page on GOV.UK
- Waste (Informative 4) – 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.

- Storage of oils, fuels or chemicals (Informative 5) – Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

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

Flood Risk

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

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

- *Flood warning and emergency response - advice to LPA (Informative 7)* – We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

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

- *Flood mitigation - advice to applicant/LPA (Informative 8)* – Although we have no objections to the proposed development, the developer may wish to include measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.
- *Signing up for Flood Warnings (Informative 9)* – The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

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

- Flood Risk Activity Permit – Fluvial (Informative 10) – Please be aware that a designated ‘main river’ is under the jurisdiction of the Environment Agency for its land drainage functions. Under the Environmental Permitting (England and Wales) Regulations 2016 any works in, over, under or within eight metres of the top of bank or river wall, where one exists, may require a permit from ourselves. Please be aware that we will not usually approve works which obstruct access to the watercourse.

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

Internal Consultees

GBC Environmental Protection (Regulatory Services) – The various technical reports (air quality, contaminated land and noise) have been reviewed. The methodology and findings of these reports are accepted, and the following comments are made:

- *Air Quality* – There are a few errors in the report (probably due to overtyping a previous report for another council area). The report looks at the impact of the change in traffic as a result of the proposal an impact on nearby residential and also the Gravesham A226 AQMA. Based on the findings of the transport assessment, the change in traffic flows (LDV and HGV) will not result in any significant impact in terms of air quality to nearby residents or the AQMA.

Some ground works are required to level and fill the site which will involve movement of soil/materials onsite. There will also be relaying of hard surfaces. The impact of dust because of this has been considered and rated as medium in terms of impact. In this respect, it is recommended in the report that a Dust Management Plan is therefore required in order to mitigate any impacts. This should be in accordance with measures in the IAQM Guidance “Guidance on the assessment of dust from demolition and construction” Version 2.2 January 2024. This can form part of a detailed Construction Environmental Management Plan.

- *Contaminated Land* – There is a risk of contamination on site due to the former use as a gasholder and various land raising on site (heavy metals, asbestos, PAHs and BTEX). In the context of open storage use, the site is classed as moderate risk. The placement of hardstanding on site will reduce this risk to human health.

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

A detailed controlled waste risk assessment hasn’t been undertaken therefore this is recommended. It is advised that advice is sought from the Environment Agency on this as this area falls within their area of expertise.

- *Noise* – Operational noise and also noise from vehicle repair and servicing has been looked at. Appropriate background noise levels have been undertaken. The report advises that the predicted noise levels from the site is similar to the daytime background noise levels. In terms of impact on the nearby housing, the site is not result in a significantly impact during the day.

I cannot see that any operating hours have been proposed and the report does not investigate the impact of any night-time activity. Other premises in the area do not operate 24 hours as far as I’m aware. As background noise levels do fall considerably (from 46 dB to 36dB), activity outside of ‘normal’ hours could well have an adverse impact on the residential premises. In this respect it is recommended that a condition restricting hours of use is placed on any permission.

To address the above and other matters, the following is recommended:

- *Contaminated Land* – No development approved by this permission shall be commenced prior to a

contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

a) A Phase II site investigation, based on the findings of the 'Ground Condition Desk Top Study' by GCC dated March 2024 (Report Ref: J24-012-R0), including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

d) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

e) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

- *Hours of use/operation* – Hours of use of the site and access to/from the site are restricted to:
 - 07:00 to 18:00 Monday to Friday
 - 08:00 to 13:00 Saturday
 - No use on Sundays or Bank Holidays
- *Construction Environmental Management Plan (CEMP)* – Prior to the commencement of the development a CEMP shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved CEMP. Reference should be made to guidance including the BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of dust from construction sites (BRE DTi Feb 2003) and Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction Version 2.2 January 2024.

The CEMP shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s) within a Dust Management Plan
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)

- Design and provision of site hoardings
 - Management of traffic visiting the site(s) including temporary parking or holding areas
 - Provision of off road parking for all site operatives
 - Measures to prevent the transfer of mud and extraneous material onto the public highway
 - Measures to manage the production of waste and to maximise the re-use of materials
 - Measures to minimise the potential for pollution of groundwater and surface water
 - The location and design of site office(s) and storage compounds
 - The location of temporary vehicle access points to the site(s) during the construction works
 - The arrangements for public consultation and liaison during the construction works
- *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 proposal site in order to assist in preventing a nuisance from occurring.
 - *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.

GBC Commercial Health (Regulatory Services) – No comments or objections.

Local Ward Councillors – No comment received.

Neighbouring properties

A notice was displayed on site 18 April 2024.

In addition, nineteen surrounding properties were consulted and no representations were received.

The consultation period expired 10 May 2024.

Officer's Analysis

Site Description

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

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

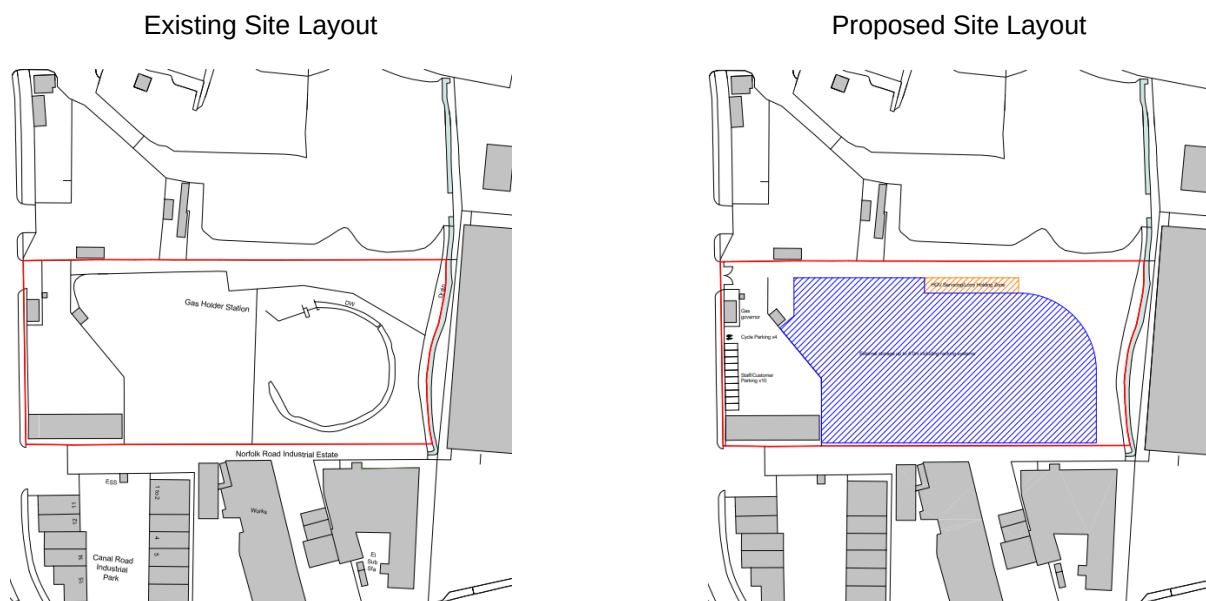


The site is within Flood Zone 3a.

Proposed Development

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

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



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

The agent has confirmed, by email (dated 24/05/2024), that the site would not have any employees working full-time at the storage facility. There would be security on an ad-hoc basis, but would predominantly be operated remotely.

Principle of Development

The application site lies within the Gravesend Riverside East and North East Gravesend Opportunity Area.

This area is allocated in the adopted Local Plan Core Strategy (LPCS) (2014) to be subject of riverside regeneration to comprise a mix of new housing, jobs and supporting development.

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

Although the proposed development does not deliver housing and would not create jobs, based on no full time employment, the LPCS states that Class B8 uses for warehouse and distribution falls under employment land. Nevertheless, the adjacent land to the north has been granted a hybrid planning permission (ref. 20210270) for a development comprising of 1,500 new homes, elderly accommodation, 4,500m² of commercial space and associated infrastructure.

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

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Section 12 of the National Planning Policy Framework (NPPF) (2023) sets out that the creation of high-quality places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The proposed development would be industrial in nature and appearance, which fits with the prevailing characteristics of the Norfolk Road Industrial Estate to the east. The 4m racking and external storage would be acceptable against the backdrop of warehouses and coach storage adjacent to the site. Therefore, the proposed development would not be out of character with the industrial appearance of the area in line with Policy CS19 (LPCS) and Section 12 of the NPPF (2023), and in accordance with Policy CS04 would improve the operation and quality of the site.

Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 12 of the NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

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

Gravesham's Environmental Protection have reviewed the noise impact assessment, and consider the findings to be appropriate, but highlight that no information has been provided regarding the operational hours of the proposed B8 storage. The officer raised that the background noise levels fall considerably (46dB – 36dB) outside of normal hours and have recommended that conditions are utilised to control the hours of operation. As such, it is advised that in the event of permission being forthcoming that a condition restricting the hours of operation is attached, to ensure that amenity of neighbouring properties is safeguarded.

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

Overall, subject to conditions, the proposed development is considered to be in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023), and will safeguard the amenity of surrounding residents.

Parking and Highways

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

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

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

Any Other Material Planning Considerations

Contaminated Land and Groundwater Protection

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

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

The wording of the contaminated land condition proposed by Gravesham Environmental Protection and the Environment Agency differ. As such, both parties were consulted and it was agreed by the EA via email that GBCs condition was acceptable and they were happy to proceed on that basis.

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

Note – the recommended contaminated land condition from the Environment Agency and GBC

Environmental Protection Team differed. The LPA consulted both parties on the wording of the condition and the Environment Agency agreed to proceed with GBCs condition.

Flood Risk

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

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

Air Quality

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

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

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

Conclusion

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

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

Therefore, subject to conditions, it is recommended that temporary planning permission is granted for a period of three years.

Recommendation

Temporary Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	25 th July 2024	Dated:	01 August 2024