



Delegated Report

KCC Consultation

Planning Application No: 20230052

Location: Unit 6 Rod End Estate Northfleet Industrial Estate Lower Road Northfleet

Description: KCC Reconsultation of behalf of EDC KCC/DA/0082/22 - Change of use of industrial yard to create a facility for the collection and distribution of hazardous wastes (including liquid waste oils/petrochemicals, liquid waste coolants, automotive wastes and packaged hazardous wastes); installation of new offices, weighbridge, laboratory, oil storage tanks, oil interceptor, new hard surfacing/hard standing and impermeable bunding; demolition of part of building 5 and a fire damaged structure; and retention, reprofiling and landscaping of the northern bund.

Applicant: KCC Planning Applications Group

Site Visit Date: None (desktop assessment)

Introduction

Kent County Council (KCC) on behalf of the Ebbsfleet Development Corporation (EDC), as the determining Planning Authority, has consulted Gravesham Borough Council (GBC) for its views on the proposed change of use of an industrial yard to create a facility for the collection and distribution of hazardous wastes (including liquid waste oils/petrochemicals, liquid waste coolants, automotive wastes and packaged hazardous wastes); the installation of new offices, weighbridge, laboratory, oil storage tanks, oil interceptor, new hard surfacing/hard standing and impermeable bunding; the demolition of part of building 5 and a fire damaged structure; and the retention, reprofiling and landscaping of the northern bund at the application site.

It is noted that the application site is located within the Dartford Borough Council area and GBC are being consulted as the adjoining Local Planning Authority.

Submitted Documents/Plans

The planning application (KCC reference KCC/DA/0082/2022) documents are available on the KCC website via the following link;

<https://www.kentplanningapplications.co.uk/Planning/Display/KCC/DA/0082/2022?cuuid=58BDE6E8-8ED3-47FB-B21F-1C522E7089DB>

Relevant Planning History

Reference	Description	Outcome	Decision Date
20220530	KCC Consultation of behalf of EDC KCC/DA/0082/22 - Change of use of industrial yard to create a facility for the collection and distribution of hazardous wastes (including liquid waste oils/petrochemicals, liquid waste coolants, automotive wastes and packaged hazardous	Observations sent	23.06.2022

	wastes); installation of new offices, weighbridge, laboratory, oil storage tanks, oil interceptor, new hard surfacing/hard standing and impermeable bunding; demolition of part of building 5 and a fire damaged structure; and retention, reprofiling and landscaping of the northern bund.		
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Application reference EDC/19/0069 Outline application for the Redevelopment of site to provide industrial units within Class B2/B8 and Class B8 (with ancillary Class B1a) together with associated parking and access road was permitted on 12 Mar 2020 by the EDC.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

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

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
- 12 – Achieving sustainable development and well-designed places
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);

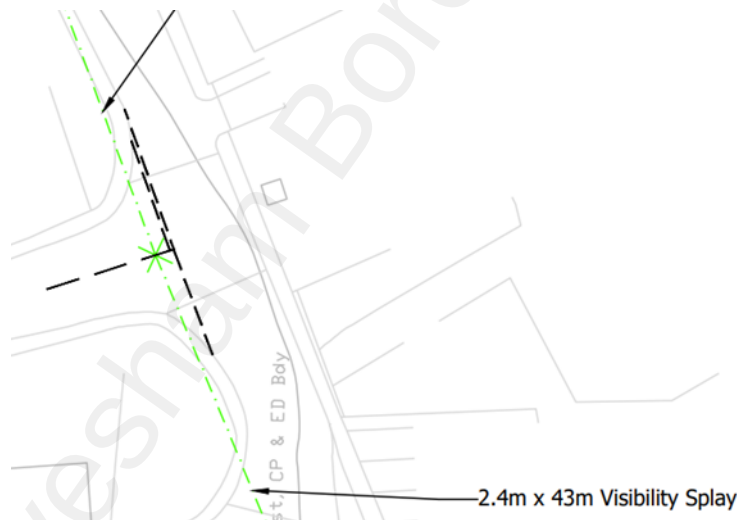
Consultations, Publicity and Representations

As the determining authority, KCC have the responsibility to undertake relevant statutory consultations and publicity. In addition, the following consultations have been undertaken by GBC.

GBC Highways Officer

There have been several documents submitted to support this application and so I will consider each in turn as relevant to highway issues.

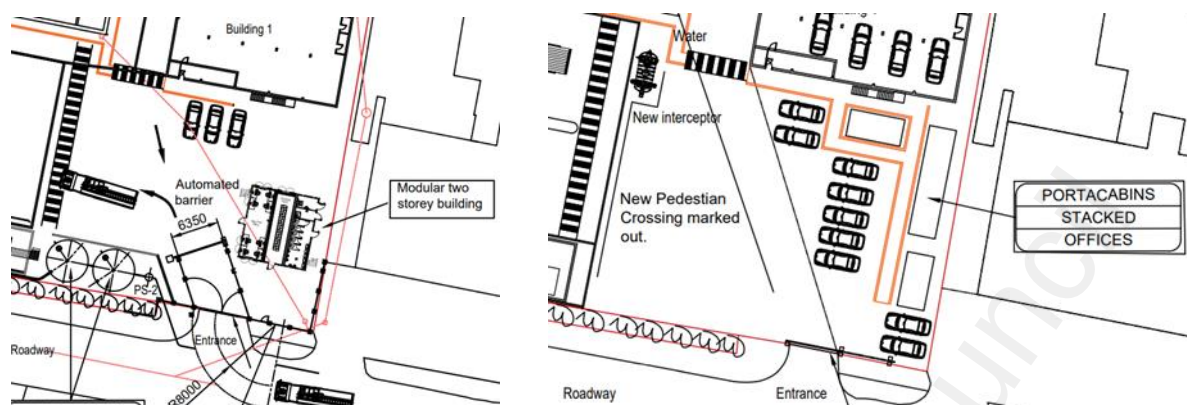
1. Transport Statement paragraph 3.3.4 The consultants should know when considering walking and cycling distances, it is the actual distance travelled rather than as the crow fly's distances. This immediately excludes all districts north of the River Thames which the statement includes. Drawing number 002 in the figures section of the report, PDF page 34.
2. The summary of bus services includes buses that have a single morning and afternoon service, these are irrelevant unless one they accessible, some are school buses and at times appropriate to serve the work force and offer a return journey.
3. Paragraph 3.5.1 refers to international destinations, but no services currently stop at Ebbsfleet for at least 2023. It is a matter of little consequence in respect of this application, yet the inclusion of incorrect information places doubt on the accuracy of the document.
4. Paragraph 4.2.5 refers to 22 HGV's being based on site, yet paragraph 4.5.1 refers to 21 HGV spaces being provided with 22 car parking spaces. Drawing number 001NFTGA02 Rev D shows 21 lorry spaces and what appears to be 25 car parking spaces. However, on this drawing at least there are no marked bays to demonstrate that the parking provision complies with the parking bay sizes in SPG4.
5. The sight lines shown on drawing PRJ01-TTE-00-ZZ_DR-S-001 Revision P01 show the sight lines crossing land in third party ownership at least to the south. (Appendix C) and this is outside of the applicant's control and is also an existing situation. However, given the proximity of the junction to the south it is doubtful that vehicles will be approaching at 30mph so a reduced visibility would be acceptable, and there are no injury accidents recorded to suggest there is an issue. Of more interest is the sight line available at the site access as this also needs to be 43m x 2.4m x 43m with 2m x 2m pedestrian splays, but again this is an existing access.



6. Section 5.1 considers committed schemes and developments but only mentions searching the KCC website, are there are three other planning authorities websites that need to be searched for committed developments, DBC, EDC and GBC.
7. Paragraph 6.1.2 and table 4 refer to proposed vehicle movements and includes 33 car arrivals and 33 departures, yet there will not be sufficient parking to accommodate all these vehicles. Whilst this accepted as a worst case scenario, if it can occur than the applicant needs to indicate where the additional car parking can be accommodated. Similarly if the worst case is being considered as its impossible to have half a lorry all such movements should be rounded up. It only makes a difference of two so is insignificant but is more sensical.
8. Although not relevant it is noted there are a couple of typo's within the document.

Fire Safety Plan

9. Drawing 001NFTGA032 Rev1 conflicts with 001NFTGA02 Rev D in the Transport Statement.



10. It is noted the lighting layout uses the same plan as the Fire Safety Plan, so depending which is correct the lighting or car parking provision will need to be reassessed. It is noted the Fire Safety Plan and the Lighting Plan reflect the Proposed General Arrangement Buildings, Parking and Traffic drawing 001NFTGA02002 Rev 2.

Whilst none of the above may be fatal to the application, there are inconsistencies that should be addressed. Plus the car parking and lorry parking provision should be resolved. There should be adequate parking to accommodate all lorries based on site, so the number of lorries should be reduced by one or the parking increased by one. In terms of car parking, given in the worst case each employee may travel in their own vehicle it should be possible to provide 33 car parking spaces on site, although some spaces may be in an overflow area. All parking spaces should conform to the requirements of SPG4

B8. The preferred sizes for parking bays in Kent provided as part of development proposals are:

	Length	Width
Parking Bay Size for Powered Two-Wheelers ⁽¹⁾	2.5m	1.5m
Parking Bay Size for Cars ⁽²⁾	5.0m	2.5m
Parking Bay Size for People with a Mobility Handicap	5.5m	3.6m
Parking Bay Size for Light Goods Vehicles	7.5m	3.5m
Parking Bay Size for Minibuses ⁽³⁾	8.0m	4.0m
Parking Bay Size for Coaches ⁽³⁾	14.0m	4.0m
Parking Bay Size for Rigid Heavy Goods Vehicles	12.0m	3.5m
Parking Bay Size for Articulated Heavy Goods Vehicles	16.0m	3.5m
Notes: 1. A minimum space of 1.0m should be allowed between each motorcycle. 2. Where car parking spaces are provided parallel to, and abutting, a carriageway, aisle or drive the preferred bay size should be 6.0m x 2.5m to allow vehicles to manoeuvre into the bay when adjoining bays are occupied. The width of end spaces abutting an enclosed boundary should be increased to 2.7m 3. A width of 4.0m is the minimum necessary to allow passengers to embark and disembark safely.		

GBC - Environmental Protection Team (Regulatory Services)

The additional/revised documents submitted to KCC have been reviewed. The main ones of relevance to the Environmental Protection Team are the 'Response to Kent County Council January 2023', 'Updated Air Quality Assessment', 'Transport Statement' and 'Construction Environmental Management Plan'.

The queries raised in the earlier response dated 16/06/2022 have, in the main, been addressed by the additional information submitted.

Air Quality:

This is an overview of the revised Air Quality Assessment. As the sites falls in the Dartford area and under the jurisdiction of Ebbsfleet Development Corporation, their air quality consultant should provide a more detailed technical scrutiny of the report.

The revised assessment now refers to PM2.5 and has included a more robust assessment of the operational phase impacts on NO2, PM2.5 and PM10. Detailed modelling has been undertaken using ADMS Roads Dispersion Modelling and data from the recent Transport Statement has been used. A revised AADT figure has been provided in the Transport Assessment which advises that the number of daily vehicle movements (HGVs and staff vehicles) will be 144 which is lower than the current vehicle movements to/from the site of 495. The operational impact has been modelled to be negligible in terms of the impact on sensitive receptors locally and the general air quality in the area (including the Northfleet AQMA). In view of this, the report concludes that no operational mitigation measures will be needed, and this is agreed with.

However, it should be noted that if the highways authority does not agree with the assumptions and trip figures contained in the Transport Statement, the Air Quality Assessment may need to be revised which could have a bearing on any outcome in terms of impact on the AQMA/local air quality.

In terms of the construction phase, the original Air Quality report indicated that there will be some impact - ranging from negligible to medium depending on the activity/phase of construction. The applicant has agreed in section 10.1.1 of the 'Response to Kent County Council January 2023' for construction phase mitigation measures as detailed in Section 7 of the original Air Quality Assessment be secured by condition on any permission. Again, this is agreed with.

Concern was raised previously regarding the number of vehicle movements and a request to restrict vehicle movements by condition was made. This was to ensure that the numbers do not increase thereby resulting in more emission to air in the locality/district. The Transport Statement has clarified the number of vehicle movements associated with the proposal (144 daily trips) which is far less than previously indicted, and less than those associated with the site as it currently operates. It would be prudent to restrict vehicle movement numbers associated with the site to ensure that operations do not increase to such an extent that, in terms of vehicle emissions, there is a detrimental impact on local air quality.

Comments were also made previously regarding compliance with current/latest vehicle emission standards. The applicant has advised (section 10.8.1) that all newly purchased vehicles will comply with the latest Euro standard. Any existing vehicle will be upgraded when it is replaced but vehicles will not be sold/replaced immediately should the standard change. If possible, it would be prudent to secure this mechanism of vehicle replacement and compliance with Euro standards either by condition or through an operational/management policy. This is to ensure that there is no detrimental impact on the nearby AQMA or local air quality in the district as vehicles route through to the A2.

Environmental Permit:

Confirmation has been given that an A2 Environmental Permit has been issued by the Environment Agency. This Permit provides conditions regarding emissions to air and water as well as noise in terms of the operation activity on the site. These conditions will ensure that fugitive dust emissions from the site are addressed, so there is no longer the need for a condition relating to this as requested previously.

GBC previously recommended conditions i to iv in their response dated 23 June 2022 (as detailed on page 2-21 of the 'Response to Kent County Council January 2023'). This was in relation to the construction works. The response from the applicant in the 'Response' document regarding this is that these matters will be covered by the Permit. This is not the case as the Permit does not relate/apply to the construction/demolition phase of the proposal. These conditions are still needed but are covered by the Construction Environmental Management Plan (CEMP) – see below.

Construction Environmental Management Plan (CEMP):

A CEMP has been submitted and this addresses concerns regarding fugitive dust emission and noise relating to the construction phase. The requirement for the mitigation measures as detailed in the submitted CEMP to be put in place should be placed on any permission to ensure that these measures take place. The applicant has agreed to this in their 'Response' document (page 15).

Construction hours are specified in the CEMP as:

Monday to Friday: 07:30 to 16:30 hours

Saturday: 07:30 to 13:00 hours

These hours are agreed with.

Sundays or Bank Holidays are not mentioned – there should be no construction work on these days unless its an emergency or prior consent has been given.

Operational Opening Hours:

There appears to be some confusion in the 'Response' document regarding operational hours and hours during the construction phase. It does not appear that the Environmental Protection team made reference to operational opening hours or construction site hours in their previous consultation response. However, the applicant has referred to the hours in GBC's response dated 23 June 2022 in relation to operational opening hours, but these actually relate to recommended construction site hours. The construction site hours are addressed in the CEMP. These hours will minimise any impact on GBC residents during the construction works.

In terms of operational opening hours, due to the distance of the nearest residential area in GBC residents (c.700m), it is not anticipated that operational noise will be an issue. In addition, conditions relating to noise are contained in the Environmental Permit issued by the EA which provides a mechanism for dealing with any noise/vibration issues should they arise. In this respect, there is no objection to the proposed operational hours.

Officer's Analysis

The delegated report for application reference 20220530 set out the key issues relating to the proposed development and highlighted the specific concerns raised by the GBC Highways Officer and the GBC Environmental Protection Team (Regulatory Services). The additional information submitted by the applicant has sought to address these specific concerns, as well as to address issues raised by other consultees.

The GBC Highways Officer has not raised an objection to the proposal but highlights some concerns regarding the additional highways information that has been submitted. These concerns should be drawn to the attention of KCC.

The GBC Environmental Protection Team (Regulatory Services) has not raised an objection but highlights some issues for consideration. These issues should be drawn to the attention of KCC.

Recommendation

KCC be requested to take account of the comments of GBC Highways Officer and the GBC Environmental Protection Team (Regulatory Services) when making their determination.

(For detailed response and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>

Dated:	9th February 2023	Dated:	9th February 2023
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Gravesham Borough Council