



# Delegated Report

## *Approval of Details Application*

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**Application no:** 20240285

**Location:** Custom House The Terrace Gravesend Kent

**Description:** Application for approval of condition 4, 5, 7 and 8 attached to planning permission reference number 20210757 relating to a strategy to deal with the potential risks associated with any contamination of the site, particularly the workshop and boathouse (4), the implementation of a programme of archaeological work in accordance with a written specification and timetable (5), a detailed sustainable surface water drainage scheme (7) and a landscape management plan detailing how the shingle beach habitat and other envisaged ecological enhancements within the site will be maintained (8).

**Applicant:** Mile Property Group

**Site Visit Date:** N/A

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Planning permission was granted for 'Redevelopment of the site including demolition of the southern part of the workshop building and existing corridor link at first floor level between Custom House and the outbuildings and conversion of Custom House, the coachhouse and outbuildings to include extensions, the Old Boathouse and the Boathouse with external alterations and erection of a new three storey building to provide 27 residential units (6 x 1 bed, 15 x 2 bed and 6 x 3 bed) with associated landscaping and parking' under application ref. 20240285 on 24 November 2023. This was subject to a number of conditions including nos. 4, 5, 7 and 8 which this application seeks to discharge.

### Consultations

#### GBC Environmental Protection

Only Condition 4 - Land Contamination is relevant to Environmental Protection.

Intrusive soil sampling (Phase 2 Report dated February 2024) has been undertaken in accordance with the recommendations in the Preliminary Desk Top Study submitted with the planning application. The main areas covered are those to be used as gardens, and soft landscaped areas, and also in the vicinity of the former boat building workshop.

Analysis for appropriate contaminants (including asbestos) has been undertaken and results compared to relevant criteria. Levels were below the criteria for residential end use of all contaminants tested and no asbestos containing material was found.

Some fill material was present (probably in order to reduce the slope at some point). In this respect, this will not be suitable for garden areas or landscaped areas. The report recommends that in these areas, the fill material is excavated to a depth of 600mm, removed from site and replaced with clean imported topsoil (testing to confirm this must be undertaken). Alternatively, these areas could be hard landscaped or raised planters utilised. The soil has been classed as inert waste for disposal purposes.

No gas protection measures are required.

Based on this submission, parts 1, 2 and 3 of condition 4 can be discharged.

Part 4 relates to the verification report, and this will need to be submitted once the works detailed in the Phase 2 report have been completed. Only upon submission and approval of this, can condition 4 be fully discharged.

#### KCC Flood & Water Management – First response on -01/05/2024

Kent County Council as Lead Local Flood Authority have reviewed the Letter prepared by Herrington Consulting dated 14 March 2024 and have the following comments:

It is understood that it is proposed to manage the surface water for the site through the use of cellular storage prior to discharge into the River Thames.

1. Whilst we appreciate the information provided for the 30 (3.3%) year + 45% allowance for climate change and the 100 (1%) year + 45% allowance for climate change calculations, in addition to these, we require for the final full network calculations and model details to demonstrate the drainage system's operation and performance for the critical duration 2 year and 30 year events.
2. The report highlights that a vortex separator has been proposed to treat the runoff from the access road and parking area. However this has not been included within the operation and maintenance schedule. We seek for this to be included.
3. Further to this we seek for confirmation that the vortex separator provides the level of treatment required compared with the site usage in adherence to the Ciria SuDs manual 2015 part E section 26 in regards to required pollution treatments.

We would request for a holding objection until further information is provided to respond to the comments above.

#### KCC Flood & Water Management – Second response on 26/06/2024

Kent County Council as Lead Local Flood Authority have reviewed the Letter prepared by Herrington dated 14 May 2024 and no objection to the discharge of Condition 7.

#### KCC Heritage – 01/07/2024

Thank you for consulting us on these submissions with regards to a programme of archaeological works secured by Condition 5 of 20210757.

The field evaluation has been useful in demonstrating the presence of below-ground archaeological remains,. The archaeological contractor (KAP) has sent an updated version of the field evaluation report there will be a meeting next week to discuss.

#### KCC Heritage – 01/07/2024

As Condition 5 is a single condition (and I assume cannot be part-discharged to allow development to proceed) I have asked the applicant, following a meeting on site on Friday 21st June, that they submit a Written Scheme of Investigation for an Archaeological Watching Brief to cover mitigation of impacts. The field evaluation has revealed important evidence for the post-medieval development of the site and demonstrated the survival, below-made ground of the former riverside land surface, which pre-dates the probable late-18th century developments.

If a WSI for the mitigation watching brief is submitted and can be approved, then Condition 5 could be discharged in full.

#### KCC Heritage – 09/07/2024

Many thanks for sending through the WSI for an archaeological watching brief following the field evaluation.

I would be happy for this WSI (Custom House, The Terrace, Gravesend, Kent DA12 2BW: A Written Scheme of Investigation for an Archaeological Watching Brief with provision for bulk sampling and analysis: KAP July 2024) to be formally approved and for Condition 5 to be discharged.

### Environment Agency

Thank you for consulting us on the above application. We have **no objections** to conditions 4, 7 and 8 being discharged. Condition 5 is outside of our remit.

#### **Condition 4**

We have reviewed the Geo-Environmental Desk Study and Preliminary Risk Assessment and Phase 2 Report on Subsoil Investigations produced by R. Carr Geotechnical Services and understand that the site has remained relatively unchanged since the construction of Custom House in the early 1800s. It is also understood that no significant elevations of contaminants have been identified throughout the investigation and the samples results provided. Remediation is recommended in areas of proposed soft landscaping to better the horticultural potential of the underlying soils. Given the absence of contamination identified within all samples we recommend the discharge of condition 4 for this application.

#### **Condition 7**

We have reviewed the Surface Water Drainage Scheme produced by Herrington Consulting (Ref: EC/2813/001, dated 14th March 2024) and understand that all surface water drainage is to be attenuated within sealed geocellular storage. This is understood to discharge via an outlet to the Thames to the north of the site. This is considered acceptable from a groundwater protection perspective and as such, we recommend the discharge of condition 7 for this application.

#### **Condition 8**

We can confirm that sufficient information has been provided to discharge this condition. We do not have any further comments to make.

### Analysis

#### Condition 4

Condition 4 is:

4. *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, particularly the workshop and boathouse, 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.

*(Note: the submitted R Carr Desk study report would fulfil this requirements, but as development may be undertaken by other parties who may not have rights to the report, this element of the condition should be retained until the full condition can be discharged)*

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 pollution in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and paragraph 174 of the National Planning Policy Framework (2023).*

The information submitted in pursuance of condition 4 is:

- Phase I Geo Environmental Desk Study and Preliminary Risk Assessment by R. Carr Geotechnical Services, Ref: 3852/21; and
- Phase 2 Report on Subsoil Investigations by R. Carr Geotechnical Services, Ref: 4116/24.

Condition 4 was requested by the Environment Agency and GBC Environmental Protection also requested a land contamination condition. Both of these consultees were therefore consulted on the details submitted in pursuance of condition 4. Both the Environment Agency and GBC Environmental Protection advise that sufficient information has been submitted to discharge condition 4. As such it is recommended that condition 4 of application ref. 20210757 can be discharged.

#### Condition 5

Condition 5 is:

5. *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.*

**Reason:** *To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy (September 2014), saved Policy TC7 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2023).*

The information submitted in pursuance of condition 5 is:

- The results of an archaeological evaluation by trial trench prior to development on land adjacent to Custom House, The Terrace, Gravesend, Kent, DA12 2BW by Kent Archaeological Projects, March 2024;
- Archaeological Written Scheme of Investigation by Kent Archaeological Projects, March 2024;
- Archaeological Desk-Based Assessment (Pre-Planning) by Kent Archaeological Projects, March 2021;
- Custom House, The Terrace, Gravesend, Kent DA12 2BW: A Written Scheme of Investigation for an Archaeological Watching Brief with provision for bulk sampling and analysis by Kent Archaeological Projects, July 2024.

Condition 5 was requested by KCC Heritage. When the application was originally submitted there were three documents, 'The results of an archaeological evaluation by trial trench prior to development', Archaeological Written Scheme of Investigation and the Archaeological Desk-Based Assessment (Pre-Planning). KCC Heritage were consulted on the application and advised that the field evaluation was useful in demonstrating the presence of below-ground archaeological remains, but they wanted some more time to consider the results before making recommendations and that they were in direct communication with the archaeological contractor (KAP) who were going to send KCC Heritage an updated version of the field evaluation report which KCC Heritage would then need to go through and request a meeting with KAP to discuss. In due course an amended 'The results of an archaeological evaluation by trial trench prior to development' was submitted to the Council. KCC Heritage were consulted on this and they advised that as condition 5 is a single condition (and so cannot be part discharged) they had asked the applicant following a meeting that had taken place to submit a Written Scheme of Investigation for an Archaeological Watching Brief to cover mitigation impacts. KCC Heritage advised that the field evaluation has revealed important

evidence for the post-medieval development of the site and demonstrated the survival, below-made ground of the former riverside land surface, which pre-dates the probable late-18th century developments. They advised that if a WSI for the mitigation watching brief is submitted and can be approved then condition 5 could be discharged in full. A Written Scheme of Investigation for an archaeological watching brief was subsequently then submitted and KCC Heritage have advised that it is acceptable and that therefore with this document along with the other three documents, condition 5 can be discharged.

### Condition 7

Condition 7 is:

7. *No development approved by this permission shall be commenced until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy dated March 2023 prepared by Herrington Consulting Ltd and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.*

*The drainage scheme shall also demonstrate (with reference to published guidance):*

- *that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.*
- *appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.*

*The drainage scheme shall be implemented in accordance with the approved details.*

**Reason:** *To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).*

The information submitted in pursuance of condition 7 is:

- Revised Letter - Discharge of condition 7 for the proposed development at Custom House, The Terrace, Gravesend, DA12 2BW by Herrington Consulting dated 14 May 2024.

Condition 7 was requested by KCC Flood & Water Management. For the original document submitted, KCC Flood & Water Management were consulted and they advised that they had a holding objection until further information on the three points that they raised had been submitted. An amended letter for discharge of condition 7 was submitted and KCC Flood & Water Management were consulted and they advise that the amended document was now acceptable and they had no objections to the discharge of condition 7. KCC have also commented on the submitted details and advise they are acceptable for the discharge of condition 7. As such overall it is recommended that condition 7 can be discharged.

### Condition 8

Condition 8 is:

8. *No development approved by this planning permission shall commence until a landscape management plan detailing how the shingle beach habitat and other envisaged ecological enhancements within the site will be maintained has been submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.*

**Reason:** *To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) and paragraph 174 of the National Planning Policy Framework (2023).*

The information submitted in pursuance of condition 8 is:

- Ecological Enhancement and Management Plan by Native Ecology, Ref: 1149\_R03\_EEMP, Issue date 15 February 2024.

Condition 8 was requested by the Environment Agency. They have advised that sufficient information has been provided to discharge condition 8. As such it is recommended that condition 8 can be discharged.

### Conclusion

Sufficient information has been submitted to discharge condition nos. 4, 5, 7 and 8 of planning permission ref. 20210757 and it is recommended that they can be discharged.

### Recommendation:

Approval of details

### See draft Decision

|                      |                         |                     |                                                                                     |
|----------------------|-------------------------|---------------------|-------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Ms Rebecca Harrison     | <b>Team Leader:</b> | Miss Faye Hobbs                                                                     |
| <b>Signed:</b>       | <i>Rebecca Harrison</i> | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 15th July 2024          | <b>Dated:</b>       | 16 July 2024                                                                        |