

Delegated Report

Planning Application

Planning Application No: 20260175

Location: Land North Of Elizabeth Gardens West Street Gravesend Kent

Description: Erection of two electrical cabinets.

Applicant: Statutory Port Authority - Port Of London Authority

Site Visit Date: 27.02.2026

Submitted Documents/Plans

- Application form;
- Drawing no. 600-PLA-01-WSP-DR-0001 Rev. P01 – Feeder Pillar Site Location Plan;
- Drawing no. 600-PLA-01-WSP-DR-0002 Rev. P02 - Proposed Feeder Pillar Site & Layout Plans;
- Drawing no. 600-PLA-01-WSP-DR-0003 Rev. P01 – Existing Site Plan;
- Planning Statement and Design and Access Statement;
- Flood Map;
- Flood Risk Assessment;
- Appendix 1 – The Net Zero River Plan.

Relevant Planning History

None.

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas
- TC7 - Other Archaeological Sites

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

Other material considerations

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architect or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 7 – Ensuring the vitality of town centres
- Section 8 – Promoting healthy and safe communities
- Section 12 – Achieving Well-Designed Places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Design for Gravesham – Design Code (2024)

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that

are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

There is no objection to this application or adverse comments to make. Due to the proximity of the flats to the site, a Code of Practice on Construction and Demolition condition is recommended.

Environment Agency – 05/06/2026

We have **no further objection** to the proposed development.

Please refer to the following sections for our full response:

- Section 1: Technical comments
- Section 2: Informative

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

Section 1: Technical comments

The applicant has submitted plans that detail the depth at which the concrete slab and electrical cabling will be installed, satisfying our concerns raised in our previous objection.

The development will have minimal impact on the sheet pile flood defence wall and its buried elements.

The applicant will need to apply for a Flood Risk Activity Permit in order to undertake the works, see Section 2 of this letter.

Section 2: Informative

Environmental permit – Flood risk activities

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

- erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge
- altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work
- building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river
- dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed
- diverting or impounding the flow of water or changing the level of water in a main river
- quarrying or excavation within 16 metres of any main river, flood defence

(including a remote defence) or culvert

- any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river
- any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river
- any activity within 16 metres of a sea defence structure
- activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

For further guidance please visit [Flood risk activities: environmental permits - GOV.UK](#) or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Environment Agency – 23/04/2026

We **object** to the proposed development as it involves works within close proximity of a flood defence. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

Please refer to the following sections for our full response:

- Section 1: Reasons for, and how to overcome, our objection(s)
- Section 2: Note to the Applicant

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

Please be aware that we wish to be re-consulted on this planning application once the required information has been submitted. Please also note that our subsequent advice may concern other important environmental issues.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

Section 1: Reasons for, and how to overcome, our objection(s)

Objection - Works next to a flood defence

We object to this application as it involves works within close proximity of a flood defence. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

Reason

We have reviewed the information submitted for the installation of two electrical cabinets in close proximity of the River Thames. Even though this is a minor infrastructure development, we have some concerns relating to the installation and request further clarification on the installation.

Within the Proposed Feeder Pillar Site & Layout Plans drawing, the diagram shows that there will be a concrete slab places beneath the electrical cabinets, as well as cabling running south from the unit.

Overcoming our objection

The applicant should confirm the depth at which the concrete slab will be installed, as well as the electrical cabling. This needs to be demonstrated to ensure that the Thames Tidal flood defence wall, as well as any underground elements of the defence will not be adversely affected or disturbed due to the proposed works.

Section 2: Note to the Applicant

Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

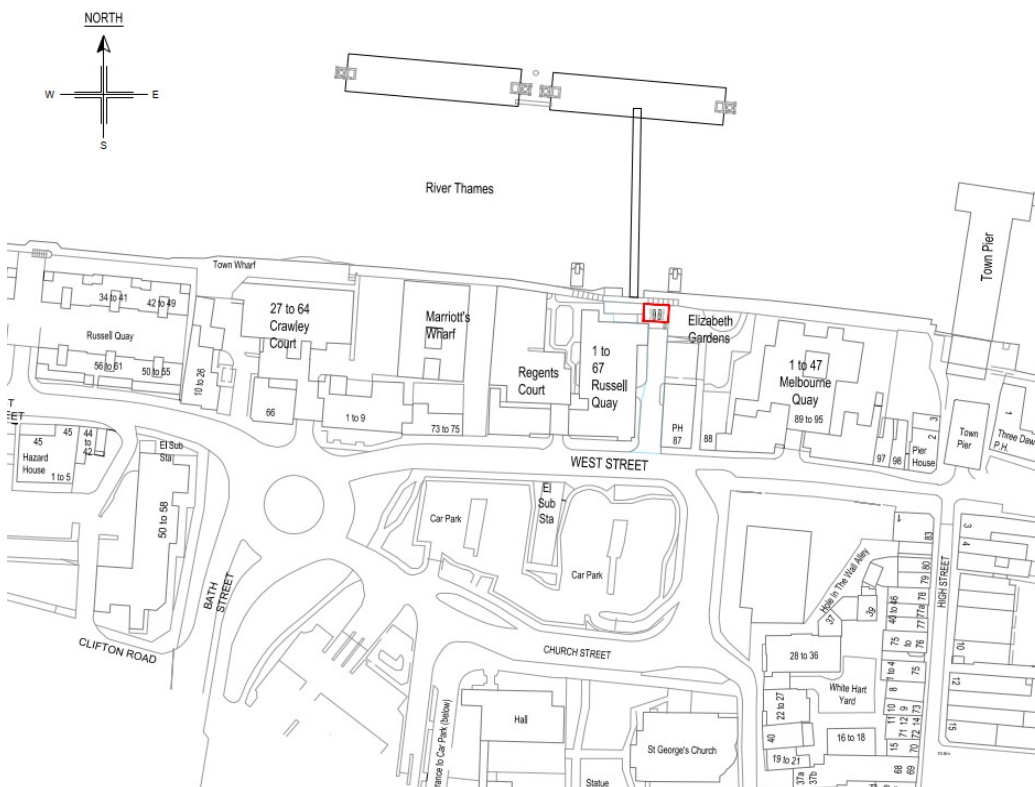
The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Neighbouring properties

71 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 11.06.2026 – no responses received.

Officer's Analysis

The application site consists of a rectangular piece of grassed land in the north west corner of Elizabeth Gardens measuring 40 sq. m which is on a slope and has two grey poles in it with the staircase to the upper level of walkway with a metal staircase to the north and east. To the north is the River Thames, to the east and south is Elizabeth Gardens and to the west is Regents Court:

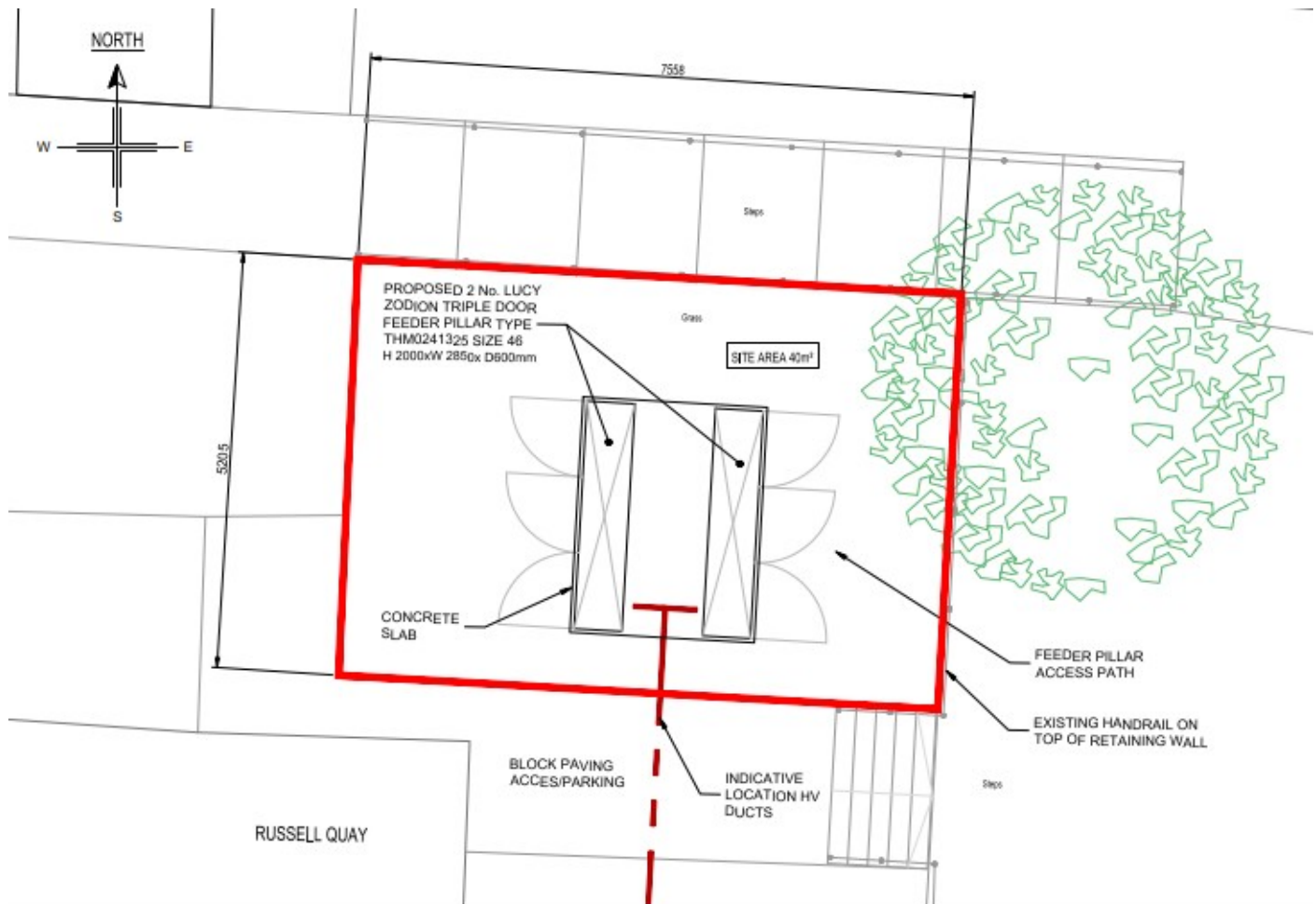




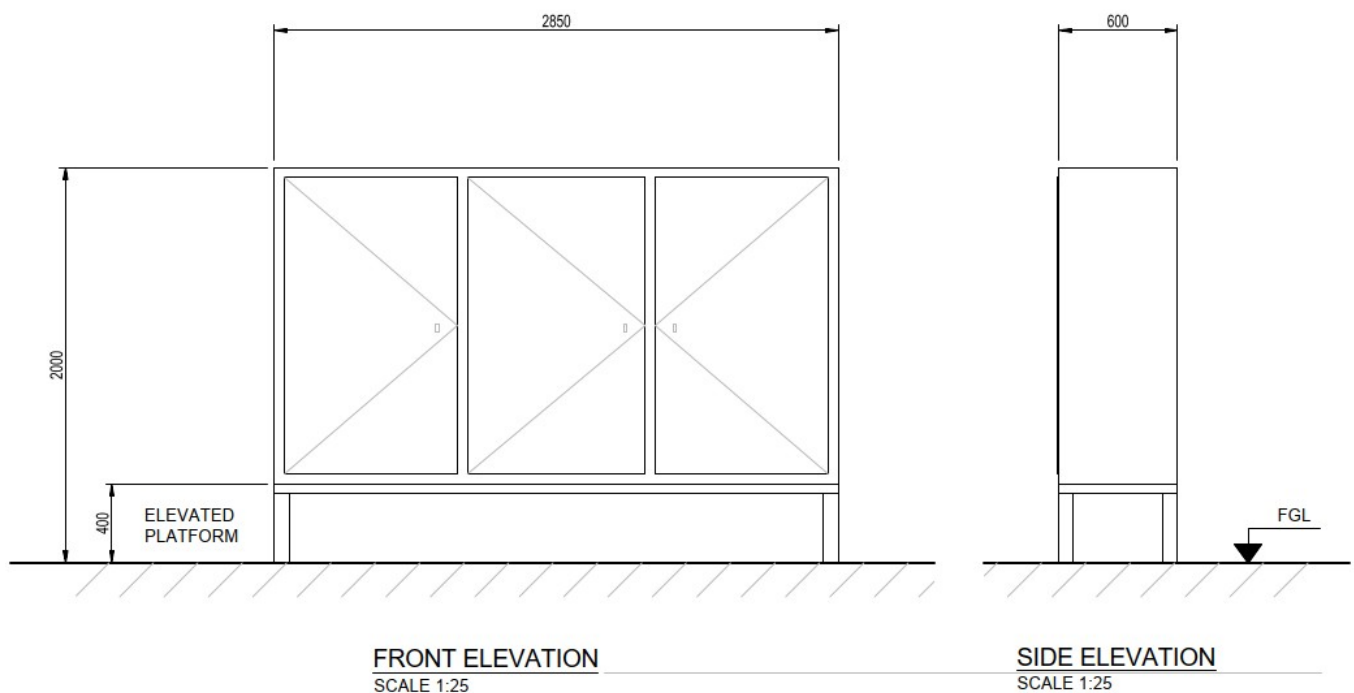
The site is located in Flood Zone 3 and an Area of Archaeological Potential. The western boundary of the High Street and Queen Street Conservation Area is immediately to the west. The Rum Puncheon Pub which is grade II listed is located some 18m to the south-east.

It is proposed to install two low voltage electrical cabinets and cabling which would each be 2m in height x 2.85m in width and 0.6m in depth. The proposed development seeks to provide this small-scale infrastructure which is required to facilitate a future shore power installation project at the site in association with the proposed new pier at West Street Pier. The need for this proposal is underpinned by the requirement to transition to net zero emissions. By providing adequate grid connected electrical power services marine operators using the pier in the future will be able to move away from burning diesel in generators (either onboard or temporary pier-side generators) to zero emissions at source electrical power. This infrastructure has the capacity to deliver net zero operations for the next thirty years. There will be no permanent staff based on site – the infrastructure will only be used for housing the required equipment and will only have staff on site when maintenance or checks are required.

This is the location of the proposed cabinets:



This shows what they would look like, a slim cabinet with three doors on an elevated platform from the ground, they would be galvanised steel coloured grey:



The principle considerations are as follows:

Principle

The site is within the urban boundary of Gravesend which is covered by Policy CS02 (LPCS) which prioritises development in the urban area as a sustainable location for development. In summary therefore, it is considered that there is support for the principle of the development but all of principle considerations will need to be looked at to assess whether it is acceptable in regard to them too.

Design, Character and Appearance

The cabinets are of a slim profile and would be located far back from the street frontage of West Street. They would merge into the existing environs in this back corner of Elizabeth Gardens particularly the galvanised steel staircase, as functional street furniture. It is said that the size of the pillars are informed by the design standards under the DNO's statutory powers and they are no larger than needs to be and seeks to meet the minimum requirements stipulated by UKPN.

Given the fairly modest scale of the cabinets and their location in a back corner of Elizabeth Gardens, with the steel staircase behind, it is considered they would also not cause harm to the setting of the High Street & Queen Street Conservation Area or the grade II listed Rum Puncheon to the south-east.

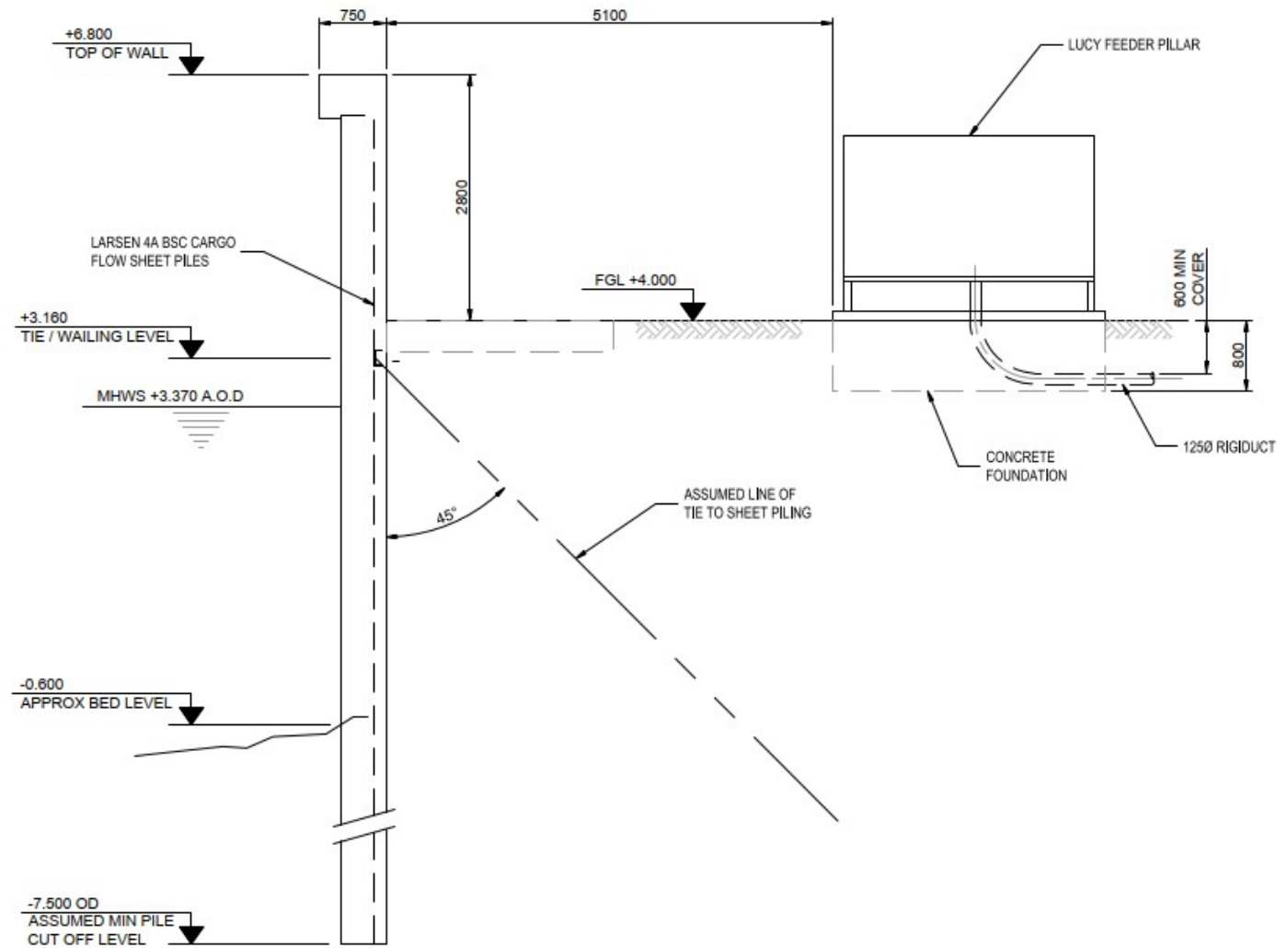
In respect of design, character and appearance and heritage the proposal is considered compliant with Policies CS19 & CS200 (LPCS) and saved Policies TC2 and TC3 (LPFR).

Neighbouring Amenity

Regents Court is located to the south east of the application site where in the rear and east flank walls which are nearest to the site have windows within them. GBC Environmental Protection have not raised any objections to the proposal but suggest that due to the proximity of the flats to the site, a Code of Practice on Construction and Demolition condition is recommended. Subject to this, it is therefore considered that the proposal would cause no harm to neighbouring amenity. In respect of neighbouring amenity the proposal is therefore compliant with Policy CS19 (LPCS).

Flooding

The site is located in Flood Zone 3, the Environment Agency (EA) were consulted on the application and they originally objected to it on the basis that it would involve works within close proximity of a flood defence. They advised that even though this is a minor infrastructure development, they have some concerns relating to the installation and requested further clarification on the installation. They advise that within the Proposed Feeder Pillar Site & Layout Plans drawing, the diagram shows that there will be a concrete slab placed beneath the electrical cabinets, as well as cabling running south from the unit. The EA asked for the applicant to confirm the depth at which the concrete slab will be installed, as well as the electrical cabling and this information is needed to ensure that the Thames Tidal flood defence wall, as well as any underground elements of the defence will not be adversely affected or disturbed due to the proposed works. The applicant was written to in order to request the required information and the applicant provided additional detail in the form of a revised drawing which added this information, which showed the cabling would be 800mm below ground:



The EA were re-consulted and they have now advised that they now raise no objections. They state that the applicant has submitted plans that detail the depth at which the concrete slab and electrical cabling will be installed, satisfying their concerns raised in their previous objection and that the development will have minimal impact on the sheet pile flood defence wall and its buried elements. They advise that the applicant will need to apply for a Flood Risk Activity Permit in order to undertake the works which can be added as an informative.

As such it is considered the proposal would not impact on flooding and in respect of this matter the proposal is compliant with Policy CS18 (LPCS).

Archaeology

The site is in an Area of Archaeological Potential however, given all of the redevelopment in this area with Regents Court, Elizabeth Gardens (mostly all hard paved) and Melbourne Quay and that it would be only 800m from land level to the lowest part of the underground cabling, it is considered unlikely that the proposal would impact on any archaeology. As such in respect of archaeology the proposal is considered compliant with saved Policy TC7 (LPFR).

Ecology and Biodiversity

Biodiversity Net Gain (BNG)

The application site is a grassed area but the applicant states that the development the development is subject to the de minimis exemption as the site is under 25 sq. m which is accepted and therefore BNG is

not required and the proposal would not be compliant with Policy CS12 (LPCS).

Any Other Material Planning Considerations

None.

Conclusion

The proposal would be acceptable in respect of principle, design, character and appearance including heritage, neighbouring amenity (subject to condition, flooding and archaeology. As such the proposal is compliant with local and national planning policy.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	16th June 2026	Dated:	17th June 2026