



Delegated Report

Condition Discharge Application

Planning Application No:	20260330
Location:	Outfall Cottages Dering Way Gravesend Kent
Description:	Application for the partial discharge of parts a, b and c of condition 3 (Contaminated Land Assessment) attached to planning reference number 20260143.
Applicant:	Mr Richard Lawson
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

Application form
Location Plan
Phase 1 Desktop Survey
Updated Risk Assessment and Proposals (23/03/2026)

Relevant Planning History

Reference	Description	Decision	Decision Date
20260143	Application for variation of condition 5 attached to planning permission reference number 20230165 for demolition of the two existing dwellinghouses and use of site as Light Industrial units (Class E) incorporating 6 offices and storage with associated parking; to allow required floor level to be reduced with the provision of flood mitigation measures to include demountable flood barriers and the provision of resilient construction measures.	Permitted	02.04.2026
20230165	Demolition of the two existing dwellinghouses and use of site as Light Industrial units (Class E) incorporating 6 offices and storage with associated parking.	Permitted	19.05.2023

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS19 – Development and Design Principles

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.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 15 – Conserving and Enhancing the Natural Environment

Internal Consultees

GBC Environmental Protection

A Desk Top Study by Edge-Enviro Services and an Updated Risk Assessment by Meadow Environmental Consulting have been submitted. Intrusive sampling has been undertaken on site and generally parameters are below criteria for a commercial end use. The exception being PAH's in 2 samples taken from the area underneath the footprint of the proposed buildings and hard surfaced parking area. The report also advises that there is no risk to controlled waters at unacceptable levels.

The report recommends remediation measures in the form of gas protection measures (based on former gas monitoring investigations) and a watching brief for previously undiscovered contamination.

The reports address parts a), b) and c) of condition 3 which can be discharged.

Part d) relates to the remediation works and watching brief and part e) relates to the closure report. These parts can't be discharged until the works are completed and the relevant documentation/reports submitted.

Officer's Analysis

The current application was originally submitted in relation to discharging conditions against planning permission 20230165. However, the subsequently submitted and approved application 20260143, which sought to vary a condition (5) from the original permission, resulted in a new permission being issued with new, varied, conditions. The current application should therefore relate to the newest permission and the description of the development has been amended to reflect this.

Condition 3 (Contaminated Land Assessment and Remedial Strategy)

Condition 3 states as follows:

No development shall take place until a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary, an associated remedial strategy, together with a timetable of works, has been undertaken and submitted to the Local Planning Authority for approval in writing.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required

prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

Reason: To ensure that, sufficiently early in the construction design process before any impacts are irreversible or unmanageable, any risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Phase 1 Desktop Survey and Updated Risk Assessment and Proposals reports have been submitted in relation to this condition.

The Council's Environmental Protection Officer originally requested the condition. Their consultation response on the submitted details sets out that intrusive sampling has been undertaken on site and generally parameters are below criteria for a commercial end use. The exception being PAH's in two samples taken from the area underneath the footprint of the proposed buildings and hard surfaced parking area. The report also advises that there is no risk to controlled waters at unacceptable levels.

The report recommends remediation measures in the form of gas protection measures (based on former gas monitoring investigations) and a watching brief for previously undiscovered contamination.

The reports address parts a), b) and c) of condition 3.

Part d) relates to the remediation works and watching brief and part e) relates to the closure report. These parts cannot be discharged until the works are completed and the relevant documentation/reports submitted.

It is therefore considered that sufficient detail has been provided to partly discharge condition 3 (parts a, b and c). The details accord with Policy CS19 of the Gravesham Local Plan Core Strategy 2014, and the reason for condition 3.

Conclusion

The Local Planning Authority is satisfied with the details submitted in relation to planning permission 20260143 for the demolition of the two existing dwellinghouses and use of site as Light Industrial units (Class E) incorporating 6 offices and storage with associated parking. It is considered that parts a, b and c of condition 3 can be discharged but the remainder of the details under parts d, e and f are required in order to fully discharge the condition.

Remaining Conditions

An informative should be added to remind the applicant of the details required under condition 6 (external materials), 7 (hard landscaping), 8 (soft landscaping), 9 (refuse arrangements) and 10 (cycle storage), which are required prior to above ground works taking place (6, 7 and 8) and prior to first occupation (9 and 10).

Recommendation

Partial approval.

(For informatives, see draft Decision.)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Mrs Faye Walsh
Signed:	<i>K. Parkin</i>	Signed:	<i>F Walsh</i>
Dated:	19th May 2026	Dated:	19 May 2026