

Delegated Report

Planning Application

Planning Application No: 20240454

Location: Unit 23, Apex Business Park, Queens Farm Road, Shorne, Kent

Description: Erection of temporary structure for workshop/office to include installation of foundation slab.

Applicant: Mrs Louise Hall, Hireheat Ltd

Site Visit Date: 1 October 2024

Submitted Documents/Plans

Application form
Design and Access Statement
Covering letter
Site location plan
Photographic schedule
Block Plan
Drawing no. 8089-SW-005 (ground floor office plan)
Drawing no. 8089-SW-006 (first floor office plan)
Drawing no. 8089-SW-001 (site plan)
Drawing no. 8089-SW-007 (proposed plans and elevations)

Relevant Planning History

None relevant

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1, T3 and T4 – Impact of Development on 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 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- Design for Gravesham: Design Code (2024);
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Environment Agency

Environment Agency Position

Thank you for consulting us on the above planning application. We have screened the application and have no objection in relation to groundwater and contaminated land. However, we have the following comments to make.

The Environment Agency's Approach to Groundwater Protection

We recommend the applicant reviews our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps
- Cemetery developments
- Drainage

Land contamination: risk management and good practice

We recommend that the applicant should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Drainage and infiltration

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.

Discharge of treated sewage effluent

If you are proposing a non-mains drainage solution the following form should be completed and submitted with any application:

<https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

The discharge of domestic sewage may be subject to General Binding Rules (GBRs) under the Environmental Permitting (England & Wales) Regulations 2016, which provide a statutory baseline of good practice. You can find more information online at <https://www.gov.uk/permits-you-need-for-septic-tanks/permits> or contact us on 03708 506506. If your proposal cannot meet the GBRs then a permit will likely be required.

Piling

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. It should therefore be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a Piling Risk Assessment should be undertaken to confirm the proposed design does not pose risks to the groundwater. This should be in accordance with our 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 CL:AIRE 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 is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused 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
- 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.

We recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Waste to be taken off-site

Waste soil that must be disposed of site is subject to waste management legislation.

You must ensure that handling, transport, treatment and disposal of the waste is in line with the legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all wastes are adequately assessed and characterised in line with ‘Technical Guidance WM3-Guidance on the classification and assessment of waste’ 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.

Waste assessment and classification

It is the producer's legal responsibility to correctly classify a waste prior to it being moved off site. The procedure of which is described in the WM3 Guidance on the classification and assessment of waste: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719394/Waste-classification-technical-guidance-WM3.pdf

Under Section 34 of the Environmental Protection Act 1990 (the Waste Duty of Care), you are required to ensure the description of the waste you produce is accurate and contains all the information you are in a position to provide. This includes chemical analysis.

Network Rail

Thank you for consulting Network Rail on the above planning application, please see our formal comments below.

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>).

Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

Dickens' Country Protection Society

The Society is concerned that it is proposed to site a tall building close to the southern boundary of the site and the visual impact this would create. The proposed use needs clarifying since access to the site is along narrow rural road, unsuitable for heavy goods vehicles.

Shorne Parish Council

The Parish Council has to OBJECT to this proposal which infringes the planning conditions for the Apex site.

The relevant planning references that we are aware of are 19970570 (site plans 1, 2 and 8) and 20000319 (especially Condition H).

The eastern, higher level extension area of the Apex site is restricted by Condition to usage being open storage in association with other units on the western, original site and has a maximum height restriction of 3 metres.

The site is in the Green Belt and close to important Designated landscape areas.

The proposal is for a 30m by 15m by 6m (dimension on plan unclear) tall "temporary" building in the presently numbered Unit 23 (originally Unit 20).

Aside from the overall existing Conditions as above, concerns are as follows:

- A building of this height on the raised ground area would have significant landscape impact.
- Any exterior lighting would exacerbate this aspect, any such lighting should be shielded and carefully directed downwards so as to only illuminate within the boundaries of the unit.
- Usage of the building and site could also lead to noise pollution in the wider area.
- “Temporary” buildings can become permanent – with a concrete slab and full services there is concern that could come to pass.
- The application would lead to expansion of built forms and the industrial activities area of the site, which is in a non-sustainable location.
- The various site plans show other shapes/structures outlined.
- Proposed usage should be clarified, whether only for storage or intended as a manufacturing facility, as the cross-referenced Appeal documents state that “The Tenant stores significant plant and machinery including mechanical sheet metal folding machines and cutting machines, welding equipment and large boiler plant at the Property. This is all large machinery and will need to be moved via a third party heavy lifting specialist.”
- Increased traffic movements within the site and on the inherently unsuitable Queens Farm Road are also a concern due to potential traffic volume and safety issues including from conflicts with other users.
- Working hours and vehicle movement routes should be restricted by Condition.

We note that enforcement action has previously been taken regarding eastern units which have infringed the height restriction conditions.

KCC Heritage

The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

KCC Highways

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 the above planning application and in order that I may fully assess the highway implications I shall require further information in respect of:-

- ☐ Number, type and frequency of vehicle movements to and from the site.

Without this information I cannot assess the highway impact and I would recommend refusal of this application due to lack of information submitted.

KCC Flood and Water Management

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development.

According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) The provision of dwelling houses where:

- i. The number of dwelling houses to be provided is ten or more; or
- ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee. Notwithstanding the above, please feel free to contact us again if you consider there to be local flood risk issues on this site that may require further consideration.

GBC Environmental Protection

There is no objection to this application.

This location is quite remote and there is very little close by in terms of residential. The hours in the application for are deemed acceptable in this location.

A watching brief condition for contamination is recommended.

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to six neighbouring properties. No letters of representation have been received.

Officer's Analysis

Proposal

This application seeks planning permission for the erection of temporary structure for workshop/office to include installation of foundation slab. The building consists of stacked storage containers to the sides with a roof on top. The building is shown on the plans to be 20m wide to include the containers (15.3m wide without the containers), 24m deep and approx. 5.2m high to the eaves and 8m to the pitch. Two of the double stacked containers will be used as offices.

The description states that the building will be temporary however there is no mention of the length of time permission is sought. The covering letter states that a lease has been signed for 5 years until 31 January 2029.

Procedural note:

Upon visiting the site it became clear that the block plan is incorrect. The building work is under way and the building is not positioned to the northern boundary but it approx. 5-6.5m away. The applicants have been made aware but have not supplied an accurate plan. The building measures approx. 20.1m wide (15.4m wide without the containers), a depth of 24.9m and a height of approx. 6m. There are approx. 19 storage containers arranged around the site which are not included in this application. There is also a welfare unit and CCTV station that are not included on the plans. The application form states that the works

have not yet been started however, this is not the case. The photos below show the site on 1 October 2024:



(east and south elevation)



(west and south elevation)



(rear/north boundary)



(western elevation)



(storage containers around the site)

Principle

The application site is located within the Metropolitan Green Belt and the Higham Arable Farmland Landscape Character Area.

Use

The wider site has generally been in a storage and light industrial use. The two applications mentioned by Shorne Parish Council are both lawful development certificates granted for workshops, plant refurbishment, paint spraying and storage falling within the B2 Use Class. They states what is lawful and, as this is a planning application decided on its own merits, the lawful position is irrelevant. Nevertheless, this piece of land appears to have been used for storage until it was vacated.

Policy CS07 supports proposals that promote the appropriate expansion and diversification of the rural area economy and therefore the proposal accords with this policy.

Green Belt

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Para. 152 of the National Planning Policy Framework 2023 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para. 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Para 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Para. 155 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The closest exception the proposed development could fall within would be para. 154g which allows for the limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary building) which would not have a greater impact on the openness of the Green Belt than the existing development. **The proposal is located on a vacant site and therefore any built form will result in an impact on openness. The site is shown below and is vacant (2024):**



The image below shows the site in 2022:



The last time there was a structure on the site was in 2020:



Given that the site has been vacant for at least four years the previous structure shown above cannot be regarded as an existing building. The site is therefore vacant and any building erected on the land will result in an impact on the openness of the Green Belt.

The proposed building is of a substantial size and will erode the openness of the Green Belt and therefore does not fall within any of the exceptions above contrary to Policy CS02 of the Gravesham Core Strategy 2014 and Section 13 of the National Planning Policy Framework 2023.

Very Special Circumstances

No very special circumstances have been put forward and therefore none exist.

Landscape Character

The application site is located within the Higham Arable Farmland Landscape Character Area. The key characteristics include very gently undulating topography, open arable farmland, views out to the River Thames and the Thames and Medway Canal. The condition is considered poor and the sensitivity is moderate. The guidelines are to restore and create. The site is unusual in that it forms part of an industrial area that has evolved over the years but is not designated as a use in the Local Plan. The character of the site is clearly industrial and does not relate to the surrounding arable farmland. As this area is within complete contrast to the wider landscape, a building on this plot will be seen within the context of industrial site rather than the open countryside within which it is located. Therefore, on balance, the building is not likely to have a significant impact on the wider landscape character and no objection is raised in this regard.

Design, Character and Appearance

The proposed building is industrial in appearance with its storage container sides and corrugated metal roof. It is in keeping with other buildings in this industrial area and therefore no objection is raised to the design. In terms of scale the building is large but is not dissimilar to that at the RS Skips site. The appearance is utilitarian but so are others on neighbouring plots and is therefore not out of character. The blue colour of the storage containers does nothing to help blend the development into its surroundings however it is noted that, in the event of an approval, a condition can be applied to ensure these are painted green which would be more appropriate to this rural site. No objection is therefore raised to the design and the proposal, on balance, accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 135 of the National Planning Policy Framework 2023.

Amenity

Neighbouring Amenity

There are no residential properties within close proximity to the proposed development and therefore there will be no loss of outlook, privacy, sunlight or daylight from the proposal.

No details have been provided in relation to noise however there are no residential properties within close proximity. The use, against the backdrop of other businesses on the site, is not likely to give rise to unacceptable levels of noise. If permission is granted at appeal the operating times can be controlled by condition to match similar businesses on the industrial estate.

The proposal therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023.

Contamination

A watching brief is recommended during construction and can be controlled by condition in the event permission is granted.

Ecology and Biodiversity

No ecological information has been provided with the application however the site does not contain any biodiversity value as it has been laid to hard surface for over 30 years. No concerns are therefore raised.

Parking and Highways

No details have been provided with regards to the number, type and frequency of vehicle movements to and from the site. Without this information the highway impact cannot be assessed. The proposal is therefore contrary to policies T1, T3 and T4 of the Gravesham Local Plan 1994 and policy CS11 of the Gravesham Core Strategy 2014.

Conclusion

The proposed building will result in inappropriate development in the Green Belt that meets none of the exceptions listed in para. 159 of the National Planning Policy Framework 2023 and will detrimentally impact the openness of the Green Belt contrary to policy CS02 of the Gravesham Core Strategy 2014 and Section 13 of the National Planning Policy Framework 2023 where no very special circumstances exist.

No details relating to the number, type and frequency of vehicle movements to and from the site and been provided and therefore, without this information, the highway impact cannot be assessed. The proposal is therefore contrary to policies T1, T3 and T4 of the Gravesham Local Plan 1994 and Policy CS11 of the Gravesham Core Strategy 2014.

Recommendation:

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	12 November 2024	Dated:	13th November 2024