

Delegated Report

Full Planning Application

Planning Application No:	20230239
Location:	Grange Travel Limited, Canal Road, Gravesend Kent
Description:	The erection of a portal frame shed for servicing and maintaining coaches, including space for an office on a mezzanine floor and storage on the ground floor.
Applicant:	Mr Bryan Smith Grange Travel LTD
Site Visit Date:	19 July 2023

Submitted Documents/Plans

Application form
Drawing no. DKM/7166/01 (Topographical Drawing)
Drawing no. DKM/6909/01 (Location Plan)
Drawing no. DKM/6909/02 (Proposed GAs and Elevations)
Flood Risk Assessment dated February 2022
Photographs

Relevant Planning History

There is no planning history.

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS04 – Gravesend Riverside East and North-East Gravesend
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

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

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core

Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

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

Supplementary Planning Guidance

- SPG4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

External Consultees

Environment Agency

We object to this proposal as it does not demonstrate that the risks of pollution to controlled waters are acceptable or can be appropriately managed. We therefore recommend that planning permission is refused.

Groundwater and Contaminated Land Reasons

The previous use of the development site as industrial/commercial and as an historic landfill (Gas Works - Canal, historic landfill dataset reference EAHLD19292), presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon a principal aquifer overlain by a secondary aquifer.

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 174 and 183 of the National Planning Policy Framework.

Overcoming our objection

The applicant should submit a preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

Further information

Please note that the above comments only relate to Groundwater and Contaminated Land. We have other comments to make in relation to issues within our remit, which will be provided once our above objection has been overcome.

If the applicant would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our cost recovery service.

Internal Consultees

GBC Environmental Protection

Very little information has been submitted with this application with which to make informed comments or a recommendation regarding the proposal.

Portal framed buildings are not always particularly robust in terms of noise insulation and vehicle servicing

and maintenance activities can be noisy – particularly when using power, pneumatic etc tools. If body work is to be undertaken, grinding and sanding equipment can also be noisy and require the use of extract equipment which will need to be extracted externally via Local Exhaust Ventilation (LEV). Any vehicle paint spraying is also likely to need to be linked to the LEV. Again, noise can be associated with the extraction equipment. In addition, there are no hours of work included with the proposal.

Although it is appreciated that this side of Canal Road is commercial/industrial, there are residential premises on the other side of Canal Road which could be affected. In order to limit the likelihood of noise nuisance occurring due to poor construction/insulation and noise from the vehicle maintenance activities we would recommend the following noise conditions:

1. Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:
 - The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014
2. No servicing or maintenance works are to take place with the roller shutter doors or side doors left open. In addition, no servicing or maintenance works involving the use of power etc tools are to take place outside.
3. Hours of use of the building for vehicle servicing and maintenance must be restricted to:
Monday to Friday 07:30 to 17:30
Saturday 08:00 to 13:00
Sundays and Bank Holidays No working

The following are also recommended:

Drainage/sewerage informative:

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

Lighting:

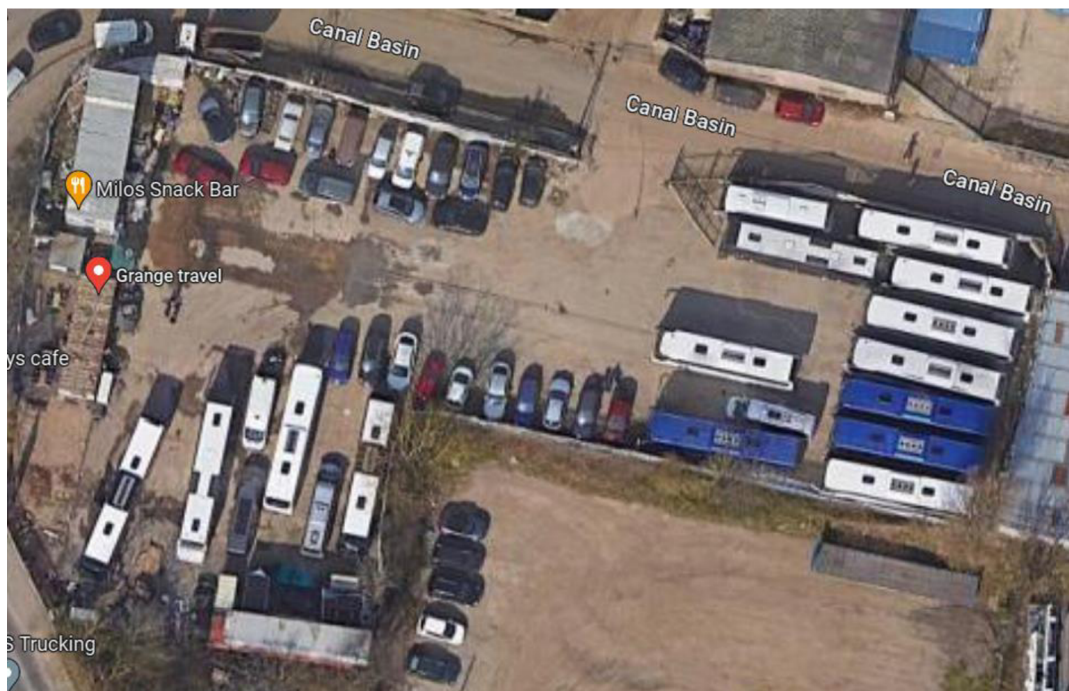
Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing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

GBC Highways

This is an interesting application given the outstanding application for the redevelopment of a section of the Canal Basin area which includes this site, however that is not a matter that needs to be considered here.

Looking at the application and the other information regarding the site, there appears to be a conflict between the submission and the actual situation.

The application form refers to 10 car parking spaces and 15 coach spaces, whilst the number of coaches appears to be correct, the available evidence suggests there are more than 10 cars parked on site.



The Google Satellite image showing some 26 cars on site at least. Even the photo that forms part of the application shows more than 10 cars in the area that can be readily seen. This becomes more confusing when considering the number of employees as 3 full time staff increasing to 5 or eight if 5 additional employees are proposed, which would appear to be insufficient to operate the company, unless contract drivers are not included within the data. More detail on how the company works and in particular if drivers are not included within the staff numbers

The applicant needs to demonstrate that all vehicles can be accommodated on site with all car parking spaces being readily accessible and not locked in by another vehicle. The applicant should also explain the discrepancy between the number of cars parked on site and the number given in the application. Assuming 5 people employed on site plus say 10 drivers 66.6% of the fleet in use it would require 15 parking spaces, not the ten suggested and if all the fleet were in use it would be 20 car parking spaces. In addition to support Active Travel and comply with Kent County Council SPG4, two secure covered cycle parking spaces should be provided. A Design and Access Statement would be a great benefit with this application.

It is noted that the means of foul drainage is unknown, this should be identified as with an increase in number of employees. If it is not mains drainage it may require resizing to accommodate demand and needs to be readily accessible for emptying. Or if there is no foul drainage on site because of previous uses and possibly no facilities provided, the means of foul drainage needs to be resolved.

Neighbouring Properties

The application has been advertised by individual neighbour letters to 104 properties. The consultation period expired on 5 July 2023.

No letters of representation have been received.

Other Consultees

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

National Grid has not responded.

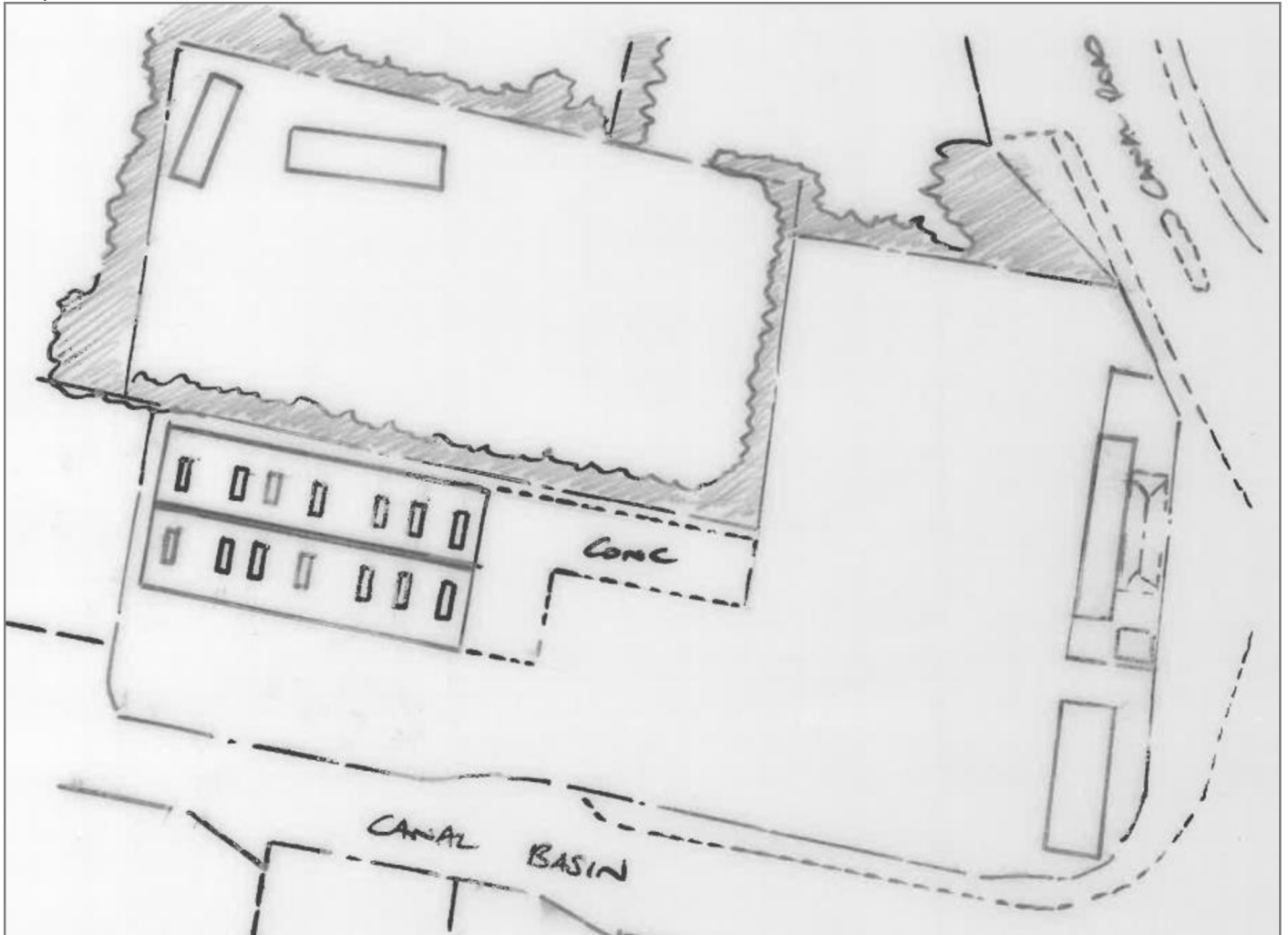
Due to the amount of floorspace the proposal does not meet the criteria for consulting the HSE and no further comments were sought.

Officer's Analysis

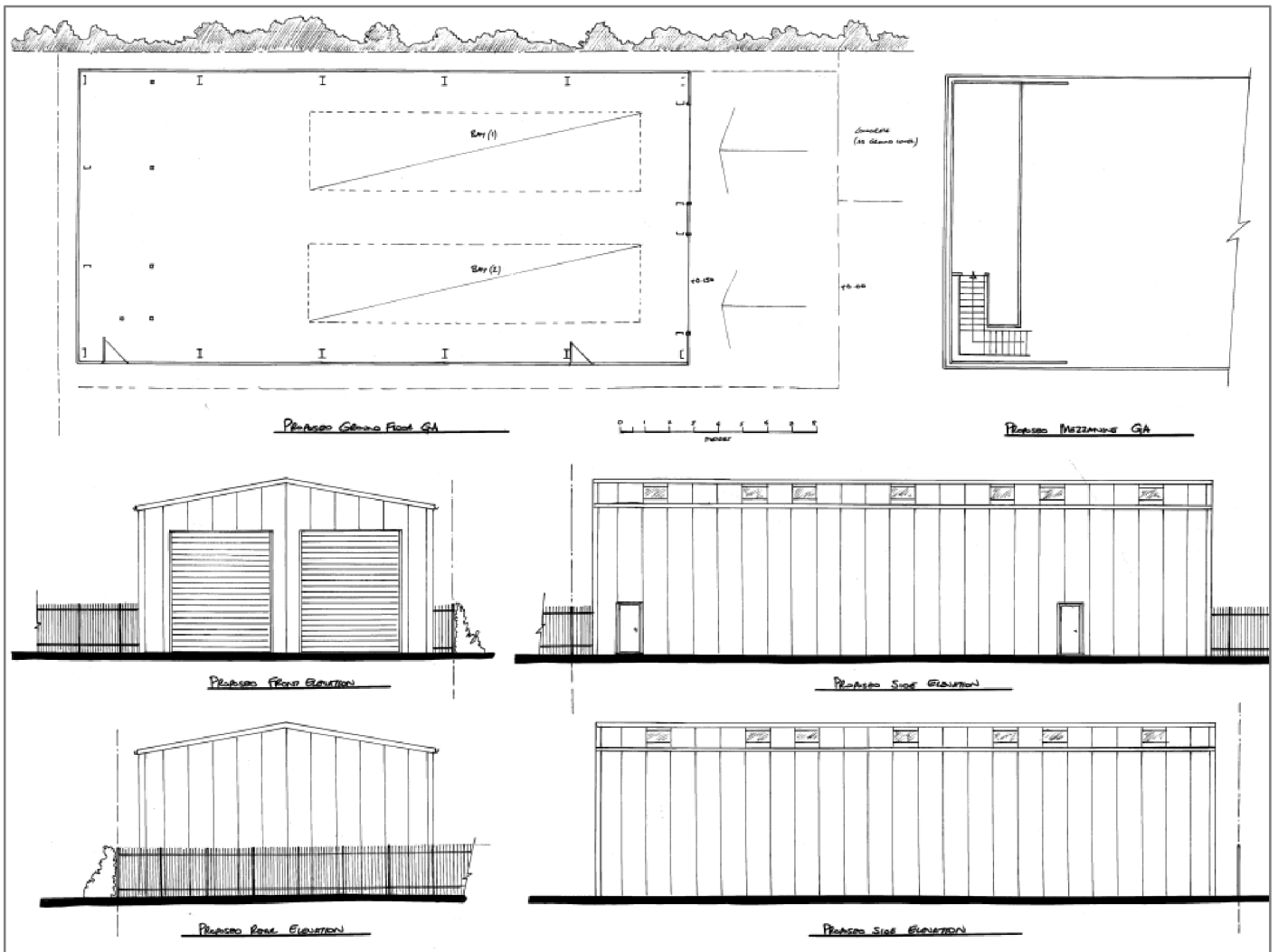
Proposal

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

Proposed Block Plan



Proposed Floor Plans/Elevations



The building has already been constructed and measures approximately 25m by 12m, with an eaves height of 5.8m and a ridge height of 7m.



Principle of Development

Policy CS02 of the Core Strategy 2014 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 Canal Basin Regeneration Area, which is a subsection (2.1) of the Gravesend Riverside East and North-East Gravesend Opportunity Area and therefore Policy CS04 of the Gravesham Local Plan Core Strategy 2014 applies. The policy states that the site will provide a mixed-use development of around 650 dwellings and around 4,650 sq m gross new employment floorspace (use classes B1a and B1c). The employment uses will be located in the southern part of the site to minimise the health and safety impacts which arise from the proximity of the gas holders.

Policy CS07 seeks to deliver new employment floor space on Key Sites as identified in Policy CS04 and supports schemes incorporating small and flexible industrial and/or office workspaces and the refurbishment and upgrading of existing industrial and commercial premises. Development related to employment within this area is therefore acceptable in principle subject to meeting all the other policy requirements in the Local Plan.

Design, Character and Appearance

The application site is located within the Canal Basin Regeneration Area in the urban area of Gravesend and comprises an open coach parking site, owned by Grange Travel Limited. The use of the site falls under The site lies on the southern side of Canal Basin, to the north of the Gasholder Station. It is surrounded by other industrial/commercial uses.



Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The proposed 'shed' takes reference from the existing industrial units surrounding the site in terms of the metal cladding and pitched roof. The building is smaller in scale than its surrounding counterparts and in keeping with the character of the surrounding industrial area.



Overall, the proportions and appearance of the shed building complement the neighbouring units and is therefore acceptable in terms of the impact on the street scene. The proposal would comply with the design requirements of Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF 2021.

Residential Amenity

The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land, and avoid adverse environmental impacts from pollution, including noise, air and odour pollution.

Neighbouring Properties

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

Due to the distance of the proposal building from these properties there would not be any significant adverse impacts on them in terms of loss of privacy, outlook or light.

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

Although it is appreciated that the northern side of Canal Road is commercial/industrial, the residential premises on the other side of Canal Road could be affected by the proposal. No information has been put forward in terms of the likelihood of noise nuisance occurring due to poor construction/insulation and noise from the vehicle maintenance activities, or hours of operation. However, whilst the Council's Environmental Protection Officer is satisfied that the noise issue could be dealt with by a pre-commencement condition for a noise impact assessment (together with restrictions on activities and hours of operation) as the building is already in-situ and operational, any potential noise issues have not been properly assessed and this information is required to determine the level of amenity impact and any appropriate mitigation.

On this basis, in the absence of information to demonstrate otherwise, the impact on neighbouring properties in terms of noise would be unacceptable. As such, the proposal would fail to comply with Policy CS19 of the Core Strategy 2014 and paragraphs 130 and 185 of the NPPF 2021.

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

Parking and Highways

In terms of parking on the site, the application form refers to 10 car parking spaces and 15 coach spaces, and whilst the number of coaches appears to be correct, the available evidence suggests there are more than 10 cars parked on site at any one time. The current Google Earth image shows some 26 cars on site at least. Even the photos that form part of the application show more than 10 cars in the area that can be readily seen. This becomes more confusing when considering the proposed increase in the number of employees. More detail is required on how the company works and in particular whether drivers are included within the staff numbers.

It should be demonstrated that all vehicles can be accommodated on site with all car parking spaces being readily accessible and not locked in by another vehicle. There are also discrepancies between the number of cars parked on site and the number given in the application. Assuming 5 people are employed on site plus 10 drivers, this would require 15 parking spaces, not the ten suggested and if all the fleet were in use it would be 20 car parking spaces. In addition to support Active Travel and comply with Kent County Council SPG4, two secure covered cycle parking spaces should also be provided. A Design and Access Statement would be beneficial with this application to explain the operation of the company.

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

With a lack of information about the application in particular about staff/driver numbers, or a parking/cycle plan, it is unclear whether there would be any overspill parking, and this would have the potential to be detrimental to highway safety, contrary to the requirements of Policy CS11 of the Core Strategy 2014, and Policies T1, T5 and P3 of the Local Plan 1994.

Environmental Protection

The previous use of the development site as an industrial/commercial site and as an historic landfill presents a high risk of contamination that could be mobilised to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon a principal aquifer overlain by a secondary aquifer.

The Environment Agency has objected to the proposal as it has not been demonstrated that the risks of pollution to controlled waters are acceptable or can be appropriately managed. A preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment should be submitted. This information must demonstrate that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

In the absence of a preliminary risk assessment, the proposal fails to comply with the contamination requirements of Policy CS18 and CS19 of the Core Strategy 2014 and paragraph 185 of the NPPF 2021.

Archaeology

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

No information has been submitted about the foundations of the building and how this may impact on the

archaeology of the site. On this basis, the proposal fails to comply with the requirements of Policy CS20 of the Core Strategy 2014 and paragraph 197 of the NPPF 2021.

Conclusion and Recommendation

Whilst the proposal building would be in keeping with the use and appearance of the site, it is considered that in the absence of sufficient information with regards to noise, highway, contamination and archaeological matters, the proposal is considered to be unacceptable and should be refused on the following grounds:

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

(See draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	19 July 2023	Dated:	21st July 2023