



Delegated Report

Planning Application

Planning Application No: 20240199

Location: Dalefield Industrial Park Dalefield Way Gravesend Kent

Description: Erection of a new three storey office building, for use Class E and installation of solar panels to roof. Erection of a single storey storage building with integral roof lights, for use Class B8 and associated parking and landscaping.

Applicant: Mr Aaron McConnell, Keady Construction Ltd

Site Visit Date: 25/04/24

Submitted Documents/Plans

Application Form

Location Plan

8352-LRW-ZZ-ZZ-DR-A-00-100 Revision P10 – Proposed Ground Floor Plan
8352-LRW-ZZ-ZZ-DR-A-00-101 Revision P09 – Proposed First Floor Plan
8352-LRW-ZZ-ZZ-DR-A-00-102 Revision P08 – Proposed Second Floor Plan
8352-LRW-ZZ-ZZ-DR-A-00-106 Revision P08 – Proposed Office Site Plan
8352-LRW-ZZ-ZZ-DR-A-00-108 Revision P07 – Proposed Roof Plan
8352-LRW-ZZ-ZZ-DR-A-00-111 Revision P04 – Existing Block Plan
8352-LRW-ZZ-ZZ-DR-A-00-112 Revision P07 – Proposed Block Plan
8352-LRW-ZZ-ZZ-DR-A-00-113 Revision P06 – Proposed Storage Site Plan
8352-LRW-ZZ-ZZ-DR-A-00-116 Revision P05 – Proposed Block Plan (Colour)
8352-LRW-ZZ-ZZ-DR-A-00-118 Revision P02 – Proposed Storage Ground Floor Plan
8352-LRW-ZZ-ZZ-DR-A-00-209 Revision P06 – Proposed Office Elevations
8352-LRW-ZZ-ZZ-DR-A-00-210 Revision P03 – Proposed Elevations Storage Unit
8352-LRW-ZZ-ZZ-DR-A-00-302 Revision P05 – Site Sections
8352-LRW-ZZ-ZZ-DR-A-00-304 Revision P07 – Proposed Office East-West Section
8352-LRW-ZZ-ZZ-DR-A-00-305 Revision P07 – Proposed Office North-South Section
1414-LAM-XX-EX-DR-E-1001 Rev P01 – Proposed External Lighting Layout
PSK800 Rev 00 – Preliminary Drainage Strategy Office Building
PSK801 Rev 00 – Preliminary Drainage Strategy Storage Unit
23052_WP01 Rev 00 - Flood Risk Assessment Note and Preliminary Drainage Strategy
6609-LLB-RP-EC-0001 Rev P01 – Ecological Mitigation Statement
Design and Access Statement
Construction Methodology
Rev 1 - Proposed TMP

Superseded Documents/Plans:

~~8352-LRW-ZZ-ZZ-DR-A-00-100 Revision P07 – Proposed Ground Floor Plan~~
~~8352-LRW-ZZ-ZZ-DR-A-00-101 Revision P07 – Proposed First Floor Plan~~
~~8352-LRW-ZZ-ZZ-DR-A-00-102 Revision P06 – Proposed Second Floor Plan~~
~~8352-LRW-ZZ-ZZ-DR-A-00-106 Revision P06 – Proposed Office Site Plan~~
~~8352-LRW-ZZ-ZZ-DR-A-00-108 Revision P04 – Proposed Roof Plan~~

~~8352 LRW ZZ ZZ DR A 00 111 Revision P03 – Existing Block Plan~~
~~8352 LRW ZZ ZZ DR A 00 112 Revision P05 – Proposed Block Plan~~
~~8352 LRW ZZ ZZ DR A 00 113 Revision P05 – Proposed Storage Site Plan~~
~~8352 LRW ZZ ZZ DR A 00 118 Revision P01 – Proposed Storage Ground Floor Plan~~
~~8352 LRW ZZ ZZ DR A 00 304 Revision P03 – Proposed Office East West Section~~
~~8352 LRW ZZ ZZ DR A 00 305 Revision P04 – Proposed Office North South Section~~
~~8352 LRW ZZ ZZ DR A 00 2 0 Rev P03 – Office Elevations – Proposed –~~
~~8352 LRW ZZ ZZ DR A 00 210 Rev P02 – Storage Unit Elevations – Proposed~~
~~8352 LRW ZZ ZZ DR A 00 302 Rev P03 – Site Sections – Existing and Proposed~~
~~Design and Access Statement~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20160802	Erection of security fencing on the site boundary to prevent unauthorised access on the site.	Permitted	13.10.2016
20160314	Erection of 3 industrial units (Use Class B1/B2 and B8) with site access, related parking and circulation space.	Permitted	14.09.2016
20150873	Application for approval of Reserved Matters pursuant to outline planning permission reference no. 20100436 for industrial development within classes B2 and B8 relating to appearance, landscaping, layout and scale, including details of land raising, vehicle parking, refuse storage and flood resilient construction techniques.	Permitted	14.01.2016
20100436	Outline application for the use of land for industrial purposes (Use Class B2/B8) comprising 7,000 sq. metres floor space together with associated extension of Dalefield Way, new site access with related parking and circulation space, landscaping scheme and associated flood accommodation works.	Permitted	30.08.2013

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – 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 6 – Building a strong, competitive economy
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)
- Design for Gravesham: Design Code (2024)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Waste and Refuse

No comments received.

GBC Economic Development Manager

No comments received.

GBC Environmental Protection Team

Comments received on 02/08/24

The amended plans are noted. Nothing further to add to the previous consultation response.

Comments received on 22/04/24

There is no objection to the application. The following is recommended.

Watching Brief

A watching brief during construction will be recommended as a condition on any approval 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.

Code of Practice on Construction and Demolition

The construction methodology document has been reviewed. The proposed working hours (8am to 6pm Monday to Friday and 8am to 1pm on Saturdays) are fine. The document forms a good basis for a Construction Environmental Management Plan. The measures to deal with noise are construction personnel/H&S measures rather than measures to protect the neighbouring residential premises. The Due to the proximity of the residential dwelling opposite the proposal site a full and detailed Construction Environmental Management Plan (CEMP) will be requested.

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 proposed buildings in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated). The lighting details submitted show that the lighting levels at the boundary of the site with Dalefield Way are negligible. In this respect, the proposed lighting is unlikely to have any impact on the nearby residential premises. It is advised that a condition be imposed on any permission restricting external lighting to that submitted in the lighting layout plans and details.

Noise Control

It does not appear that any plant or equipment is to be installed (A/C, ASHP, condensers, extract fans etc). However, if this is not the case, the rating noise from any 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.

GBC Parking Services

Comments received on 30/07/24

Dalefield Way has two of the three vehicular access points into the neighbouring residential estate. It is a relatively wide road at an average of around 10m in width. It has two driving lanes at around 3300mm in width, for travel in both directions. The centre of the road has some pedestrian central refuge areas, wide central reservation markings and centre turning lanes into the residential estate and the Industrial Park.

I can see off-street parking will be included within the development, but I believe there may be a need for no waiting at any time (double yellow line) restrictions at the junction into the development, and possibly further along the road. This is to prevent any overspill from the Industrial Park affecting traffic flow into, and out of, the residential estate and Industrial Park, as well as ensuring sightlines at all junctions, given that the additional office space will bring an increase in vehicle movements and traffic to the area.

I would expect the developers to cover the costs of consulting and implementing the Traffic Regulation Order for these restrictions - £1,800 for stage 1 (application, consultation, review of feedback), plus £1,200 for stage 3 (finalise TRO) (excl. VAT).

KCC Highways

Comments received on 23/07/24

I refer to my previous consultation response dated 7th May 2024. It would appear that the revised documents submitted on 17th July 2024 do not change the highway impact of this proposal. I therefore continue to raise no objection on highway grounds to this application provided the conditions recommended in my previous response are applied to any planning consent.

Comments received on 07/05/24

This proposal was the subject of highways pre-application discussions between the applicant's transport consultant and KCC in March 2024. The application is located in an acceptable relatively sustainable location utilising the existing access off Dalefield Way and I would make the following comments:

- I would recommend that a Travel Plan for the office development be submitted and approved by the LPA as a Condition of any consent granted.
- Utilisation of the existing access off Dalefield Way without alteration is considered acceptable.
- The proposed parking provision for the office block of 45 spaces is acceptable for the 1,170 sqm. And accords with Kent Parking Standards (SPG4) for B1 office use of 1 space per 25sqm for this location.
- I would expect a minimum of 10% of the parking spaces to be provided with active EV charging facilities with a further 10% provided with passive supply i.e. ducting / cabling only.
- The list of relevant Planning Policy documents appears complete.

- The data sourced from TRICS to assess the trip generation from the development appears robust. No trip distribution assessment is necessary since all traffic must travel onto Dering Way and to Lion Roundabout. I do not consider that the level of traffic generation is significant enough to require modelling of any local road junctions.

I therefore raise no objection on highway grounds to this application 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.

2 Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

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.

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

KCC Heritage

Comments received on 23/07/24

My recommendations remain as submitted 17/05/2024.

Comments received on 17/05/24

The site lies within an Archaeological Notification Area, but the application has been made without an Archaeological Desk Based Assessment. Part of the wider Dalefield Way site was subject to field evaluation in 2016/7 (TVAS) but no archaeology was recorded as the evaluation only focussed on the topsoil and subsoil above later alluvial and not on what lay below the alluvium, which is where the most significant archaeological remains might be expected to exist. Part of the site at the time was not subject to field evaluation as it was occupied by a spoil heap.

The location of the two proposed works was not subject to evaluation and therefore it remains uncertain whether archaeological remains exist or whether they would be impacted by the proposed development.

I therefore recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

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

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

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

KCC Biodiversity

Comments received on 09/08/24:

SUMMARY – NO FURTHER INFORMATION REQUESTED

KCC's Ecological Advice Service previously commented on this proposal in our advice note dated 3rd May 2024. The proposed amendments are unlikely to have significantly different effects on biodiversity when compared to the original proposal. Therefore, the advice provided in our previous response applies equally to this amendment. As such, we advise that our previous comments remain valid.

Comments received on 03/05/24:

SUMMARY – NO FURTHER INFORMATION REQUESTED

We have reviewed the ecological information submitted by the applicant and advise that sufficient information has been provided for the application to be determined. Condition wording related to the production of a CEMP and adherence to an Ecological Mitigation Plan is provided.

The application is exempt from Biodiversity Net Gain legislation under the de minimis exemption.

POTENTIAL IMPACTS: SOUTH THAMES ESTUARY AND MARSHES SSSI

The proposed development is located adjacent to South Thames Estuary and Marshes SSSI, which is designated for its grazing marsh, saltmarsh, mudflat and estuarine shingle habitats, as well as nationally and internationally important waterfowl and invertebrate assemblages. The SSSI unit immediately north of the site is composed of neutral grassland and was in 'unfavourable' condition at the time of its most recent assessment.

Gravesham Borough Council will need to consult Natural England on this planning application under the requirements of Schedule 4(w) of the Town and Country Planning (Development Management Procedure) Order 2015 which states that Natural England must be consulted on "development in or likely to affect a Site of special Scientific Interest" and under Section 281 of the Wildlife and Countryside Act, 1981 (as amended). GBC must take into consideration Natural England's advice in determining the application.

We would advise that the National Planning Policy Framework, 2023, especially paragraph 186 is relevant to inform the determination of the planning application:

"When determining planning applications, local planning authorities should apply the following principles:
a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest..."

Concerning potential impacts to the adjacent SSSI, we previously commented on the pre-application PRE20230287 in November 2023, stating: "We recommend that a lighting plan is submitted with any planning application demonstrating the anticipated light spill from the proposal and it must include features such as downward facing lights and motion sensors on any security lighting." Enhancement measures were also recommended, including a native-only planting scheme. The applicant has submitted an Ecological Mitigation Statement produced by Lloydbore (dated February 2024) which has taken this advice into account. We advise that the mitigation and enhancement measures suggested within the Ecological Mitigation Statement will be adequate to avoid impacts to the SSSI. Adherence to these measures can be secured via planning conditions.

SUGGESTED CONDITIONS

1. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by Gravesham Borough Council. The CEMP shall accord with the measures outlined in section 5 of the Ecological Mitigation Statement associated with this application (Lloydbore, February 2024) and include details of the following:

- a sensitive lighting scheme to avoid light spill into the adjacent SSSI;
- risk assessment of potentially damaging construction activities;
- details of any construction exclusion 'buffer' zones to be implemented on site;
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- the location and timing of sensitive works to avoid harm to the adjacent SSSI;
- responsible persons and lines of communication; and
- details of any protective fences, exclusion barriers or warning signs to be utilised.

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

Reason: To ensure that any adverse environmental impacts of development activities on the adjacent SSSI and on the site are mitigated in line with the NPPF 2023, paragraph 186.

2. Prior to the use of the first building, details of a sensitive lighting scheme to avoid impacts to the adjacent South Thames Estuary and Marshes SSSI and prevention of light pollution shall be submitted to and approved in writing by Gravesham Borough Council. These measures will thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by Gravesham Borough Council.

Reason: To limit the impact of light pollution from artificial light on the nature conservation site in

accordance with the NPPF 2023, paragraph 191c.

3. Within three months of the completion of the development hereby approved, photographic evidence of the incorporation of the below enhancement measures for biodiversity, as outlined in the Ecological Mitigation Plan (Lloydbore, February 2024) associated with this application, shall be submitted to Gravesham Borough Council:

- provision of artificial bird boxes integrated into or installed external to the workshop building present within the wider site; and
- soft landscaping in the form of a garden area consisting of grassland, trees, mixed shrubs, perennials, herbs and bulbs.

The approved plan will be implemented in accordance with the approved details and retained for the lifetime of the development.

Reason: to minimise impacts on and provide net gains for biodiversity in line with the NPPF 2023 180(d).

KCC Flood and Water Management

Comments received on 18/07/24

We have no further comment to make on this proposal and would refer you to our previous response dated 28 June 2024.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Comments received on 28/06/24

Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment dated February 2024 and understand that:

- there is to be no increase in impermeable area since proposals relate to buildings constructed on existing hardstandings.
- the watercourses and flood levees designed and implemented within the (now existing) Phase 2 industrial development (GR/2010/0436) are capable of accommodating the 1:100+30% climate change allowance rainfall event without increase to flood risk either on or off site.
- newly constructed areas will generate clean roof runoff without impacting upon interceptor capacity or other features to manage water quality We therefore raise no objections to the surface water proposals set out.
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This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Southern Water

Comments received on 06/08/24:

Following the review of the submitted documents showing this development has a private Surface Water and Foul Manhole, Southern Water have no objections to the proposed work proceeding.

Comments received on 02/05/24:

Wastewater Treatment Works Proximity

In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 220 metres from the Gravesend Wastewater

Treatment Works, and as such we have applied this requirement to our planning consultation response. Please contact Southern Water to discuss and agree the Scope of the odour assessment.

Due to the potential odour nuisance from a Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour. The service we provide to review the assessment and/or complete a site survey is chargeable, more information regarding our fees can be found on our website; Connection charging arrangements (Connecting Charging Arrangements - Southern Water).

Natural England

Comments received on 30/07/24

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Comments received on 10/06/24

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Environment Agency

Comments received on 07/08/24:

Environment Agency Position

We have no objections to the application subject to the following planning conditions being applied to any planning permission granted.

Flood Risk

Gravesham's Strategic Flood Risk Assessment states that there should be no significant flood hazard to people from on-site flooding for the central allowance. The applicant has shown that the finished floor levels for the development will be placed above the 1 in 200 10% allowance for climate change. Therefore, the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Flood Risk Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measure it details:

The finished floor levels for the development shall be no lower than 3.39 m Above Ordnance Datum.

This shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Groundwater and Contaminated Land

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the

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application.

Land affected by contamination

Condition 2

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.

Condition 3

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

Reason

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

Condition 4

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.

Drainage

It is understood that surface water and foul water are to be connected to existing private sewers associated with the existing use of the site. This is considered acceptable from a groundwater protection perspective.

Piling

Condition 5

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.

Piling Informative 1

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

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Waste on-site 2 Informative

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 Environment Agency
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

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

The Environment Agency recommends that developers should refer to:

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

Waste Informative 3

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of

Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

Comments received on 24/04/24:

Flood Risk Objection

We have reviewed the submitted documents and flood risk assessment for development at Dalefield Industrial Park. The site lies within Flood Zone 3 and is classified as less vulnerable.

We object as the finished floor levels proposed for the development (2.900 metres Above Ordnance Datum) are below the Downriver Breach Modelled Levels. Gravesham's Strategic Flood Risk Assessment states that there should be no significant flood hazard to people from on-site flooding for the central allowance. In this instance, with the type of development being proposed, we would use the central allowance of 10% above the 1 in 200 modelled flood level.

Overcoming our Objection

We would require the applicant to revise their ground floor levels to at least the 1 in 200 + 10% climate change allowance. The 1 in 200 flood level is 3.09 metres Above Ordnance Datum (AOD). Including the central allowance, we would expect the applicant to have a finished floor level of at least 3.39m AOD. The applicant may also want to add an appropriate amount of freeboard to minimise the risk of flooding.

Flood Risk Informative

Our local Customers and Engagement team are able to provide any relevant flooding information that we have available, such as flood maps and modelled flood levels to be used within the Flood Risk Assessment. For most sites, applicants should request a Product 4 for this purpose. All flood data requests are free. To request any flood risk data, please email ksle@environment-agency.gov.uk

creating a better place for people and wildlife

Please note that our advice is based upon the tidal and/or fluvial flood risk to the site.

Other sources of flooding to the site such as surface water also need to be considered. We recommend that the applicant refers to the Strategic Flood Risk Assessment (SFRA) and seeks advice from the Lead Local Flood Authority (LLFA) and emergency planning teams, where appropriate.

Advice to the Local Planning Authority

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

Lower Medway Internal Drainage District

Comments received on 22/07/24

The amended and further information has been reviewed, and the Board has no further comment.

Comments received on 17/04/24

The site is within the drainage district of the North Kent Marshes Internal Drainage Board (NKMIDB); should the local planning authority consider the tidal flood risk as a result of overtopping and breach be appropriate for the vulnerability and lifetime of the development, then the Board would like to make the following comments.

As the development is providing additional office/warehouse floor space over 1,000 square meters, Kent County Council, the Lead Local Flood Authority should be consulted. The Board recognises that the proposed development does not increase the impermeable area or increase surface water run-off, and that the drainage routes are not significantly altered to affect downstream conditions. Furthermore, as the development utilises existing outfalls, land drainage consent is not required from the Board although, it

should be noted that the main river mapping shows a culverted route of main river below the application site, which may have Environment Agency permitting implications.

It may be prudent to condition any permission that prior to development, a scheme detailing flood resilience and resistance measures incorporating appropriate climate change factors and specific to the building construction, be submitted to and approved by the local planning authority. This would help reduce the potential for flood damage to the development.

This response is based on the information provided with the planning application and is reliant on its accuracy. The Board would be very grateful if its comments were used in their entirety.

Neighbouring properties

66 surrounding properties were consulted and 4 comments were received. 3 objections and 1 comment in support were received. The final date to submit comments ended on 16th August 2024. The summary of the comments is as follows:

Objections:

- Although there is a proposed native plant garden proposed, there is a lack of tree planting to the mound/bank along the southern perimeter of the site.
- The current 3 storey building can be seen from residential properties nearby and results in light pollution.
- There is also existing issues with heavy goods vehicles being parked on surrounding local roads waiting to gain access into the estate between 12 to 48 hours at a time.

Officer Note: comments were received stating that no detailed information on the buildings location and appearance were not available. However, full plans and elevations were available on the website at the time this comment was made and have been available in excess of the minimum 21 days required.

Support:

- 1 comment was provided which indicated a supportive stance, but no written statement was provided alongside this.

Officer's Analysis

Principle of Development

The NPPF 2023 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. 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 North-East Gravesend Regeneration Area which is a subsection 2.6 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 area will provide around 17,570sqm gross employment floorspace (use classes B1, B2 and B8).

Policy CS07 seeks to deliver new employment floor space focussing on office, industrial and warehousing development in this opportunity area. Development related to employment within this area is therefore acceptable in principle subject to meeting all the other policy requirements in the Local Plan.

The proposal for offices and storage on this site would therefore comply with the above policy aims for this Opportunity Area and would be acceptable in principle.

Design, Character and Appearance

As stated above, the proposal site is located on an industrial plot of land to the north of Dalefield Way, known as Dalefield Way Industrial Estate, and is currently used for external storage (Use Class B8). The industrial site is enclosed by high palisade fencing, behind which an earth bund rises to protect views into it. There are two existing office/workshop buildings either side of the entrance into the industrial estate (up to three storeys in height), and the proposal sites lie to either side of these buildings. Across the road to the south are modern, three and four storey residential properties.

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 135 of the NPPF 2023 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 office building will be three stories, with a reception, toilets, meeting room, 2 open plan offices and canteen on the ground floor. The upper floors would consist of office spaces, including meeting and conference rooms, with a kitchen and toilets on each floor. The building would be contemporary in design with a flat roof. It will be largely of brick construction to the lower floors with powder coated, anthracite grey, metal panelling to the upper floors. The proposed single storey, storage building would be a steel portal frame structure, with plastic coating.

The design of the buildings is typical of their type and would be in keeping with the existing buildings on the industrial estate. The external materials are functional and with regards to the quality of the office building in particular will add to its quality with the use of a brick soldier course and ribbed brick detailing. The proposed materials would match the existing palette of materials found on and around the site. Overall, in terms of appearance, the buildings would complement the neighbouring units and be of good quality.



Illustrative images taken from the Design and Access Statement



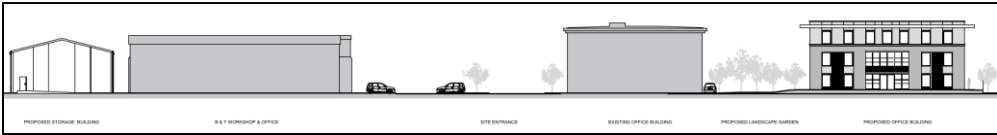
In terms of height, the existing office building is 10-10.4m from ground level. The proposed officer building by itself would be 10.3m. However, to address concerns raised regarding flood risk, the external ground levels are proposed to increase, to accommodate the new office building proposed. Therefore, from the ground level of the existing outbuilding, the proposed building would be 10.9m high, resulting in a building which would be 0.5-0.9m higher than the existing office building.

Paragraph 5.10 of the Design for Gravesham-Design Code (2024) focusses on height. It applies the following design principles:

Design principle 5.10
Height

- a. Where a development proposes variations in height, that is not consistent with the existing context, applicants **must** assess and evidence the height of existing buildings in the immediate vicinity and the local context (prevailing height). This evidence **must** be used to inform the development proposal and to demonstrate its impact on the local surroundings and the skyline.
- b. For small scale infill development where the height of existing buildings along the street is consistent or of minimal variation, new developments **must not** exceed the existing building height level of the adjacent plots along the street.
- c. Development **must not** overshadow or compromise the quality of neighbouring buildings.
- d. Applicants **should** clearly explain the rationale behind their approach to height and how this responds to the existing context height.
- e. Building height **should** not negatively impact air flow and natural light at street level.

In this case the site sections provided clearly show that this development would have minimal variation and would comply with the requirements of design principle 5.10 of the Design for Gravesham-Design Code (2024).



Internally, the proposed layout of the buildings is functional and would offer a good quality office environment. Externally, the layout will keep the buildings fairly contained together on the site, whilst still allowing a sense of space and views through and between buildings. The surrounding spaces will benefit from increased greenery, from the addition of a landscape garden. This would add to the quality and biodiversity of the site.

In terms of climate change and designing such proposals into the development, Policy CS18 of the Local Plan 2014 seeks to reduce the overall carbon footprint of the Borough and requires developments to consider the potential and include proposals for low carbon and renewable energy generation. Policy CS19 also looks for new development to take advantage of opportunities to build in resilience to the effects of climate change, including protecting against flood risk, delivering carbon reduction, providing for low carbon and renewable energy, and minimising energy consumption and water use.

The proposals include photo-voltaic arrays on the flat roof of the office building, and provision of an additional 7no. electric vehicle charging spaces.

No information has been supplied detailing where the waste and refuse would be positioned or its design. The Design and Access Statement details the current refuse collection point and that the bins are wheeled out to the entrance on collection days and this process would continue. However further detail on waste and refuse position, design and capacity would be required, by condition, if approved.

In summary, with an adjustment to the height of the office building, the size, scale and appearance of the proposals would be acceptable in terms of the design and impact on the street scene. The proposal would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF 2023.

Neighbouring Amenity

The NPPF 2023 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). 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.

Due to the existing industrial estate location and the location of the closest residential properties over 50m away on the opposite side of the road to the south of the site, the proposals would not be considered to cause any significant adverse amenity impacts on neighbouring properties in terms of loss of outlook, privacy or light.

The main considerations from an environmental protection amenity perspective would be the noise impact of any proposed plant or equipment on the buildings, and lighting impact. External lighting should not illuminate anything other than the ground around the proposed buildings.

Noise

The Design and Access Statement advises that the main source of noise would be from plant or equipment, if installed. However, it also indicates that as plant is anticipated to be installed, the rating noise from these fixed building services/mechanical plant will be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors when measures are assessed in accordance with BS4142:2014. The Construction Methodology document provided details some noise protection measures during construction. However, as per the GBC Environmental Protection Officer's comments, the measures are directed at protecting construction personnel and Health and Safety Measures, rather than neighbouring residential premises. A full and detailed Construction Environmental Management Plan (CEMP) will be required.

Detailed of any plant or equipment to be installed (A/C, ASHP, condensers, extract fans etc) has not been provided. However, the Design and Access Statement indicates that plant may be provided. As per GBC Environmental Protection Officers comments, a condition would be applied, if approved to ensure that the rating noise from any 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.

Odour

Due to the potential odour nuisance from a Wastewater Treatment Works nearby, Southern Water advise that; no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour. A condition will be applied to this effect.

Light

The proposed external Lighting Layout, shows that the lighting levels at the boundary of the site with Dalefield Way are negligible, as confirmed by the GBC Environmental Protection Officers comments. In this respect, the proposed lighting is unlikely to have any impact on the nearby residential premises. A condition shall be imposed, if approved restricting external lighting to that submitted in the lighting layout plans and details.

Overall, it is considered the proposal would have no impact on neighbouring properties in terms of outlook and privacy, and daylight and sunlight, and environmental impacts. As such, the proposal complies with Policy CS19 of the Core Strategy 2014 and paragraphs 135 and 191 of the NPPF 2023.

Highways and Parking

The KCC Highways Officer made the following comments:

- I would recommend that a Travel Plan for the office development be submitted and approved by the LPA as a Condition of any consent granted.
- Utilisation of the existing access off Dalefield Way without alteration is considered acceptable.
- The proposed parking provision for the office block of 45 spaces is acceptable for the 1,170 sqm. And accords with Kent Parking Standards (SPG4) for B1 office use of 1 space per 25sqm for this location.
- I would expect a minimum of 10% of the parking spaces to be provided with active EV charging facilities with a further 10% provided with passive supply i.e. ducting / cabling only.
- The list of relevant Planning Policy documents appears complete.
- The data sourced from TRICS to assess the trip generation from the development appears robust. No trip distribution assessment is necessary since all traffic must travel onto Dering Way and to Lion Roundabout. I do not consider that the level of traffic generation is significant enough to require modelling of any local road junctions.

In this case, the proposed scheme would provide 46 additional parking spaces. In addition, 5 parking spaces to the front would be removed and replaced with 4 no. disabled parking spaces. 6 of the new parking spaces would provide EV charging. Kent Parking Standards (SPG4) for B1 office use would have a requirement of 1 space per 25sqm. With an area of 1,170 this would calculate at a requirement of 46.8 spaces. 46 additional parking spaces plus 4 disabled parking spaces would comply with this requirement.

GBC Parking Services Officer has requested that developers cover the costs of consulting and implementing a Traffic Regulation Order for restrictions which would include, no waiting at any time (double yellow line) restrictions at the junction into the development. However, KCC Highways are the relevant authority to make such a request, and they have raised no concerns regarding the increased level of traffic generation and have not requested such restrictions. They have also found the level of parking on site acceptable. There is therefore no justification to seek a Section 106 for such restrictions on behalf of Kent County Council.

Subject to details reserved by condition, adequate parking provision is therefore available in accordance with paragraphs 110 to 113 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014.

Biodiversity Net Gain

Under the Environment Act 2021 and supporting Statutory Instruments Biodiversity Net Gain (BNG) is now mandatory for most development. The legislation requires a minimum 10% gain in biodiversity from applicable development either onsite, offsite or a combination of both.

BNG provided under the mandatory requirements offsite and significant BNG onsite must be secured by a legal agreement for 30 years under an approved Habitat Management and Monitoring Plan (HMMP)

There are strict legal requirements in terms of what an application must contain in relation to BNG before it can be accepted as valid. This is set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and requires the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application and other information.

However, certain applications are exempt from the BNG regulations (the Biodiversity Gain Requirements Exemptions) Regulations 2024) including householder applications and include:

- Householder development as defined within article 2(1) of the Town and Country Planning Development Management Procedure) (England) Order 2015.
- Development granted planning permission by a development order under section 59. This includes permitted development rights.
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- Self-build and custom build development - development which:
 - consists of no more than 9 dwellings, and
 - is carried out on a site which has an area no larger than 0.5 hectares, and
 - consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

BNG became mandatory for major developments from 12th February 2024 and for minor sites on 2nd April 2024. As a category major development, which was made valid on 18/03/24. KCC Biodiversity have confirmed that the application meets the 'de minimis' exemption and so the BNG will not apply to this application.

Flood Risk

The application site is located besides the Westcourt Marshes and in Flood Zone 3. As such, it is important to assess the potential impact of development on, and from flood risk.

The Environment Agency were consulted on the scheme and originally made objections as the site was at risk of flooding due to its finished floor levels being below the Downriver Breach Modelled Levels. To overcome this concern, following discussions with the planning agent, amended plans were submitted which raised the floor levels of the building by raising the surface ground level surrounding this building. Following this alteration, the Environment Agency found the alteration to be an appropriate measure to overcome their concerns. However, they have requested inclusion of a condition which would ensure appropriate finished floor levels are constructed and thereafter maintained. If approved, this condition would be included in the decision

Contamination

Environmental Protection have requested inclusion of a watching brief during construction in case any contamination issue is encountered. If approved, a condition to this effect will be included.

Conclusion & Recommendation

In principle, the proposed development would be considered acceptable as it would provide increased employment and office space in the North-East Gravesend Regeneration Area. This would comply with Policy CS02, CS04 and CS07 of the Gravesham Local Plan Core Strategy (2014).

The scale, design and appearance of the building would be sympathetic to the missed use of the area noting the existing industrial park in which it would be located but also the nearby residential development which has taken place in recent history. Whilst it would be visible from the street, its appearance would be reflective of the existing office building it would be situated besides, its materials would be appropriate and there would be benefits from increased soft landscaping. This would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF 2023.

The site is distanced away from residences, and this would mitigate potential impacts with regard to overlook, overshadowing and bulk. However, given the employment use of the building and the wider industrial use of the site, there is potential for impact from light, noise and odour. Appropriately worded condition would provide appropriate mitigation for these issues. This complies with Policy CS19 of the Core Strategy 2014 and paragraphs 135 and 191 of the NPPF 2023.

The additional parking provision provided is considered adequate to meet the needs of the site as expanded by the additional office and storage building. This view is maintained by KCC Highways Officer. Requested conditions would ensure that an appropriate travel plan is put in place and adequate EV charging facilities are provided. This would comply with paragraphs 110 to 113 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014.

Other matters including Biodiversity Net Gain and Flood Risk have been addressed with the KCC Biodiversity Officer finding the application to benefit from the 'de minimis' exemption and the Environment Agency confirming that flood risk would be appropriately mitigated as a result of amendments provided by the planning agent which would raise the finished floor levels.

The proposed development complies with all relevant national and local planning policies. The recommendation is therefore to approve the scheme, subject to conditions.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Richard Hart
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Signed:		Signed:	<i>R Hart</i>
Dated:	30 th August 2024	Dated:	30 th August 2024