

Delegated Report

Planning Application

Planning Application No: 20231247

Location: Jackson Family Holdings Ltd, Unit K6, Northfleet Industrial Estate,
Lower Road, Northfleet DA11 9BL

Description: Change of use of building to a mixed warehouse and office use
together with erection of first and second floor extension and
construction of a multi level car park, together with associated
earthworks and drainage.

Applicant: Mr Philip Rudd

Submitted Documents/Plans

Application form
Covering Letter
Planning Statement
Updated Transport Assessment
N03: Junction Modelling Note
Summary Townscape and Visual Appraisal
Ecological Impact Assessment
Phase I Geo Environmental Desk Study and Preliminary Risk Assessment and Appendix A
Appendix B
Economic Benefits
Flood Risk Assessment
Design and Access Statement
Photographs
Drawing no. 2521.WD.07G (proposed side and front elevations)
Drawing no. 2521.WD.10F (proposed site plan)
Drawing no. 2521.WD.14B (south and west elevations)
Drawing no. 2521.WD.15B (multi storey car park floor plans)
Drawing no. 2521.WD.16 (existing and proposed sections)
Drawing no. 2521.WD.21 (existing elevations)
Drawing no. 2521.WD.01 (site and location plans)
Drawing no. 2521.WD.02 (existing topographical site plan)
Drawing no. 2521.WD.03 (existing floor plans)
Drawing no. 2521.WD.04E (proposed first floor plan)
Drawing no. 2521.WD.05C (proposed ground floor plan)
Drawing no. 2521.WD.06E (proposed second floor plan)
Drawing no. 2521.WD.08B (proposed rear southwest and side northwest elevations)
Drawing no. 2521.WD.09E (multi storey car park split level floor plans)
Drawing no. 2521.WD.17 (3D visual proposed frontage)
Drawing no. 2521.WD.18 (3D visual contextual ariel view)
Drawing no. 2521.WD.19 (3D visual rear southwest view)
Drawing no. 2521.WD.20 (3D visual rear northeast view)

Relevant Planning History

20220681	Change of use of building to a mixed warehouse and office use together with erection of first and second floor extension and construction of a multi level car park, together with associated earthworks and drainage.	Refused, appeal dismissed	27.09.2022
19900415	Erection of single storey extension on both end elevations of existing building for office use.	Permitted	17.07.1990
19760367	Provision of offices and mess room and installation of mezzanine floor for light storage	Permitted	10.06.1976

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS03 - Northfleet Embankment and Swanscombe Peninsula East Opportunity Area
- CS07 - Economy, Employment and Skills
- CS10 - Physical and Social Infrastructure
- CS11 – Transport
- CS12 - Green Infrastructure
- CS18 – Climate Change
- CS19 - Design & Development Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the 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 8 – Promoting healthy and safe communities

- Section 9 – Promoting sustainable development
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);

Consultations, Publicity and Representations

Consultees

Environment Agency

Having reviewed the below documents, we have the following comments to make:

- Phase I Geo-environmental Desk Study and Preliminary Risk Assessment provided by R.CARR Geotechnical Services (Ref: 3962/22, dated March 2022)
- Flood Risk Assessment and Surface Water Management Strategy provided by Herrington Consulting Limited (Ref:3434, dated May 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 180 of the National Planning Policy Framework (NPPF) and Policy CS18: of the Gravesham Local Plan Core Strategy.

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 180 of the National Planning

Policy Framework and Policy CS18: of the Gravesham Local Plan Core Strategy.

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 180 of the National Planning Policy Framework and Policy CS18: of the Gravesham Local Plan Core Strategy.

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 180 of the National Planning Policy Framework and Policy CS18: of the Gravesham Local Plan Core Strategy.

Condition: Surface water drainage

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 (EA). 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 and Policy CS18: of the Gravesham Local Plan Core Strategy.

Condition: Piling

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 and Policy CS18: of the Gravesham Local Plan Core Strategy.

Informative

Drainage

We have reviewed the Flood Risk Assessment and Surface Water Management Strategy provided by

Herrington Consulting Limited (Ref:3434, dated May 2022) and understand that discharge to ground via infiltration is considered not viable for this development (Page 28, Section 8.4 and Page 29, Table 8.3). As such discharge is recommended via a geocellular storage crate, which will discharge to foul sewer only and not to ground. This is acceptable in principle, however, should these plans change we would wish to be consulted further.

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.

Developers should check the .Gov website for Binding Rules information for small scale discharges: <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

Submissions to the LPA should include all relevant information on foul drainage proposals: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Treated discharges to ground may require an Environmental Permit: <https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-b6-new-bespoke-water-discharge-activity-and-groundwater-point-source-activity>

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 on-site

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 EA 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 EA 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

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 EA 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.

Advice to LPA

Tidal Breach Flood Depth

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.

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 5.27mAOD. The ground floor FFLs are set at 3.42mAOD at their lowest to a maximum of 3.83mAOD which means that there could be a flood depth between 1.85 – 1.44m. The FRA submitted with the application has suggested that the first floor could provide safe refuge for the occupants on the ground floor during this event.

The Local Planning Authority should be satisfied that this is an adequate measure if they wish to approve this planning application. We advise liaising with the Council's emergency planners to make this decision.

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

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 Highways (most recent received 29 February 2024)

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

I refer to my previous response dated 8th February in which I raised no objection to this application subject to certain Conditions being applied.

Further Transport Assessments have now been submitted dated 19th February 2024 and 26th February 2024 although it is difficult to assess any variation between the two documents.

Notwithstanding this and through further "snapshot" surveys, updated Parking Surveys and Traffic Surveys have been provided which demonstrate that the level of parking stress on the local roads and the level of traffic flows at the nearby junction of Galley Hill Road and Lower Road have not significantly changed since the original 2022 surveys.

I therefore continue to raise no objection to this application on highway grounds provided the following Conditions are applied to any consent granted:

1 The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Such a Travel Plan shall include the distribution of free bus passes (including the FastTrack service) for a minimum of 12 months from first occupation.

2 Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

3 Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

4 Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Previous response received 8 February 2024:

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

I refer to my previous response on 3rd January 2024 and note that an updated Transport Assessment dated 22nd January 2024 has been submitted. This latest TA includes a "snapshot" parking survey carried out recently that demonstrates that the parking stress levels have not changed significantly since the previous survey carried out in September 2021.

In respect of parking demand generated by the proposed development, it is demonstrated that whilst the 66 parking spaces proposed should be adequate, that there are sufficient on-street parking spaces on the local roads within a 500m radius to accommodate any excess overspill. A key component to keeping parking demand from the development is kept to a minimum is a robust Travel Plan to encourage employees to use means of travel other than the private car. The location of this proposal means that it is well served by public transport with the Fastrack bus service running nearby and a number of rail stations within a reasonable walking distance, and the proposal for a mini-bus service to take employees to those stations would be an additional benefit and is welcomed. Whilst an outline travel plan has been provided with the submitted Transport Assessment, I would recommend a Condition is applied to any consent granted for a full Travel Plan which is to be submitted and approved prior to the first occupation of the new premises. I would also recommend that this TP includes the distribution of free bus travel passes (including Fastrack) to employees for at least the first year of operation to encourage the use of public transport.

I therefore raise no objection to this application on highway grounds provided the following Conditions are applied to any consent granted:

1 The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Such a Travel Plan shall include the distribution of free bus passes (including the FastTrack service) for a minimum of 12 months from first occupation.

2 Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

3 Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

4 Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the

use of the site commencing.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Response from 3 January 2014:

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Whilst there is a Transport Assessment submitted in support of this application, it is dated 4th May 2022 and therefore considered to be out of date, plus none of the listed Appendices are attached to the document or submitted as separate documents as far as I can ascertain.

I am therefore not in a position to make any highway based assessment of this application until the TA is updated and the Appendices submitted.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will

be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

KCC Biodiversity Officer

SUMMARY – SUFFICIENT INFORMATION PROVIDED

We have reviewed the additional information submitted by the applicant and advise that sufficient ecological information has been provided.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise the conditions below are included.

The submitted Ecological Impact Assessment includes recommendations for measures to avoid indirect impacts to the 12m high oak tree (of low roosting bat suitability) at the site, the Swanscombe Peninsula Site of Special Scientific Interest (SSSI) within 200m of the site, and nesting birds.

Lighting proposals should avoid direct lighting of the retained oak tree at the site and consider the Institute of Lighting Professionals Guidance Note 8: Bats and Artificial Lighting at Night during the lighting design. This can be secured by condition.

Construction Ecological Management Plan

We suggest that the below wording is included as a condition for a Construction Ecological Management Plan (CEMP – biodiversity) if planning permission is granted. This will mitigate for impacts to biodiversity and help ensure compliance with relevant legislation.

We advise that the below suggested wording does not cover all aspects usually covered within a Construction Environmental Management Plan (CEMP) (such as pollution control, noise, lighting etc. during construction). Therefore, this wording should either form part of any larger CEMP / Construction Management Plan (CMP) condition required or should form a separate stand-alone condition for a

Biodiversity Method Statement.

Suggested Condition Wording:

Prior to commencement of works (including site clearance), a construction ecological management plan (CEMP - biodiversity) will be submitted to and approved in writing by the local planning authority. The CEMP - biodiversity will ensure sufficient measures are in place to avoid negative effects on the Swanscombe Peninsula SSSI, breeding birds, retained trees and any associated bat roosting features, River Thames and any other relevant ecological receptors (as determined by a suitably qualified ecologist). The measures within the CEMP – biodiversity will incorporate those recommended within Appendix 4 of the Native Ecology Ecological Impact Assessment for the site, dated 14th December 2023.

The approved CEMP - biodiversity will be adhered to and implemented throughout the construction period in accordance with the approved details.

Ecological Enhancements

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. If planning permission is granted, we advise the following condition is attached:

Suggested Condition Wording:

Within three months of works commencement, a detailed plan(s) showing how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include durable bird boxes aimed at species of conservation concern and a bat-friendly lighting design. The approved measures will be implemented and retained thereafter.

GBC Environmental Protection

Whilst we have no objection to this application we have concerns regarding the potential impacts of contaminated land, noise, and vibration on the proposed development and the surrounding area. As such this Service has compiled a list of comments below which we would wish to see conditioned within the Decision Notice should the application be approved.

Contaminated Land

The applicants have submitted a Phase 1 Geo Environmental Desk Study with a Preliminary Risk Assessment, dated March 2022, Ref: 3962/22, by R. Carr Geotechnical Services. Additional to this, a Site-check Assess report has also been submitted.

The Sitecheck Assessment identified plausible contaminated land linkages at the site.

The submitted Phase 1 Desk Study provides an adequate risk assessment/information providing:

- previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potential risks arising from contamination at the site

The Phase 1 Desk Study suggests that the contamination concentrations within the site boundary are generally low and not considered to pose significant risk or significant harm to human health.

This service is generally satisfied with the information submitted however would expect all mitigations measures/recommendations set out in section 10.6 of the Phase 1 Desk Study to be carried out in full. Details of completed works must be submitted to the LPA by means of a Verification/Closure Report prior to occupation/business.

Details of any sampling and analysis showing site asbestos levels are within the required criteria shall be

included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site along with any other identified measures set out in Section 10.6 of the Desk Study.

This service would therefore ask for the Verification/Closure report to be conditioned within the Decision Notice of the application.

With the addition of the above, due to location and context of the development, our service will also require a noise and vibration impact assessment to be carried out. This is to ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of noise and vibration on the local environment

Should the applicant be successful with their appeal, this Service would ask for the following conditions to be applied:

Vibration

Noise and Vibration as a result of piling during the development phase needs to be assessed, however no comments in regards to assessing the impact on residents from vibration nuisance have been provided.

We therefore require that before any ground works commence a vibration impact assessment is carried out with reference to BS 6472:2008, and submitted to and approved, in writing, by the Local Planning Authority. For the avoidance of doubt the vibration impact assessment shall set out how the detailed design and construction of the development will ensure compliance with the following requirements;

- The internal vibration dose values for residential buildings shall not exceed 0.4ms-1.75 1 during the day or 0.2ms -1.75 1 during the night as referenced in Table 1 of BS 6472:2008

Noise

The impact of noise from operational activities or any building services associated with the Proposed Development and associated piling, requires assessment in accordance with British Standard 4142:2014: 'Method for rating and assessing industrial and commercial sound', either assessing the impact of, or proposing limits for, such equipment.

The report will also demonstrate potential impact on the nearest Noise Sensitive Receptors. Any works identified as required to ensure the rating noise is at least 5dB below the LA90 background noise shall be carried out where possible, prior to commencement of the works. The report is to be submitted to and approved, in writing, by the Local Planning Authority.

Air Quality

As the site is within the Northfleet Industrial Area Air Quality Management Area declared for particulate matter (PM10) a condition is sought to require that dust and fine particles from the construction phase of the development do not detrimentally impact the locality. Therefore the applicant must ensure:

- a) The submission to the LPA for approval of an Air Quality Impact Assessment covering the potential predicated impact (PM2.5 and PM10) of the demolition/construction phase including the associated recommended mitigation measures to be implemented to prevent this impact for approval prior to work commencing on site AND
- b) the recommended mitigation measures must be implemented to prevent there being any detrimental impact, however small, on local air quality
OR ALTERNATIELY the applicant may wish to
- c) submit a comprehensive set of mitigation measures to prevent the emission to air of particulates (PM2.5 and PM10) to the LPA for approval as part of a dust management plan for the development AND
- d) the recommended mitigation measures must be implemented to prevent there being any detrimental impact, however small, on local air quality.

Electric Vehicle Charging Point(s)

This Service would wish to see the inclusion of suitable electric vehicle charging facilities at the proposed dwellings in support of the Council's commitment to become carbon neutral by 2030.

Code of Practice on Construction and Demolition

Please apply

Smoke Control Informative:

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed.

When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk.

Highway Development Management Officer

28 February 2024:

I stand by my comments of the 21st February, I do not see any changes that warrant a revision. My main concern is the use of the Lambeth Method for a car parking survey, I'm not aware of any formal validation and its acceptance by anyone just compounds the issue. If a survey method is to be used, then it needs to be validated. Kent County Council's standard parking space for parallel parking is 6 metres not the 5 metres used in the Lambeth Method. The longer bay accommodates a variety of vehicle sizes and in an industrial area this could include on street parking of vans and even lorries of differing sizes. A scan of the Google Street View images also shows some partial or in some cases total pavement parking which is a deterrent to pedestrians.





This is not suggesting the application should be refused, just the parking survey in its current form is not satisfactory and should either be ignored or repeated. I think in this case ignoring it would be sufficient providing the applicant commits to not initially having more than 50%/60 people whichever is the greater of the workforce on site at any one time. This gives scope for varying the condition later as more evidence becomes available on the use of their car park.

21 February 2024:

This application requires careful consideration, and it is noted that the applicant's agent has suggested a revised document will be available shortly, however I'm also aware that I shall be retiring in the near future and may not have the opportunity to comment on any revised document. (email from Hannah Rushbridge of Invicta Planning dated 20th February 2024

*"Hi Alison,
Apologies - we need to make a final amendment to the TA so a new revision is expected within the next week or so. Is it possible to tell KCC to hold off on commenting?
Apologies for the inconvenience
Thanks,
Hannah"*

First I would like to comment on the car parking survey methodology, this is based on the Lambeth Method and whilst used in London, I'm not aware of any formal validation that justifies the approach, just because it is in use, does not mean it is the appropriate mechanism unless there is some validation to accompany the process and what may be acceptable in Greater London may not be appropriate elsewhere. The Lambeth method assumes a 5 metre parallel parking space, whilst the vehicle parking standards adopted by this Council and prepared by Kent County Council, states that such bays should be 6 metres long. The adoption of the longer parking bay will increase the parking stress, but not necessarily so to be fatal to the application. In any event the calculations for the car provided suggest that adequate car parking will be made available for the vast majority of the time and with careful control of staff numbers on site and how they travel this could be all the time.

The provision of cycle parking is to be welcomed and providing changing, washing, storage and drying facilities are provided will be acceptable.

The proposed traffic generation can be accommodated by the existing highway network, although initially this may be distorted by the fact that the applicant is relocating from an existing unit in Charlton South East London with an established workforce and the fact that the A226 is closed to the west for an indeterminate period pending repairs following the collapse of the chalk spine that supports the carriageway.

I have no objections

As submitted I believe the application should be invalidated as none of the appendices are included in the Transport Statement.

Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to 33 neighbouring properties. No letters of representation have been received. The overall consultation period expired on 11 March 2024.

Officer's Analysis

Proposal

This application seeks planning permission for the change of use of building to a mixed warehouse and office use together with erection of first and second floor extension and construction of a multi level car park, together with associated earthworks and drainage.

The additional storeys will be located on top of the existing unit and will be approx. 14m high with a faux-pitched roof. Front elevation:



Rear elevation:



To the rear will be a multistorey car park with covered walkway leading from the main building to the carpark. The carpark will be approx. 9m high and will contain three storeys.

Internally, on the ground floor will be a large storage area, toilets lift, stairs, staff and manager room, reception office, customer seating area and customer toilets together with a comms room/archive office on the mezzanine. On the first floor will be no. 15 offices, no. 3 meeting rooms, toilets, lift and stairs and large office area. On the second floor there will be a large office area, staff recreation area including a roof garden, toilets, stairs, a lift, no. 13 offices, meeting room and board room.

The proposals would allow for further expansion of the business that has outgrown its site in Charlton. The business currently employs 80 people and the proposal would allow expansion to 120 people. As well as providing additional jobs in the business it would also provide jobs during construction.

Background

Planning application reference 20220681 sought permission for the change of use of building to a mixed warehouse and office use together with erection of first and second floor extension and construction of a multi level car park, together with associated earthworks and drainage. This was refused for the following reason:

The introduction of two additional floors together with a multi-storey car park, will result in an incongruous form of development out of character with this terrace of units. Due to its height and appearance, it will bear no relationship with the other units and will appear dominant in the street scene and from long ranging views. The proposal therefore conflicts with the objectives of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.

The applicant appealed the decision and it was dismissed. However the inspector did not raise any concerns with regards to the visual impact of the development on the surrounding area. He did however raise concerns about the lack of ecological information submitted with the application. Past surveys at the nearby SSSI have recorded bats and therefore the trees on site have potential to support roosting bats. In the absence of an assessment it was not possible to ascertain there were no roosting bats. An assessment was required prior to a decision being made as per circular 06/2005 and therefore the appeal was dismissed.

The Site

The application site is located within an existing industrial area within the urban area of Northfleet and forms one unit in a terrace. It has a B8 Use Class with ancillary office accommodation. Vehicle unloading is to the front and through the roller shutters. There is also rear access and open land used for car parking. The building and surrounding area is mostly industrial in appearance.

Principle

Policy CS02 seeks to retain and improve suitable employment land and to make provisions for at least 186,490sqm gross employment floor space during the plan period. Such development will be distributed throughout the Borough within opportunity areas. Development is prioritised in these areas.

The application site is within the Swanscombe Peninsular East Riverside Industrial Area which is a subsection of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area and therefore Policy CS03 of the Gravesham Local Plan Core Strategy 2014 applies. The Policy states that the area will be retained in employment use and the Council will support proposals which expand and support the operation.

Policy CS07 seeks to deliver new employment floor space on Key Sites as identified in policy CS03 and supports schemes incorporating small and flexible industrial and/or office workspaces. Development related to employment within this area is therefore acceptable in principle subject to meeting all the other Policies in the adopted Local Plan.

Character and Appearance

The existing unit is located within a row of single storey units that are similar in appearance. A row of similar units is also located to the north of the site. The buildings are a mixture of brick and corrugated material with shallow pitched roofs. None have extended upwards.

Policy CS19 requires new development to be visually attractive, fit for purpose and locally distinctive and should integrate well with the surrounding area. It was considered in the previous application that the introduction of an additional floor or, in this case, two additional floors, will result in an incongruous form of development out of character with this terrace of units. However the Inspector stated:

15. I accept that the proposal would extend above the height of the neighbouring industrial buildings, increasing its visibility. However, visibility in itself is not an indicator of harm, and the increased height of the building would appear as a part of the surrounding, varied wider industrial townscape. When viewed from the front, the proposal's additional height would create a focal point within the terrace, and would have the visual effect of separating the existing terrace into separate parts. The proposal would create a new entrance, introduce contemporary steel panels on the façade, with a central bay of windows which would visually tie the additional storeys together. The proposed external materials and fenestration, whilst of contemporary design, would be consistent with, and would therefore reinforce, the industrial character and appearance of the wider area.

and

19. Overall, I find that the proposal's height and mass would sit comfortably on this site and that the proposed additional floors would not harm the contribution the building makes to views of the site from Galley Hill Road or the nearby railway line.

The proposed plans show the same building as was originally submitted and appealed. Given that the Inspector raised no objection to the design of the building, it would be unreasonable to refuse the application on this basis. To ensure the development is built in accordance with the plans a condition is recommended that full details of materials are submitted prior to above ground works starting.

The proposed extensions to the building and car park will have no detrimental impact on the character and appearance of this industrial area and therefore accord with policy CS19 of the CS and para. 135 of the National Planning Policy Framework 2023.

Neighbouring Amenity

There would be no impact on neighbouring amenity in terms of loss of outlook, sunlight or daylight due to the industrial nature of the development. The nearest neighbour (measured from the two storey element of the proposed development to the nearest corner of the curtilage) is approx. 75m away. In order to protect privacy there should be 26m between habitable room windows and private amenity space. In this instance there are no habitable rooms being created and therefore there will be no loss of privacy. Nevertheless, 75m between the application site and the nearest dwelling is considerably over the 26m.

The proposed development therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023 with regards to neighbouring amenity.

Noise and Vibration

One objection was received during the consultation period of the original application raising concerns regarding piling, noise and vibration. Ideally, information regarding noise and vibration due to the building works on top of an existing unit and a new multistorey car park would be required upfront and the applicant would be aware of this as it was brought up during the course of the previous application. Nevertheless, this could be dealt with by condition and therefore a condition is recommended that a vibration impact assessment is carried out before any ground works commence.

Air Quality

The site is located within the Northfleet Industrial Area Air Quality Management Area declared for particulate matter (PM10) and therefore a condition is sought to require that dust and fine particles from the construction phase of the development do not detrimentally impact the locality. A condition is therefore recommended that an Air Quality Impact Assessment is submitted prior to works commencing on site.

Mitigation measures for construction dust and exhaust emissions from the construction plant would be expected to be implemented as part of the code of construction and can be included in a condition for the code of construction.

Contamination

The submitted reports have identified plausible contaminated land linkages at the site. The proposed mitigation measures would need to be carried out in full and a condition is required to ensure a verification/closure report is submitted prior to the occupation of the business in the event of an approval.

Ecology and Biodiversity

The Inspector in his comments for the appeal of application 20220681 recognised that there is a woodland approx. 225m south of the site and parts of the Swanscombe Peninsula Site of Special Scientific Interest (SSSI) close to the site. There are also records of bats, including roosting bats within 900m of the site. As a result, the trees on the site have the potential to support roosting bats. He goes on to say:

Paragraph 99 of Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

An assessment of the bat roosting suitability of on-site trees was not included. The circular states that these surveys should be carried out before planning permission is granted. The Inspector concluded that in the absence of sufficient evidence to the contrary, the proposal would potentially cause unacceptable harm to protected species.

Sufficient ecological information has been provided with this current application. The submitted Ecological

Impact Assessment includes recommendations for measures to avoid indirect impact to the 12m high oak tree at the site, the SSSI within 200m of the site and nesting birds.

Lighting needs to be carefully considered and avoid direct lighting of the retained oak tree at the site; this can be controlled by condition. A condition is also recommended that a construction ecological management plan is submitted prior to the commencement of works. In order to enhance biodiversity on the site a condition is recommended that a detailed plan is submitted to show how the development will enhance biodiversity.

Subject to these suggested conditions the proposed development is considered to meet the objectives of policy CS12 of the Gravesham Core Strategy 2014 and para. 180 of the National Planning Policy Framework 2023.

Flood Risk

Policy CS18 states that development will be directed sequentially to those areas at least risk of flooding with the exception of previously developed sites along the Thames Riverside. The site is located within flood zone 3 that benefits from flood defences and no concerns are raised by the proposal in this regard.

Parking and Highways

The site is well located in relation to public transport and the updated parking surveys and traffic surveys that have been provided demonstrate that the level of parking stress on the local roads and the level of traffic flows at the nearby junction of Galley Hill Road and Lower Rad have not significantly changed since the original 2022 surveys.

Concerns have been raised with regards to the Lambeth Method for a car parking survey however overall this does not result in a recommendation for refusal particularly as the applicant commits to not initially having more than 50/60 people whichever is the greater of the workforce on site at any one time.

Subject to the imposition of conditions relating to the submission of a Travel Plan, a Construction Management Plan, details of secure, covered parking facilities and the provision and permanent retention of the vehicle parking spaces proposal accords with policy T1 of the Gravesham Local Plan 1994 and CS11 of the Gravesham Core Strategy 2014.

Conclusion

Subject to relevant conditions, the proposed extension to the industrial unit and erection of multistorey carpark will result in no significant detrimental impact to the surrounding character of the area, amenities, biodiversity, parking and highway safety and therefore accords with the abovementioned policies and is recommended for approval.

Recommendation:

Approval

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	13.03.2024	Dated:	20 March 2024

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