



Delegated Report

Approval of Details Application

Planning Application No: 20240241

Location: Call Boy Harmer Street Gravesend Kent

Description: Application for the approval of conditions 4 and 8 attached to planning permission reference number 20210023 relating to the (4) remediation statement and (8) noise report.

Applicant: Cleardon Developments Limited

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Ground Investigation Report (July 2020);
Noise Report/Test (May 2023);
Ground Investigation Report (May 2024);
Building Regulations Part F – Ventilation Certificates – Flats 1 to 5;
Validation Report (June 2024); and
Remediation Strategy Report (June 2024).

Relevant Planning History

Reference	Description	Decision	Decision Date
20211083	Application for approval of condition 7 attached to planning permission reference number 20210023 relating to a scheme for sustainable surface water drainage (soakaway size and location).	Approval of Details	26.10.2021
20210733	Application for approval of conditions 3, 9, 10, 11, 12, 13 attached to planning permission 20210023 relating to external facing materials (3), walls and fences (9), soft landscaping (10), external lighting (11), cycle storage (12) and balcony railings (13).	Approval of Details	26.10.2021
20210023	Conversion of existing public house to provide 4 no. one bedroom and 1 no. two bedroom flats including the construction of a new mansard roof and first floor rear extension and erection of 3 no. two bedroomed dwelling houses with private rear garden areas.	Permission	18.05.2021

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure

- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- TC3 – Development affecting Conservation Areas

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places.

Consultations, Publicity and Representations

Consultees

GBC - Environmental Protection – Comments Received 26th March 2024:

With reference to the above conditions, the following comments are made:

Condition 4 (Remediation statement)

The 'Ground Investigation Report' dated July 2020 by Sub Surface (report ref SE1540A) has been reviewed. It is advised that Condition 4 is not discharged at this time as the requirements of the condition have not been addressed for the reasons detailed below.

Having checked back to the condition relating to contaminated land on the previous permission (20171021), Condition 8 did not appear to have been discharged. An application for discharge was submitted in June 2020 but withdrawn. The Ground Investigation Report refers to a 'Walkover Survey and Desk Study' dated February 2020 (Report Ref: SE1540), and this report was submitted with the withdrawn application. Comments from Environmental Protection on 2nd April 2020 advised that based on the report, only part a) of condition 8 could be discharged. Advice was that an intrusive investigation should take place in accordance with the recommendations of the Desk Study to address parts b) and c) of the condition. However, the July 2020 report was submitted with a variation application (Ref 20200855) and Environmental Protection advised (on 4th December 2020) that this met the requirements of parts b) and c) of condition 8 with parts d) and e) remaining outstanding.

The report recommends that the soil is removed from the garden and soft landscaped areas and replaced with 600mm of clean imported topsoil/subsoil in the back garden areas, with 450mm clean imported topsoil to other soft landscaped areas. Deeper rooted trees/bushes will also need to be planted in clean topsoil. In addition, the report advises that as only 3 of the suite of 6 scheduled gas monitoring samples had been completed, a remediation statement be submitted following this – hence the reason for Condition 4.

As the report submitted is the same, this does not represent a Remediation Statement. It may be that there is a later/updated report is available and enquiries should be made of the applicant/agent regarding this.

Based on the information in this report, in addition to the additional gas monitoring, remediation measures are required and evidence that they have been undertaken are needed. This would be in the form of an updated report indicating the results of the gas monitoring and a closure report detailing what has taken

place and where, along with the required certification. This certification would be soil removal certificates to demonstrate the appropriate amount of contaminated soil has been taken off site for disposal, and certification and documentation regarding the clean imported soil (to include its source and laboratory testing) It would appear from google maps that the development is completed. If the additional gas monitoring and remediation measures for the gardens/soft landscaped areas have not been undertaken, this is a risk as the condition cannot be discharged which may hinder house sales.

Condition 6 (Ventilation)

26.03.24 - Condition 5 of 20210023 does not appear to have been submitted for discharge. That condition relates to the scheme of ventilation that was to be submitted for approval and condition 6 is to demonstrate compliance with that scheme. Without having the full details of the scheme, the certification does not make much sense and is of no use. The certificates submitted are 'Building Regulations Part F - Ventilation for Dwellings Completion Checklist and Commissioning Sheet' which are not the details required. Condition 6 relates to the ventilation scheme being installed in order to deal with poor air quality and as such the system must be positively pressurised so that pollution cannot enter in from the road. This is made quite clear in the wording of the condition. In this respect, the inlet and outlet flow rates need to be specified to demonstrate positive pressure.

Some details of the mechanical ventilation scheme were submitted with the variation application – 20200855. However, these were not deemed sufficient to enable the condition attached to the 2017 permission to be discharged, hence the reason for conditions 5 and 6. From the details that were submitted, Envirovent Slimline 150 units were to be installed, however the certification attached to this application refers to Nuaire MRXBOX95AB units.

Condition 6 cannot therefore be discharged based on the information submitted. It is recommended that as the ventilation has already been installed, that details relating to Conditions 5 and 6 are submitted at the same time and the applicant/agent refers back to the correspondence and details submitted with the 2020 application. Environmental Protection's 'Air Quality Scheme Checklist' should be completed as part of the details for condition 5 and this can be made available.

Condition 8 (Noise report)

The post completion report by Peter Moore Acoustics Ltd dated 3 May 2023 has been reviewed. The report confirms that visually the sound insulation measures recommended in a previously submitted report had visually been undertaken. Noise measurements were undertaken on 2nd May 2023 and demonstrate that internal noise levels are compliant with the criteria contained in BS8233:2014 and Condition 8.

Revised/Additional details were submitted on 6th June 2024 and Environmental Protection were reconsulted with the following response;

27.06.24 - I've reviewed the submitted documents submitted in relation to Condition 4 of 20210023.

With regards to the 'Validation Report' dated June 2024 by SSSE Ltd (Report Ref:SE1540D), this provides the required documentation and certification evidence that the site has been remediated appropriately in terms of contaminated soil being removed from site and clean imported top soil used for the garden and landscaped areas. The additional gas monitoring required has also been undertaken and reported in the updated 'Ground Investigation Report' dated May 2024 by SSSE Ltd (Report Ref: SE1450B). Gas levels have been assessed in accordance with the relevant guidance and the site falls within site Characteristic Situation CS1. No gas protection measures are needed. This is agreed with.

Based on the above, Condition 4 can be fully discharged.

Based on the information in this report, in addition to the additional gas monitoring, remediation measures are required and evidence that they have been undertaken are needed. This would be in the form of an updated report indicating the results of the gas monitoring and a closure report detailing what has taken place and where, along with the required certification. This certification would be soil removal certificates to

demonstrate the appropriate amount of contaminated soil has been taken off site for disposal, and certification and documentation regarding the clean imported soil (to include its source and laboratory testing) It would appear from google maps that the development is completed. If the additional gas monitoring and remediation measures for the gardens/soft landscaped areas have not been undertaken, this is a risk as the condition cannot be discharged which may hinder house sales.

Also, to confirm, as advised previously:

- Condition 8 (Noise) can be discharged – consultation response dated 26th March 2024
- Conditions 5 and 6 (ventilation details) recommendation that these can't yet be discharged due to a change to the scheme/equipment installed and full commissioning details are still outstanding – email dated 14th May 2024

01.07.24 – Condition 6 cannot be satisfied without details of Condition 5 relating to the amended ventilation scheme that has been installed. Therefore the current application has been amended to remove Condition 6 and the description amended to reflect this. Condition 6 will be dealt with separately.

Officer's Analysis

Submitted Details

The following information has been submitted to discharge conditions 4 and 8;

Planning Application Form;
Ground Investigation Report (July 2020);
Noise Report/Test (May 2023);
Ground Investigation Report (May 2024);
Building Regulations Part F – Ventilation Certificates – Flats 1 to 5;
Validation Report (June 2024); and
Remediation Strategy Report (June 2024).

Condition 4 – Remediation Statement

4. Following the completion of the gas monitoring, a Phase III remediation statement should be compiled and submitted for approval.
 - a) 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.
 - b) 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.
 - c) 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 the development is carried out safely in the public interest and in accordance with best practice and in accordance with adopted Policy CS19 of Gravesham Local Plan Core Strategy (September 2014).

The submitted 'Validation Report' dated June 2024 by SSSE Ltd (Report Ref:SE1540D), provides the required documentation and certification evidence that the site has been remediated appropriately in terms of contaminated soil being removed from site and clean imported top soil used for the garden and landscaped areas. The additional gas monitoring required has also been undertaken and reported in the updated 'Ground Investigation Report' dated May 2024 by SSSE Ltd (Report Ref: SE1450B). Gas levels have been assessed in accordance with the relevant guidance and the site falls within site Characteristic Situation CS1. No gas protection measures are needed. This is agreed with.

Based on the above, Condition 4 can be fully discharged.

Condition 8 – Noise Report

8. Prior to first occupation of the building, a suitable post-completion report demonstrating compliance with LAeq guideline values in Table 4 of BS 8233:2014, and WHO Guidelines for Community Noise, shall be submitted to and approved, in writing, by the Local Planning Authority.

The approved details shall be maintained for the lifetime of the development

Reason Due to the application site being adjacent to A226 One-way System and in accordance with Policy CS19 of Gravesham Local Plan Core Strategy (September 2014).

The post completion report by Peter Moore Acoustics Ltd dated 3 May 2023 has been reviewed. The report confirms that visually the sound insulation measures recommended in a previously submitted report had visually been undertaken. Noise measurements were undertaken on 2nd May 2023 and demonstrate that internal noise levels are compliant with the criteria contained in BS8233:2014 and Condition 8.

Condition 8 can therefore be discharged.

Conclusion

No objections have been raised against the details submitted with this application and Conditions 4 and 8 attached to planning permission reference number 20210023 have been satisfied.

Recommendation:

Discharge Conditions 4 and 8.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	A Cue	Signed:	R Hart
Dated:	1 st July 2024	Dated:	1 st July 2024