
SUMMARY REPORT

Application Ref:	20240590
Site Address:	Denton Wharf, Mark Lane, Gravesend, Kent, DA12 2PL
Application Description:	Upgrade to existing radar tower to increase the height of the tower.
Applicant:	Mr Michael Atkins, Port of London Authority
Agent:	None
Ward:	Denton
Parish:	Non-Parish Area
Decision due date:	10 th January 2025
Publicity expiry date:	21 August 2024
Decision Level:	Committee Decision
Reason for referral:	At discretion of the Head of Planning
Recommendation:	Permission subject to conditions

Summary of Reasons for Recommendations

The proposal is for an upgrade to the existing radar tower at Denton Wharf to increase the height of the tower.

It is considered that although large, the proposal on balance would be acceptable in terms of the principle of development, would protect the Gravesend Riverside East & North-East Gravesend Opportunity Area, be acceptable in respect of design, character and appearance, neighbouring amenity, flood risk, biodiversity, archaeology and public right of way.

In order to be positive and proactive, during the course of the application, discussions took place with the applicant to request additional information and clarification.

The development is considered to comply with local and national planning policy.

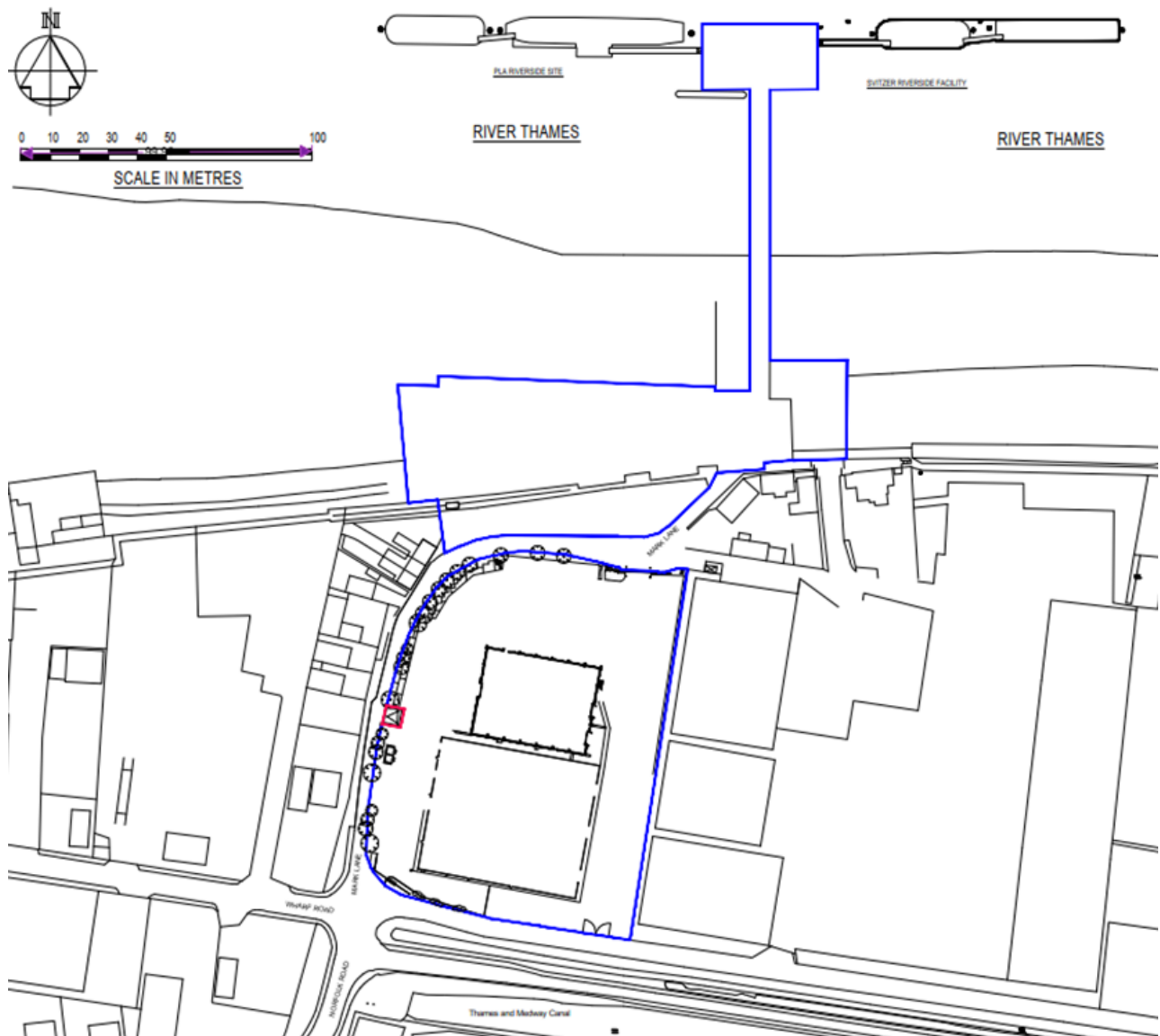
The recommendation is for planning permission, subject to conditions as set out within this report.

MAIN REPORT

1. Site Description and Surroundings

- 1.1 The application site consists of an existing radar tower located on the Port of London's (PLA) Denton Wharf site. Denton Wharf is the Port of London Authority (PLA'S) marine base of operations and is a facility to undertake a wide range of critical marine and land-based operations.

- 1.2 The radar tower is located some 24m to the west of Marine House. The application site in the context of the Denton Wharf site is shown below (outlined in red with the rest of the Denton Wharf site owned by the PLA outlined in blue):



- 1.3 A photograph of the existing tower is as follows:

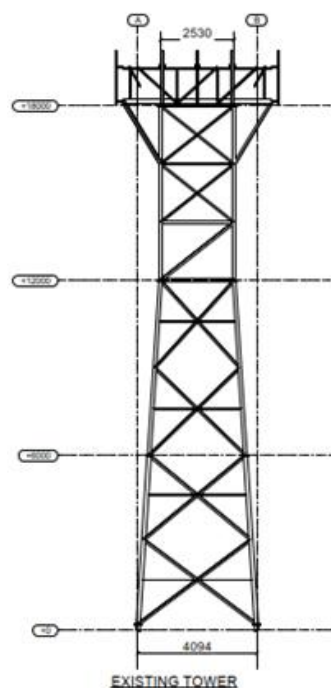


2. Relevant Planning History

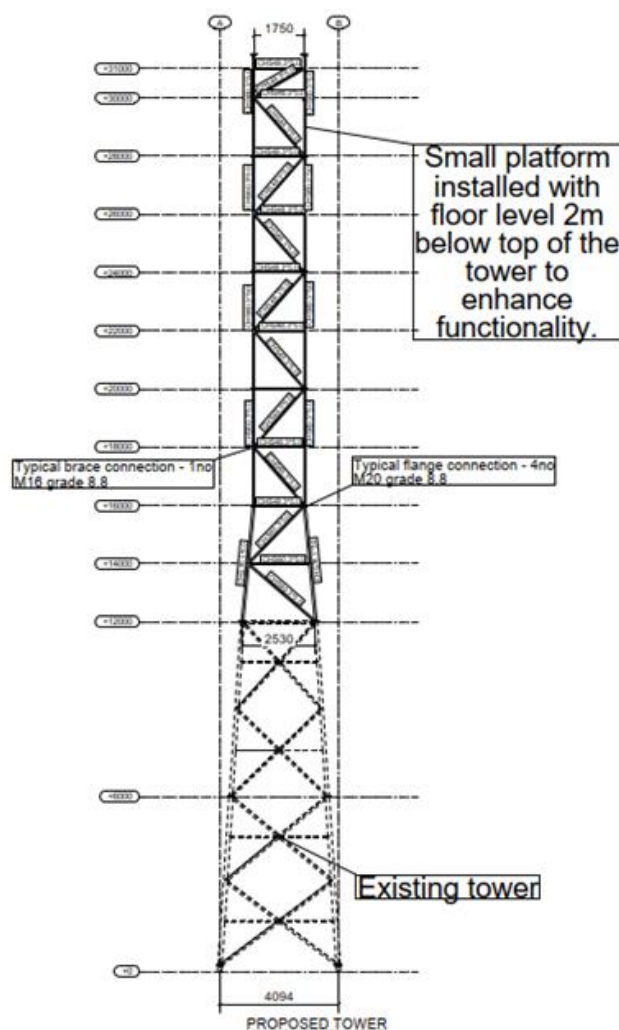
None

3. Proposal

- 3.1 The proposal is to increase the height of the existing tower at Denton Wharf from 18m to 31m – an increase of 13m. To be clear, it is to extend the height of the existing tower and not replace it.
- 3.2 The proposal has arisen due to the planned closure of the PLA's Thames Barrier Navigation Centre in the Royal Borough of Greenwich with the associated loss of the primary backup location for Vessel Traffic Services (VTS). Marine House at Denton Wharf has been chosen as an alternative site to ensure the ongoing resilience of VTS operations along the Tidal Thames. The existing tower which was originally designed for cellular communications is not fully compatible with the strict requirements of equipment used by the PLA to communicate between PLA shore-based radar sites and between VTS and river users and so in order for the existing tower to be utilised an upgrade is needed. This is required in order for the PLA to ensure the continuing safe navigation on the Tidal Thames as part of its role as the Statutory Harbour Authority for the Tidal Thames.
- 3.3 The existing tower is 18m in height, constructed of steel and in a lattice design with a microwave dish and CCTV cameras which are to be retained. The base is 4094mm in width and the tower tapers before expanding again at the top to 5.8m in width overall. The proposal is to remove the existing top 6m of the tower, fit a new tapered section and a new extension to the tower so that the overall height of the tower would be increased from 18m to 31m – an increase of 13m. This extension would be all in steel as per the existing tower and the width at the top would be 1750mm. There would be a small platform which would be installed 2m down from the top of the tower to be used for the safe servicing and maintenance of the equipment installations at the top of the tower when they are required to be carried out.
- 3.4 It is stated that the new tower section will be fabricated off site and transported to site in sections via a truck with the sections being assembled in the car park of Marine House and the single section then being lifted into place on the existing tower.
- 3.5 The existing and proposed elevations are as follows:



Removal of top 6m of existing tower and replaced with 4m taper + 15m parallel extension.



4. Planning Policy, Development Plan and other Material Considerations

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS04 - Gravesend Riverside East and North East Gravesend Opportunity Area
- CS07 – Economy, Employment and Skills
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC7 – Other Archaeological Sites

- 4.1 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.

- 4.2 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.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

Design for Gravesham – Design Code 2024

5. Consultations and Publicity Responses

Consultees

5.1 GBC Environmental Protection

There is no objection to this application or adverse comments to make.

5.2 KCC Public Rights of Way

Marks Lane (NG12) runs along the western side of the application site. I would ask the applicant to erect warning signs for the contractors when work is in the construction phase as Mark Lane and Wharf Road (NG2) are both Public Rights of Way and pedestrians may well be walking in the road. I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

5.3 National Highways

No objection.

5.4 Environment Agency

We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

5.5 Lower Medway Internal Drainage Board

The site is within the North Kent Marshes Internal Drainage Board's district; however, the proposal does not impact the Board's interests, and as such, we have no comment to make.

5.6 Marine Management Organisation

Generic comments sent – no objection has been raised.

5.7 UK Power Networks

No objection.

5.8 Neighbouring properties

25 surrounding properties were consulted with an overall consultation expiry date of 21.08.2024 – one response received making comments neither objecting or supporting the application. The comments are summarised as follows:

- Concerned at how much higher the tower will go and why it needs to go higher;
- Previously was a mobile tower not a radar tower;
- Needs to be assured that their and their neighbours privacy will be protected;
- It will never be an attractive feature to the area.

6. **Planning Analysis and Head of Planning Comments**

Principle

- 6.1 The site is located in the Gravesend Riverside East & North East Gravesend Opportunity Area and specific area 2.3 'Riverside Industrial Area East of Canal Basin & Metropolitan Police Site. Policy CS04 (LPCS) states amongst other things that the Riverside Industrial Area East of Canal Basin will be retained in employment use and that the Council will support proposals which improve their operation and quality of their environment and that the Council will support proposals that retain and increase marine related activity making active use of the River Thames. This proposal to upgrade the existing tower at the Denton Wharf site in order to ensure it can take on VTS operations given the planned closure of the Thames Barrier Navigation Centre at Greenwich would achieve this and as such the proposal is in accordance with the policy for the area, Policy CS04 (LPCS).

Design, Character and Appearance

- 6.2 The area that Denton Wharf is located is predominantly industrial in nature. The area which contains the existing tower and including Marine House and the other PLA buildings is surrounded by palisade fencing. There are large areas of car parking and yards where various items are stored, the site is an industrial river related use. The adjacent sites to the west and east are all industrial in nature. To the north there is a row of three dwellings and the River Thames beyond and to the south there is the Thames & Medway Canal. The existing tower is located next to the western boundary of the site. As stated, along the boundary runs a palisade fence and within this on the site is vegetation which conceals the lower part of the tower from outside the site from view. The proposal would increase the height of the existing tower from 18m to 31m which is a vast increase on the current situation. In terms of the height and the implications it could have on the wider townscape given its riverside location and nearby residential, it was considered that verified views in terms of a verified visual assessment should have been submitted with the application, which the applicant has since been asked to provide. The applicant was also asked if there was any room to negotiate on the height.

- 6.3 The existing and proposed comparison images provided by the PLA are as follows:

Facing south from riverside path

Existing:



Proposed:



View from Mark Lane facing North

Existing:



Proposed:



View from Norfolk Road facing North East

Existing:



Proposed:



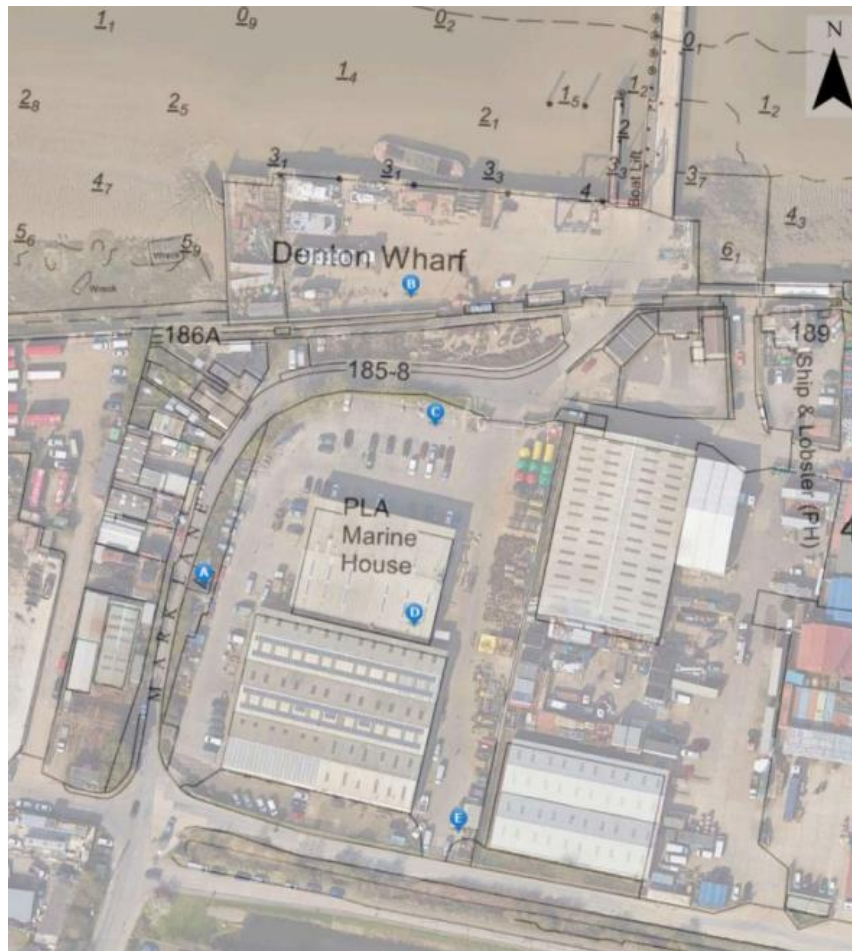
- 6.4 In response to the height of the tower and whether it could be lower, the PLA advised that in order to allow maximum coverage for the PLA's VTS operations the tower should ideally be higher than the 31m proposed and that the proposal is therefore a compromise on what is required. They advise that the 31m proposed would provide a degraded level of coverage compared to the height actually required, which would ideally be 40m in height or greater. The PLA advise:

In terms of height, the PLA's view is that the proposed tower already forms a compromise with regard to reusing existing infrastructure rather than a demolition and complete rebuild. The tower essentially is intended to back up the Port Control Centre, and a direct comparison would have been realised at 40m AGL (Above Ground Level), so in the event of failure at PCC, the VTS service from Denton would already be degraded at the current proposed height.

To maintain a communications link to Southend for all vessels currently going into London Gateway, the tower would be required to reach 80m, whilst maintaining a link to Erith, Bexley for all vessels that would fit under the QE2 bridge would require a 55m tower.

A tower height of 35m is suitable for most vessels between Denton and Erith and the final proposed height of 31 metres has been accepted internally as acceptable, which will provide an adequate (but still degraded) level of VHF (vessel communications) coverage. A lower height than the current proposed would result in further degradation of potential coverage.

- 6.5 The PLA also provided information on why this particular site (Option A) was chosen over the other options indicated below:



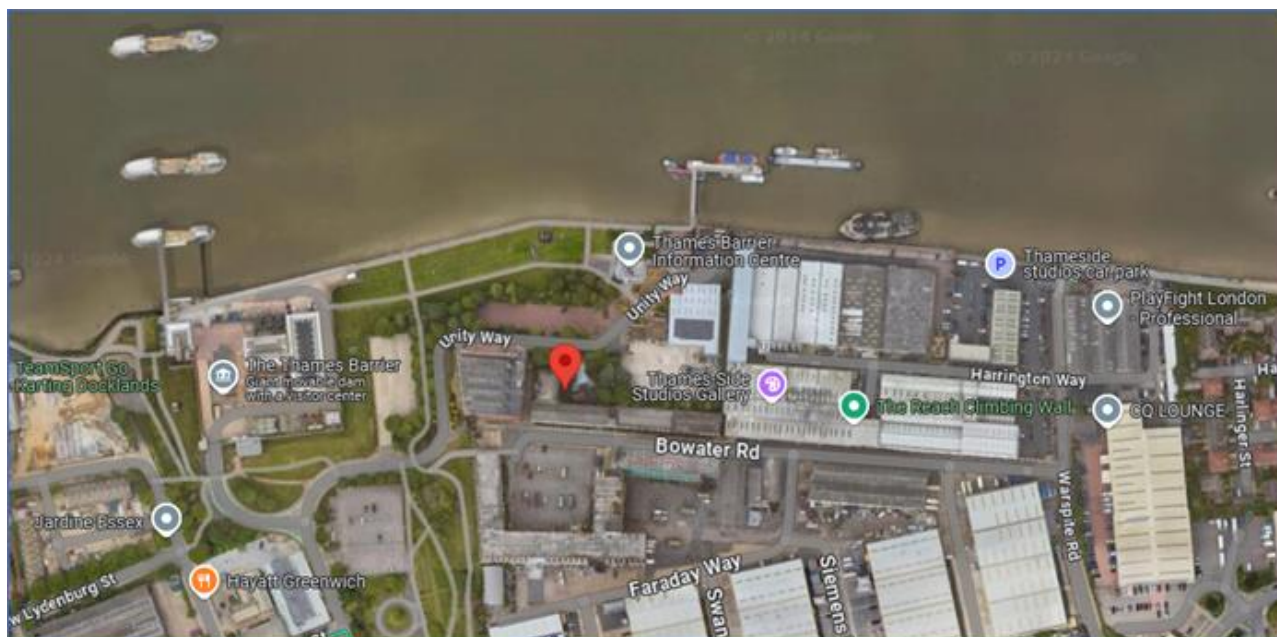
- 6.6 It is said that the proposed option (Option A) was chosen because there is already a tower, the proposal will not require any ground works and it would have a limited impact on the surrounding area with one tower having a limited height increase.
- 6.7 Option B (on the working area north of Mark Lane) and Option C (south of Mark Lane within the PLA complex) were both dismissed as in this location the tower would be more visually prominent from the riverside, would create a reduction in the essential working of for the wharf and raise health and safety concerns and would result in two towers being present in the area – the existing 18m tower and a tower up to 30m.
- 6.8 Option D (roof of existing warehouses at Denton Wharf) was dismissed as works likely required to roof to support tower, limited space due to roof being utilised for solar panels and would result in two towers being present in the area – the existing 18m tower and a tower up to 30m.
- 6.9 Option E (south-east of the Denton Wharf site) was dismissed as it would be more prominent being located close to the Thames & Medway Canal and adjacent footpath, would be in a busy operational and storage area which raises the risk of vehicular impact, possible

blocking of access point and would result in two towers being present in the area – the existing 18m tower and a tower up to 30m.

6.10 Due to concerns at the height of the tower the applicant was asked to provide further information. The PLA were asked to provide details of where the existing tower at Greenwich is, when it is to be decommissioned and why and also why can't the PLA use the tower which has been permitted to be re-located onto Alexandra House from the Port Control Centre (PCC) building in Royal Pier Road, Gravesend under planning and listed building consent application references 20221294 & 20221295.

6.11 In summary the PLA advised:

- The tower at Greenwich is shown marked by the red balloon marker below and shown in the below image:



- The tower at Greenwich is not being decommissioned and will remain in operation to provide coverage for that part of the River Thames. It is only the PLA's Thames Barrier Navigation Centre in Greenwich which is being decommissioned and will be relocated to the PCC building at the PLA's London River House complex, Royal Pier Road, Gravesend as set out in planning & listed building consent application references 20221294 & 202401295. This also includes relocation of the (VTS) operations from Greenwich to the London River House complex. The mast that would be re-located from the PCC building to Alexandra House in those applications would be the primary mast for the VTS operations;
- The VTS operations centre at Greenwich provided a backup to the London River House complex, Royal Pier Road, Gravesend if something went wrong (e.g. power outage/loss);
- The VTS operations at the London River House complex in Gravesend would therefore have no back up location if there was an issue;
- Therefore, the PLA's offices at Mark Lane, Denton are to be used as a backup centre for VTS operations along the Thames and so permission is being requested for the extended tower which would act as a back-up to the primary tower on top of Alexandra House. For the tower to be used for the VTS operations it needs to be extended to provide the services needed to ensure safe navigation on the Thames hence the height of 31m being proposed;
- In terms of the tower which has been permitted to be re-located from the PCC building to Alexandra House at the London River House complex in Royal Pier Road, Gravesend, the PLA state that this can't be used as it is the primary tower which needs to be backed up by the tower proposed at Mark Lane.

6.12 It is therefore clear that the increased tower which is being proposed at Mark Lane in this application would be a back-up to the primary tower which is currently on the PCC building in Royal Pier Road and will be moved to Alexandra House next door as permitted under planning and listed building consent references 20221294 & 20221295. With the Greenwich VTS operations being decommissioned and the Greenwich tower to remain for coverage of only that part of the Thames, a new backup is needed which is what is proposed at Mark Lane, Gravesend.

6.13 The PLA was subsequently asked to clarify why if the Greenwich tower is to remain, it cannot be used. The PLA advised that this is due to the associated IT and infrastructure requirements required as part of the operations centre that is being moved from the Thames Barrier Navigation Centre (TBNC) to Denton i.e. some ICT/infrastructure will be moved from the TBNC tower to the Denton tower as part of the operations centre move and this is why the Greenwich tower cannot be used as a back-up (although it will continue to remain in operation, particularly for the coverage of the Tidal Thames at its location). The PLA also further reiterated that an operations centre and its associated infrastructure must be in close proximity due to these requirements to ensure Port VTS operations can efficiently and vitally operate (which is why the PCC tower is vital at the London River House Complex as part of the Port Control Centre).

6.14 From the visuals provided it can be seen that the enlarged 31m tower will undoubtedly have a more prominent visual impact on the area than the existing tower and that there would therefore be a degree of harm caused to the character and appearance of the area. However, the existing tower has a wider section at the top currently. The proposal would be slender than the existing tower, playing some part in off-setting the additional height. The

tower at 31m in height (to be increased from the existing 18m) would be tall. However, as stated the tower is situated in a predominantly industrial area and it would not be visually harmful to the setting of any designated heritage assets or any other sites.

- 6.15 The applicant has submitted information to demonstrate that they have considered other locations at Denton Wharf for a new radar tower and why these are not acceptable with key issues being that the other sites would all be more visually prominent than the existing tower's location and would all also result in there having to be two towers - the existing 18m tower and the proposed 31m tower which would be even more harmful than extending the existing tower to 31m. The current proposal therefore is the less harmful option out of all the potential locations considered by the applicant at Denton Wharf and at 31m is said to already be a compromise on the height that is required and why the proposed tower cannot be lowered in height.
- 6.16 The applicant has explained why the existing tower at Greenwich cannot be used and why a tower is needed at Denton Wharf as it will be a back-up to the primary tower which will be re-located to Alexandra House as part of the move of the VTS operations from Greenwich to the London River House complex in Royal Pier Road, Gravesend and needs to be in close proximity.
- 6.17 In summary, the increase in the height of the existing tower from 18m to 31m would be large and the tower would be much more visible in the surrounding area. However, on considering all of the information within the application, it is not considered that the harm would be significant enough to justify a refusal which could be defended on appeal. The applicant has demonstrated that other options have been considered and that the proposed height of 31m is already a compromise on the height which would be preferable, the height cannot be lowered anymore as the VTS operations would not be able to be carried out and that a back-up tower is needed in close proximity to the PLA's London River House site where the primary tower is to be. Overall, on balance it is considered that the proposal would be acceptable in respect of design, character and appearance and compliant with Policy CS19 (LPCS) and paragraph 135 of the NPPF (2024).

Neighbouring Amenity

- 6.18 Whilst the site is in an industrial area, there are three properties to the north-west of the site, 1-3 Woodville Cottages. The existing tower is some 40m from the nearest of these properties, being no. 3. The existing tower is visible from these properties and the proposed increase in the height of the tower would certainly be considerably more visible. However, due to the distance of the tower site from these nearest residential properties, it would not cause any actual overshadowing or loss of outlook. It would be more visually prominent but the PLA site and the adjacent sites are very industrial in nature. The small platform that would be installed 2m down from the top of the tower would be installed as an access point to ensure safe servicing and maintenance of the equipment installations at the top of the tower when they are required to be carried out. The proposal would not result in any actual overlooking or loss of privacy to neighbouring properties. GBC Environmental Protection advise that they have no objections to the proposal. In respect of neighbouring amenity it is considered the proposal would cause no harm and would be compliant with Policy CS19 (LPCS).

Flood Risk

- 6.19 The site is in Flood Zone 3 and as such a Flood Risk Assessment (FRA) has been submitted with the application which states that the proposal will not increase flood risk on or off the site. There will be no changes to the base of the tower. The Environment Agency have been consulted on the proposal and they advise that they have no objections. As such it is

considered that in respect of flood risk the proposal is compliant with Policy CS18 (LPCS).

Biodiversity

- 6.20 The proposal involves an increase in the height of an existing tower which is located in an industrial site which hard paved in the main apart from there is some vegetation along the western boundary of the site inside. There are to be no changes to the base of the tower and therefore no impact or loss of this existing vegetation will take place. The proposal is to add height to an existing tower. The sections would be made off-site and then attached together onsite. There would be no ecological impact as a result of the proposal and no material harm caused to biodiversity. In this respect the proposal is compliant with Policy CS12 (LPCS).

Archaeology

- 6.21 The site is in an Area of Archaeological Potential. However there are no ground works proposed and as such there would be no archaeological impact. In respect of archaeology the proposal is therefore considered compliant with saved Policy TC7 (LPFR).

Public Right of Way (PROW)

- 6.22 Public Footpath - Marks Lane (NG12) runs along the western side of the application site. KCC Public Right of Way have asked for the applicant to install warning signs for the contractors when work is in the construction phase as Mark Lane and Wharf Road (NG2) are both Public Rights of Way and pedestrians may well be walking in the road. This could be added as an informative should Members determine to grant planning permission.

7. Equalities Considerations

- 7.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
1. • eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 2. • advance equality of opportunity between people who share a protected characteristic and those who do not;
 3. • foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value

- 7.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 7.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice.
- 7.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8. Human Rights Implications

- 8.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 8.2 Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.
- 8.3 In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.4 In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations.

7. **Conclusion & Recommendation**

The proposal would be acceptable in terms of the principle of development and would protect the Gravesend Riverside East & North-East Gravesend Opportunity Area, be acceptable in respect of design, character and appearance, neighbouring amenity, flood risk, biodiversity, archaeology and public right of way. It would actively have the benefit of upgrading the existing tower to ensure it can act as a back-up to the primary tower which is

to be relocated from the PCC building to Alexandra House as part of the relocation of the VTS operations from Greenwich to the PLA's London River House site in Royal Pier Road, which would ensure there is continued safe navigation on the River Thames which the PLA must carry out in its role as Statutory Harbour Authority for the Tidal Thames.

Recommendation

The recommendation is for the application to be **PERMITTED**, subject to the following conditions:

Suggested Conditions

Time Limit

1. The development hereby approved shall be begun not later than 3 years following the date of this decision.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following schedule of approved plans:
 - Application form;
 - Drawing no. DEW/C/576 Rev. A - Location Plan of existing radar tower to be upgraded;
 - Drawing no. TBC/G (1) - GA Drawing;
 - Drawing no. TBC/G (2) - 3D Views;
 - Flood Map;
 - Flood Risk Assessment; and
 - Planning Statement and Design and Access Statement.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:-

1 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person

may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) 2024, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

4 COMMENTS FROM KCC PUBLIC RIGHTS OF WAY

Marks Lane (NG12) runs along the western side of the application site. The applicant is asked to erect warning signs for the contractors when work is in the construction phase as Mark Lane and Wharf Road (NG2) are both Public Rights of Way and pedestrians may well be walking in the road.