

Nuralite Site

The following is extracted from the Officer's report on the Planning Application. These are the headings for the Conditions and subjects items for legal agreements which the applicant will be expected to enter into.

Please note that the headings are in **Bold** and for the benefit of parishioners, we have added an explanation where necessary within []. A breach of the Conditions or legal agreements invalidates the Planning Consent and Gravesham Borough Council can enforce the owner or user to comply with the terms.

4 Conditions

4.1 This is a complex application which requires a significant number of conditions and equally additional conditions may be required as a result of the Committee's consideration of the case. Therefore this report doesn't contain the full wording of each condition. Rather it is recommended that the final conditions, once drafted, are in consultation with the chair.

4.2 In order to aid Members, the conditions headings are listed below and broken down into the different phasing of the development.

4.3 Please note that applicant would need to agree to in writing to any pre-commencement conditions and officers will consult with the agent on the suggested conditions and, where possible, pre-commencement conditions will kept to an absolute minimum.

4.4 However please note that the applicant has been made aware of the titles of the suggested pre-commencement conditions and raises no objection to the principle of these conditions.

4.5 In order to allow works to commence on site and address the remediation at the earliest opportunity the timing of suggested conditions has been carefully considered as demonstrated below.

4.6 For the avoidance of doubt this is not an exhaustive list of condition headings and further ones may be added. The drafted conditions will be shared with relevant consultees [including Higham Parish Council] and Chair [and Vice Chair, Harold Craske] to ensure wording meeting their requirements. A number of the conditions will have an expectation that statutory agencies are included i.e. appropriate foul drainage strategy has been submitted to and approved by, the local planning authority in consultation with the Environment Agency. Some conditions will also reference technical requirements i.e. drainage scheme will need to comply with industry best practice (CIRIA SuDs Manual C697).

Time Limit and Approved Plans

- **Time Limit.** [this is normally to commence work within 3 years but can be extended in special circumstances]
- **Approved Plans.** [this limits the development to certain specified detailed plans]

Pre-Commencement Conditions [i.e. what the developer needs to do before they can start work]

- **S278 works completed prior works commencing on site.** [this is a legal agreement with the highways authority to undertake or pay for specified highway work, such as the proposed road widening]
- **Phasing plan for overall development.** [the applicant has proposed working from east to west across the site to remove the existing buildings and start making the asbestos tip safe, followed by building on the cleared area while continuing with further works on the tip and then the final buildings with the final works on the tip. This condition will make that compulsory]
- **Habitat restoration plan (linked with each phase)** {planting of flowers, shrubs and trees attracting or supporting wildlife and provision of specific facilities for certain animals, bats etc.]
- **Passing places created along Lower Rochester road and Gore Green Road.** [these are to be large enough to allow articulated lorries to pass each other and each one is to be visible from the last]
- **HGV Plan (No HGV traffic through Shorne or Higham).** [this is mainly relevant to the remediation and construction phase but will also ensure once developed no HGVs going to from the site travel through the village]
- **Canal Road temporary traffic controls.** [this is a proposal for the remediation phase only when there will be a large number of vehicles each day and to try and ameliorate the problems for the narrow length of the public highway section of the road where the road is too narrow for HGVs to pass each other]
- **Construction Logistics Plans.** [as above it is part of ensuring that traffic disruption is limited by regulating vehicle routes, time of movements etc during the development phase]
- **Construction Management Plan** [this will regulate how the works are undertaken]
- **Hours of Construction.** [limiting the time of day works can be carried out]
- **Capping of Canal Banks Phasing plan.** [the canal bank needs stabilising and decontaminating. Due to current use by wildlife, the disruption to it needs to be regulated]
- **Dust Mitigation Plan.** [to stop dust being created by the works and/or escaping from the site, especially important as some dust will contain asbestos fibres]
- **Air Quality Monitoring Plan for duration of the demolition, remediation and construction works.** [in order to allow monitoring of compliance with last item]
- **Site wide ecological mitigation strategy and habitat creation plan.** [attempting to minimise disruption by the works and ensure reinstatement and enhanced provision afterwards]
- **Contaminated land strategy.** [precisely how the remediation and encapsulating the harmful substances on and in the site will be done]
- **Details to protect PROW [Public Rights Of Way] during construction phase.** [this is to safeguard the right of way along the towpath, including National Cycle Route 1, and also NCR 1 along Canal Road]
- **Asbestos plan of works in conjunction with HSE.** [methodology for all asbestos work to be agreed with Health and Safety Executive]

Each phase

- **Review of site wide mitigation for each phase of development.** [how the developer proposed to manage the site effectively during the works]

- **Remediation works to be carried out prior to other development on the site commencing.** [so remediation is done to part of the site before construction of buildings commences, in order to ensure the site is made safe]
- **Sustainable drainage strategy.** [the site is not connected to any main sewer and surface water drains into the canal and ditches across the marshes. This is to ensure that any water is clean and safe before it leaves the site, eg by the use of oil interceptors, settlement ponds etc]

Prior to demolition

- **Archaeological works.** [to record what remains of the previous activities on the site which are of interest as part of our industrial heritage and also potential buried roman and pre history remains]
- **Historically survey of existing buildings.** [part of the above]

Prior to above ground works

- **External facing materials.** [what will the buildings look like]
- **Foul drainage strategy.** [as above there is no mains sewer so the site has to have its own sewage plant. Details etc of this need to be agreed to ensure any discharge in the canal and drainage ditches is only of clean water]
- **Details of private water supply to serve the development.** [the current water supply comes from a borehole on the site. This needs to be tested for water quality and also volumes available i.e. can it supply the whole of the redeveloped site, even when rainfall is low]
- **Development in accordance with energy strategy.** [to comply with Gravesham's green agenda, so energy efficiency in buildings and energy sources].

Prior to occupation/use/completed phase

- **Verification report submitted confirming effectiveness of remediation strategy.** [to check everything has been done properly to clean up the relevant section of the site BEFORE buildings in that phase can be used]
- **All plots associated with surface water drainage connected.** [to ensure surface water is collected and properly treated before leaving the site]
- **Soft landscaping scheme.** [planting of trees, shrubs, wild flowers etc]
- **Public access strategy and management plan.** [how the public will access the site safely, including the landscaped areas]
- **Surface treatments.** [what will the surface of roads, yards, paths, etc be? Need to be agreed with Gravesham]
- **Boundary treatments.** [agreement as to fencing, hedges etc]
- **External lighting.** [number and situation of lighting standards and external lights on buildings for internal roads yards etc, including any adverse effects on the adjoining SSSI]
- **Details of security measures.** [how will the buildings and site will be secured against theft, damage, vandalism]
- **Broadband provision strategy.** [to make sure that the business on the site have proper broadband and can be occupied by those needing highspeed connections]
- **Details of waste management and refuse arrangements for development.**

- **Noise impact from plant or site equipment.** [to ensure that the site is not too noisy to the detriment of those using the Public Rights of Way or living nearby]
- **Travel plan for future occupiers.** [how will staff get to the site? Shuttle bus proposals, etc]
- **Commercial delivery service vehicle management plan.** [to regulate traffic routes]
- **Parking provision.** [number and size of spaces]
- **Cycle parking provision and retention.** [number of cycle racks, location etc, and to ensure provision remains]
- **Electric vehicle charging points.**
- **Sustainability measures.** [eg energy efficiency, staff daily travel plans, ecological items, building insulation, etc]
- **Site wide management plan.** [how the site will be managed once operational]
- **Heritage interpretation details.** [public information boards explaining the history of the site]
- **Bird/bat nesting opportunities.**

On-going conditions

- **No piling or penetrative methods for foundations without consent from Environment agency and Local Planning Authority.** [as these methods of construction cause vibration and noise]
- **Watching brief (contamination).** [testing of materials removed from site to ensure properly disposed of]
- **Use restrictions of business units.** [to ensure no 'bad uses' of the site]
- **Use restrictions on storage buildings.** [what may be stored]
- **Use restrictions on security/office building.** [to make sure use is appropriate and in connection with the wider site]
- **Trade counter restrictions.** [trade counters generate a lot more traffic]
- **No mezzanines or extensions to buildings.** [so the useable for space is not further increased without Gravesham's consent]
- **Restriction on hours of use.**
- **Restriction on external storage.**
- **No additional hardstanding's.**
- **No external loud speakers.**
- **Archaeology watch brief.** [to ensure no historic artifacts/remains are destroyed]
- **Land contamination and protection of groundwater.** [to stop further contamination, including of drinking water aquifers]
- **Retention of parking.** [so that it is not used for external storage for instance]
- **No additional external lighting.**

INFORMATIVES [these are items included to remind the applicant of other legal matters and appropriate contacts]

1. Statement of positive and proactive approach to decision taking
2. Agreement of imposition of pre-commencement conditions
3. Building Regulations and Party Wall Act
4. Deviation from approved plans
5. Kent County Council Highways and Transportation contact
6. Southern Water requirements

7. Naming and numbering
8. Kent Police Crime Prevention Design.
9. Network Rail requirements.
10. Environment Agency Contact Details
11. Gravesham Regulatory Services Commercial Informatives.
12. Environment Agency Waste Management Legislation

5. Planning Obligations

Procedural Issues

5.1 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism that we as a Council, often use to secure financial contributions or other forms of mitigation such as affordable housing from developers, make a development proposal acceptable in planning terms.

5.2 In order for the Local Planning Authority to request financial contributions on behalf of third parties any contributions will need to meet all of the tests relating to paragraph 56 of the NPPF (2019) which are as follows:

- (A) necessary to make the development acceptable in planning terms;
- (B) directly related to the development;
- (C) fairly and reasonably related in scale and kind to the development; and
- (D) that:
 - (i) the obligation (obligation A) provides for the funding or provision of an infrastructure project or type of infrastructure; and
 - (ii) five or more separate planning obligations that: (a) relate to planning permissions granted for development within the area of the charging authority; and (b) which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.

Developer Contributions

5.3 It is important to ensure that sufficient infrastructure is provided to meet the needs of new residents, employees and businesses in the Borough. As recognised in the NPPF (2019) [*National Planning Policy Framework*], the provision of new infrastructure is an important part of new development and the Council has worked with local service providers to identify their infrastructure needs over the plan period. Policy CS10 (LPCS) [*Local Plan Core Strategies*] states that where new development generates a need for new infrastructure, developers will have to provide or contribute towards such provision, subject to viability consideration.

5.4 As outline in both the supplementary report and the main report the following developer contributions will be required to make the development acceptable and the following requests meet the requirements of par

Obligation	Trigger Point
Phasing Plan	Pre-commencement
Management Plan – Commercial units	Pre-occupation
Management Plan - Habitat area	Pre-commencement
Sustainable Drainage long term Management Plan	Pre-occupation
Travel Plan Monitoring	Pre-occupation
Air Quality Mitigation Measures (£79,169)	Pre-commencement
Section 278 works in general accordance with Drawing No.661792/02A	Pre-commencement
Traffic signal controls installed along Canal Road	Pre-commencement
Traffic Regulation Order Payment	Within 4 week of planning permission being granted

6. Conclusion

6.1 The proposal is deemed to be a sustainable form of development that broadly accords with national and local planning policy.

6.2 All representations received from both 3rd parties and consultees and have been taken into account when considering this proposal, and no issues have been raised which warrant any further amendments to this application.