

<p>2.13 REFERENCE NO – 16/501726/FULL</p> <p>APPLICATION PROPOSAL</p> <p>Change of use from B2 Industrial use in the form of redundant steelworks to port related uses (sui generis) including demolition of buildings (except for the former military hospital, former fitness centre, former billet packing building, former stores and stores maintenance building and part of main former Thamesteel building), construction of new paved surfaces and a new vehicle access and bridge spanning the A249 to the existing Port to the west, reconfiguration of railhead, boundary treatment and landscaping and associated works (amended description).</p>		
<p>ADDRESS</p> <p>Former Thamesteel Site, Brielle Way, Sheerness, Kent ME12 2AE.</p>		
<p>RECOMMENDATION</p> <p>Grant Full Planning Permission subject to imposition of planning conditions, and the comments of the Economic Development Officer.</p>		
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <p>The proposed use and associated re-development of the site (including demolition) and the cumulative impact of that use would not give rise to unacceptable harm to the environment or to residential and public amenity, would result in a considerable reduction in environmental impact, would enable the expansion of the Port of Sheerness and as a result would provide opportunities for job creation and provide a boost to the local economy, would make beneficial use of a redundant industrial land resource and would preserve the local heritage. For these reasons the proposed development is considered to represent sustainable development and is acceptable.</p>		
<p>REASON FOR REFERRAL TO COMMITTEE</p> <p>Major application of local significance, third party objections and wider public interest.</p>		
<p>WARD</p>	<p>PARISH/TOWN COUNCIL</p>	<p>APPLICANT Peel Ports Ltd AGENT N/A</p>
<p>DECISION DUE DATE 13/03/15</p>	<p>PUBLICITY EXPIRY DATE 13/03/15</p>	<p>OFFICER SITE VISIT DATE</p>
<p>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</p> <p>16/501257/ENVSCR Request for a Formal Screening Opinion: Change of Use from B2 Industrial in form of a redundant steelworks to port related uses (sui generis) including demolition of buildings, construction of new paved surfaces and a new vehicular access and bridge spanning A249 to existing Port to west, a new railhead, boundary treatment and associated works; some buildings to be retained and re-used: Determined 21.04.2016 'Environmental Impact Assessment (EIA) not required'.</p>		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site comprises a former steel mill complex, approximately 20 hectares in area. The mill was first commissioned in 1972 and the site has been vacant, since closure of 'Thamesteel' in 2012. The site is bounded to the north and west by A249 'Brielle Way', by the Canterbury to Sheerness-on-Sea railway line to the south and by 'The Moat' a scheduled ancient Monument forming part of the historic 'Sheerness Lines' to the east. The land does not include any harbour, dockside or wharf connected to tidal waters.
- 1.2 The site is accessed from Brielle Way at its northerly corner and also mid-way along its north-west boundary also from Brielle Way. The site contains railway goods sidings which connect to the main Sheerness-on-Sea rail line, tanks, cooling ponds, and numerous large industrial buildings and structures. Pockets of contamination have been identified as a result of its former heavy industrial use. The site lies within Flood Zone 3 (high probability of flooding), in close proximity to the town of Sheerness, the Port of Sheerness, and the Sheerness-on-Sea rail station passenger terminus.
- 1.3 Prior to development of the steelworks in the 1970s the site had originally formed part of a historic military garrison, remnants of which, comprising defensive structures and a former military hospital building, survive. The hospital building was until recently in use as offices ancillary to the steelworks, and was identified as a heritage asset prior to submission of this planning application. It was designated by Heritage England as a Grade II listed building in August 2016. The site is of archaeological interest as a result of its former historic garrison use. Sheerness Conservation Area and several listed buildings lie to the north in Blue town on the opposite side of Brielle Way and within the wider setting of the listed hospital building.
- 1.4 Clusters of residential property, while not directly adjoining the site, lie in relatively close proximity to both northern and southern site boundaries.
- 1.5 There are no public rights of way through the site. Although there are no protected trees, and there is limited vegetation within the site, there are self-sown hedgerow specimens to parts of the south west boundary, and a row of large semi-mature conifers planted as an amenity screen along Brielle Way. The boundary is enclosed by a section of 2m high brick walling along the north east boundary and elsewhere by steel palisade security fencing.

2.0 PROPOSAL

- 2.1 A significant number of the redundant industrial buildings would be demolished, while the remaining buildings would be altered for general port use, including use as workshops and warehousing. Ground depressions and subterranean voids would be in-filled using existing above ground spoil heaps (including contaminated spoil) and subterranean contamination where found would be left in situ and capped. Existing serviceable surfacing would be retained and the remaining oversite would be graded and surfaced with permeable material.

- 2.2 The former military hospital Grade II listed building together with its curtilage would be retained. A dedicated access route would be provided across the site between the northern entranceway and the listed building.
- 2.3 A road bridge would be constructed in the south west corner of the site, spanning the A249 and linking the site to operational Port Authority land to the west. This would be subject to a separate legal agreement with Highways England.
- 2.4 The site would be an extension of the Port of Sheerness and would be used for open and covered temporary storage of imported goods. The site would be sub-divided with the larger area used for the storage of imported vehicles (primarily cars) arriving at the Port. Other areas within the site would be allocated for storage of imported raw materials (predominantly timber and steel).
- 2.5 Existing rail sidings would be modified and extended to provide a railhead to facilitate onward transportation of vehicles and other imports by rail to UK destinations rather than by road as currently happens.
- 2.6 The site boundary would be subject to landscape enhancement and reinforcement that would assist in visually screening the site from views particularly along Brielle Way, while being secured by new metal fencing to Department of Transport standards for Port related land.
- 2.7 Provision would be made for the safeguarding of above and below ground heritage assets within the site.
- 2.8 Pockets of contamination would be dealt with on-site
- 2.9 The application is supported by the following reports:
 Planning Statement;
 Design and Access Statement;
 Phase 1 land contamination report;
 Ecological Appraisal;
 Flood Risk Assessment;
 Heritage Assessments (2)
 Transport Assessment;
 Geo-Environmental Phase 1 Parts 1, 2 & 3;
 Geo Environmental Phase 2 Parts 1 & 2;
 Bat Survey.
- 2.10 This application was preceded by an EIA Screening Opinion which – as noted above - concluded that an Environmental Impact Assessment was not required as the proposed use, redevelopment and remediation, would be unlikely to have any significant environmental effects beyond those associated with typical demolition and construction methods.
- 2.11 The application form states that the development would create approximately 200 full-time jobs.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	20 hectares (or

	thereabouts)
Approximate Maximum Building Height (existing)	38.75m AOD (with flues reaching 46.88 AOD)
Approximate Maximum Building Height (retained building) proposed	18.6 AOD
Proposed Storage Height (main compound)	20m restricted by condition
Proposed Storage Height (eastern compound)	10m restricted by condition
Automotive Storage Area	11.845 ha
Port Multi-User Storage Area	4.30 ha

4.0 PLANNING CONSTRAINTS

- 4.1 The authorised use of the site is for Use Class B2 (heavy industrial).
- 4.2 Areas of residential development lie within 0.1km to the north and south east of the site.
- 4.3 The site is within the immediate setting of a recently designated Grade II listed office building (former military hospital); and a scheduled ancient monument (moat and ramparts).
- 4.4 The site is within the wider setting of Sheerness Royal Naval Dockyard and Bluetown Conservation Area, together with several Grade II and Grade II* listed buildings.
- 4.5 The site has been identified as having Potential Archaeological Importance (former Napoleonic era military garrison).
- 4.6 The site is located close to the Swale SPA and Ramsar site SSSI's and within 7km of the Medway Estuary and Marshes SPA and Ramsar site SSSI's.
- 4.7 The site is subject to known ground contamination resulting from its former heavy industrial (steelworks) use.
- 4.8 The site lies within Flood Risk Zone 3.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.1 The Development Plan for Swale comprises the adopted 2008 Local Plan as amended by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of those policies directed to have expired as of 20th February 2011. The emerging Local Plan (Bearing Fruits 2031 Publication Version), is at an advanced stage and as such carries significant weight.
- 5.2 The adopted Swale Borough Local Plan 2008 relevant policies:
 - SP1 Sustainable Development
 - SP2 Environment
 - SP3 Economy

SP6 Transport and Utilities
 TG1 Thames Gateway Area
 E1 General Development Criteria
 T1 Providing Safe Access to the Highway Network
 E14 Development Involving Listed Buildings
 E15 Development affecting a Conservation Area
 E16 Scheduled Ancient Monuments and Archaeological sites
 B1 Supporting and Retaining Existing Employment Land and Businesses
 B2 Providing for New Employment
 T1 Providing Safe Access to New Development
 T6 Maximising the Use of the Railways and Waterways for Commercial Purposes
 U4 Placing Services Underground

- 5.3 Emerging Local Plan (Bearing Fruits 2031, Main Modifications June 2016), relevant policies:

ST1 Delivering Sustainable Development in Swale
 ST2 Development targets for jobs and homes 2011-2031
 ST4 Meeting the Local Plan development targets
 ST6 The Isle of Sheppey area strategy
 CP1 Building a strong, competitive economy
 CP2 Promoting Sustainable Transport
 CP7 Conserving & Enhancing the Natural Environment – Providing for Green Infrastructure
 DM6 Managing transport demand and impact
 DM14 General Development Criteria
 DM21 Water, flooding and drainage
 DM29 Woodland, trees and hedges

- 5.4 The Emerging Local Plan was submitted for examination on 20 April 2015, with the 2nd part of the examination expected to take place early in 2017. Policies of the Plan should therefore be given the weight afforded by NPPF para. 216.

National Planning Policy Framework (NPPF)

- 5.5 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are to be taken into account, particularly as the Local Plan has not been adopted.

- 5.6 The NPPF sets out the Government's position on the planning system explaining that *"The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out of date granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*

- *Specific policies in this Framework indicate development should be restricted.”*

- 5.7 It further outlines a set of core land use planning principles (para 17) which should underpin both plan-making and decision taking including to contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value. It further states ‘take account of the different roles and character of different areas
- 5.8 At paragraph 18 the NPPF states that *“The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*
- 5.9 Para 111 states ‘Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

6.0 REPRESENTATIONS

- 6.1 623 neighbours including local businesses and residential addresses were consulted by letter. 31 letters of objection have been received reflecting the concerns of neighbouring residents, while 2 letters of support have been received from the business community.
- 6.2 The primary grounds for objection initially centred upon the proposed demolition of the military hospital building, a heritage asset. Following service of a Building Preservation Notice (BPN) the building was subsequently listed by Heritage England and the application was amended showing the building to be retained. As part of the listing process a comprehensive heritage report was submitted setting out in more detail the history of the site including both above and below ground heritage. Many early comments relating to the proposed demolition of the military hospital and ground archaeology have consequently been overtaken by events. A further round of public consultation subsequent to listing of the former military hospital building and amendment of the application to show retention of the former military hospital did not generate any further objections. Numerous concerns have also been expressed in respect of historic site contamination and how that will be contained.
- 6.3 The letters of support focus upon the need for extended port facilities and the benefits that would bring in terms of job creation and existing job security.
- 6.4 Objections can be summarised as follows:
- I object to the demolition of historic old Admiralty hospital. This building must be listed and saved for future generations to appreciate the heritage of Sheppey.
 - The Military Hospital sits between Number 2 and Number 3 Bastion on the Sheerness Lines. Sheerness Lines consisted of three bastions with a wide defensive moat and was built to protect the Sheerness Dockyard and Naval Base by attack from landward. Much of the old monument was destroyed when the Steel Mill was built. Destruction of the military hospital would compound this act of vandalism.

- The building commonly known as the old military hospital is a very important piece of the history of Sheerness and Sheppey as a whole and is more important to the community of the island than another large car park;
 - Over the past century since the (military) dockyard's closure there has been demolition with little foresight over future use or heritage impact and many fine Georgian buildings have been lost to make way for open storage. In 2010 the whole Sheerness Dockyard was put on the World Monuments Watch list for endangered buildings, relaying its importance alongside major world structures. The military hospital stands at the side of the site, and does not interfere with the use of the rest of the site.
 - The surviving façade of the Former Garrison Hospital remains very attractive and is highly visible from the adjoining Conservation Area. It is important to local people and has a communal and social value. There should not be a problem in finding a viable future use for the building as a separate access could readily be established from the adjacent roundabout.
 - The island is in desperate need of social infrastructure. Could this building not be preserved and made to service the community.
 - The proposals will destroy the last remaining part of the moat which remains in this area. This area is little understood and retains important features of the sites past including a former Convict's Garden.
 - If Peel were to reinstate some of the Moat and create a nature reserve in the middle of a highly built up area this would be beneficial to themselves and the town of Sheerness. The steel mill buildings are an eyesore and should be knocked down and the military hospital building restored to its former glory.
 - The site should be saved and be reverted back into a park (being nearer to its original use as recreational parkland for the Royal Artillery). This would provide a much more attractive approach to the town than industrial wasteland/car park.
 - The assessment carried out by BWB is largely a desk based assessment rather than a thorough site survey. The report states that it is likely that the substantial foundations of the former steelworks have removed any below ground heritage assets. However the main buildings were constructed on piles with concrete raft floors. In addition large areas of the site were not built upon at all.
 - The proposal will cause residents a great deal of inconvenience and noise with Brielle Way being used as construction site with pollution levels worse worse than when the steel works were operating;
 - Many poisonous chemicals would have been released upon the insides of the buildings that could be released to the atmosphere when demolished.
 - The steelmaking commenced in 1972 at which time one third of the site was used to bury filter plant dust. This was heavily contaminated with cadmium, lead, zinc and dioxin, while the rolling mill floors are contaminated with mineral oil. What measure are being taken to clean up this contamination and prevent off-site and groundwater leeching?
 - The screening opinion attracted a substantial body of objections which should be considered relevant to this application. The principle of 'the polluter pays' should be applied to the owner or occupier of the land or the person developing the land.
 - The application provides a new vehicular link to the docks which will pass directly over the sea wall path, a route popular with cyclists. Improvements to the path such as markings, surfacing, ramps and railings would enable a safer route and enhance the growing cycle culture on the island.
- 6.4 The preservation of heritage and potential contamination issues form the groundswell of objection. Although some would prefer the site to be reclaimed as open space, overall, there would appear to be little objection to the principle of a change of use of

the site, providing heritage and pollution/contamination can be satisfactorily addressed.

6.5 Letters of support from the business community can be summarised as follows:

6.6 Volkswagen Group UK Ltd. - 'VW has a long established operational interest in the Port of Sheerness, specialising in the importation of motor vehicles. Together with the other car importer (GEFCO) the VW Group are in advanced discussions with the port operator to reconfigure our operational footprint at the Port safeguarding existing jobs and with an aspiration to increase our car import volumes through further investment. It may be noted that the VW Group and the Port of Sheerness successfully delivered a PDI Centre at Cullet Drive leading to the creation of 100 new jobs on the Isle of Sheppey. One of the most pressing issues for the VW Group (and GEFCO) concerns the lack of available land within the existing port estate to deliver our growth plans. The identification and delivery of the former steelworks and its assimilation into port use would be entirely sensible'.

6.7 GEFCO - 'We have specialised in the importation of motor vehicles through the Port of Sheerness since 1995. We are in advanced contractual discussions with the port operator to further commit to the Port, safeguarding 140 existing jobs, with an aspiration to increase our car import volumes leading to much needed new job opportunities on the Isle of Sheppey, in addition to those we are currently seeking to recruit. There is a lack of suitable land within the existing port hence the assimilation of the former steelworks into port use would be beneficial'.

7.0 CONSULTATIONS

7.1 **Highways England** raises no objection to the proposals. Highways England has had discussions with the developer regarding the proposed bridge over the A249 and will be entering into a Section 278 Agreement with them for construction of the bridge. The design of the bridge and requirements for any access to the A249 will need to be in accordance with the Design Manual for Roads and Bridges (DMRB). Informative will be attached.

7.2 **Kent County Council Highways and Transportation** has responded that as the site accesses directly onto the A249 Brielle Way, which forms part of the strategic highway network managed by Highway England, the impact of the development including the proposed overbridge linking the site to existing operations at Sheerness Docks will be mainly felt on Highway England's asset (see above).

KCC consider that the HGV movement associated with the site will not distribute onto any of the local highways that fall under the jurisdiction of KCC as all such movements would be expected to route directly along the A249. Staff car movements (in comparison to the authorised/last previous use of the site) are likely to substantially reduce, resulting in an improvement in performance of the local highway network. The submitted Transport Assessment predicts that the proposed use would attract about one third of the amount of HGV traffic than previously experienced, while the total volume of traffic associated with the site is likely to be about one quarter of the previous level.

As the proposed operations are reliant on the movement of a significant number of new vehicles between Sheerness Docks and the application site, the proposed overbridge is essential to avoid congestion at the Brielle Way roundabout and this should be secured by condition. Further conditions have been recommended in the

interests of amenity, road safety and parking during the construction process and in respect of parking prior to implementation of the proposed use.

7.3 **Network Rail** has issued a list of requirements to ensure that there will be no encroachment onto or any adverse effect on Network Rail land or infrastructure to be secured by condition. Specific advice (informative) is to be provided in respect of maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration and landscaping.

7.4 **Southern Water Services** advise that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Should planning permission be granted an informative has been recommended advising that there would be a requirement to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure in accordance with Section 98 of the Water Industry Act.

In order to ensure that the proposed Sustainable Urban Drainage System (SUDS) would be maintained in perpetuity and the discharge of water to a public watercourse properly effected, a condition has been recommended requiring submission of details to be approved by the Local Planning Authority in consultation with Southern Water.

7.5 **Lower Medway Internal Drainage Board (IDB)** has advised that as surface water run-off rates are to be reduced, providing the proposed SUDs are developed and agreed in direct consultation with KCC's drainage and flood risk team, IDB interests are unlikely to be affected. An informative is to be attached advising of the requirement for IDB formal consent for any works affecting any watercourse on site.

7.6 **KCC Environment and Planning (flood risk)** has advised that given the site location and nature of past and proposed uses there are limited options for surface water management. Although the applicant has provided information relating to surface water storage requirements to achieve greenfield run-off rate for a 1 in 100 year storm event for the previous permeable areas with discharge to a public surface water it is recommended that the applicant confirm with Southern Water the acceptability of connection and discharge rates to the public sewer unless discharge to the sea is available. As the calculations provided for attenuation do not seem to allow for climate change in accordance with Environment Agency guidance February 19th 2016, an appropriate condition will be attached.

7.7 **Health and Safety Executive (HSE)** has not raised objection nor requested imposition of conditions.

7.8 **Natural England** advises that in respect of:
Statutory Nature Conservation Sites: the proposal, if undertaken in strict accordance with the details submitted, will be unlikely to have a significant effect on the interest features for which Thames Estuary & Marshes SPA and Ramsar and SSSI's and Medway Estuary and Marshes SPA & Ramsar and SSI's. Natural England therefore advises that an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives is therefore not required and no objection is raised in this regard;
Protected Species: Natural England has not assessed this application for impacts on protected species. NE do however publish 'Standing Advice' on protected species and this is a material consideration that should be applied;

Biodiversity Enhancements: The application may provide opportunities to incorporate features that may be beneficial to wildlife, such as roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant in accordance with Paragraph 118 of the NPPF.

Landscape Enhancements: The application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

7.09 **Historic England** advises that: With the decision to retain the now listed military hospital, we are able to lift our objection to the granting of planning permission. Matters of detail still need to be resolved but we think that these are capable of being covered by planning conditions. These include a programme of archaeological works and hard and soft landscaping. We support the granting of planning permission for this site to be used for port purposes as this is an essential step in finding a securer future for all of the designated heritage assets associated within the port.

Historic England Advice - In our letter of 18th May we objected to the granting of planning permission. This was primarily as we opposed the then proposed demolition of the former military hospital. Your Council served a Building Preservation Notice and with the advice of Historic England, the Secretary of State has listed the building, grade II. In the light of this we welcome the decision of the applicants to amend their application so as to now retain this historic building and I can now confirm that we no longer object to planning permission being approved. There are a number of issues that still need to be resolved but we are confident that these can be addressed through carefully worded planning conditions agreed with the applicants and we advise that you should now proceed on that basis.

Though now protected by listing the former hospital still faces an uncertain future and it requires a use which will secure its long-term repair and maintenance. We do not suggest that finding such a use must be part of determining the current planning application but we do think that the decision on this must not prejudice the chances of identifying a new use for the hospital. With this in mind we think that you should pay attention to the permitted development rights which would become applicable once a port related use permission might be granted. We think you should agree with the applicants modification of the permitted development rights so that port related activities, such as the high stacking of cargo, do not dominate the historic building and its immediate setting. If a port related use for the building cannot be found then it may be necessary to offer it up for other uses and these will be more difficult to secure if the building is dominated by port activities. For similar reasons we think that the potential for an independent access to the building without the need to pass through port security needs to be thought about now and we are pleased to note the revised proposals for this. The condition of the building will need to be monitored during the period when its long-term future is under discussion and we think this is a matter for your Council to agree with its owner. We will be pleased to join you and colleagues in discussing with Peel Ports the future of this recently listed building

We think we should do so as part of future discussions about all the heritage assets at the port. Regular liaison meetings might be one way of taking this forward. We previously raised an issue for the recording of the steelworks prior to its demolition. With the co-operation of the applicant, Historic England has now been able to make a rapid photographic record of the site and this is sufficient for our purposes. If the paper archives that were in the hospital building from its use as offices for the steelworks are now to be disposed of we suggest that they should first be assessed for their possible curation as part of the local archives.

The other aspect of the site about which we raised significant concern in our previous letter related to above and below ground archaeology of the fortifications and barracks. We did not think that the Heritage Assessment by BWB had adequately described and assessed the historic significance of the site and the potential for works to cause harm to buried archaeological remains. This issue has now been addressed by recent actions. The helpful Heritage Response Statement by Montagu Evans dated 26th August 2016 includes a map regression that has assisted us to know how the proposed works relate to the well mapped major phases of military activity at the site. The applicant has supplied other information to show the relationship of proposed works to the mapped information and RSK are carrying out archaeological monitoring of site investigations which should provide additional information. We are now satisfied that there is a better understanding of the archaeological significance of the site and the potential for buried remains. There will be a need for further archaeological activities as part of implementing the proposed works and we think that these could now be covered by a Programme of Archaeological Works condition. We are content that the archaeologists at Kent C.C. might now advise you about the content of such a condition.

With reference to buried archaeological remains we note that the proposed approach to remediation of contamination is likely to work well with the preservation in situ of remains. If however there is any need to dig out any limited areas of contamination the archaeological consequences of doing so will need to first be assessed and responded to through agreed mitigation. There are some specific locations within the site which can be identified at this stage as needing further consideration and in most cases archaeological works. The cooling ponds represent parts of the historic fortifications and are intended to be filled in. Before this happens a method statement should be agreed for how the works will be carried out and archaeological recording of any evidence of the moat walls or other features associated with these will be needed. If there is any cause to carry out works to the historic wells that are known to exist at the site these too will require specific archaeological activities. We are now satisfied that the loco shed is on the site of the guardhouse for Fort Townsend but that it does not retain historic fabric from this use. The building is raised above the level of the surrounding site and if there is any intention to regularise the levels, this will require an archaeological response, as evidence of the earlier building could be preserved under the loco shed.

There is a revised landscaping plan now supplied with the application. This shows the security fence at the North East corner of the site, relocated from off the rampart of the historic fortifications and repositioned at the base of the rampart. This is as we requested and we welcome this amendment. The old security fence will need to be removed and the vegetation which obscures the form of the rampart will need to be managed. We think that a landscaping plan should be secured by condition and we would be pleased to advise further about what this might contain in relation to the scheduled monument. We think that there needs to be an agreed on-going management regime which will keep the rampart clear of vegetation so that it can be appreciated as a part of the historic fortifications.

Agreement of landscaping should also include the treatment of the hard landscaping of the wider site. We think that the location of the now buried fortifications should be surface marked in some way and we suggest that a different colour of material would be one option. Marking out the lost line of the fortifications will enable an understanding of just how large the defences were and of how the parts that are now scheduled were once continuous around the whole dockyard. This will also perform another helpful function and this will be to indicate where we know buried archaeological remains are very likely to be present and where future ground

disturbance might impact upon them. Future excavation of the ground as part of works which would normally be permitted development in a port context does have the potential to harm buried archaeology and in modifying the permitted development rights in the way that you have proposed you should consider the means to limit harm to buried archaeology. For example, there might be a limit on the size of new structure that could be allowed.

Historic England Recommendation: Historic England is able to withdraw its objection to the granting of planning permission for use of the steelworks site for port related activities. We now support an approval subject to a number of conditions which are necessary to control the detail of a) archaeological works to mitigate the impact of the development and b) for the soft and hard landscaping of the site.

- 7.10 **KCC Archaeology** advises that: The retention of the former military hospital in the proposals is very much welcome. I would agree with the Historic England view that while finding a future use should not be a matter for determining the planning application it is important that any permission ensures that the future potential is safeguarded. In particular there should be a condition applied to the permitted development rights being sought that ensures the setting of the hospital building is not compromised by port related activities in future.

I agree with Historic England that the relocation of the security fence off the rampart of the Sheerness Lines is a welcome improvement to the historic environment of the site. The removal of the old fence and the clearance of the vegetation would be a further benefit and the on-going management to keep this clear should be agreed with Historic England and secured through a condition.

With respect to the buried archaeology of the site it has been useful to obtain the overlays of the major historic features with respect to the development plan. Further information is currently being obtained from an on-going watching brief of the geotechnical test pits and bore holes though the aim of these has been specifically targeted at site condition matters rather than archaeology. In general terms the intention of the present development proposal is to avoid disturbance of archaeology through filling in the ponds with material from the site, creating a level platform mainly through raising level surfaces and capping the site with hard surface.

The new bridge structure may have piling that falls within the former moat area possibly in the area of the moat island which corresponds to the earthworks of Fort Townsend. That impact can be addressed through a condition securing archaeological assessment and recording as appropriate;

Areas of uncertainty surround possible remediation measures for removal of contamination that arise from the present surveys. If measures for remediation that involve ground excavations are being considered it is important that the archaeological impact of such measures is fully considered and appropriate mitigation put in place. In cases this may be able to be achieved through investigation and recording but especially where groundworks are proposed in areas of the buried fortifications we would wish to see safeguarding of significant remains.

The former cooling ponds are a significant heritage asset, that illustrate the continuation of the moat of the Sheerness Lines to the west of the site. Further information may be obtained from the present geotechnical survey although as this has not been targeted at the heritage aspects of the ponds it may be that further assessment is needed in due course. A methodology for the filling of the ponds that takes account the preservation of any historic elements of the ponds and appropriate

archaeological investigation and recording should be agreed and can be addressed through a condition on the planning consent if granted.

Similarly details on the arrangements for the works on the historic well heads should be agreed and appropriate archaeological works implemented.

Further details of the method of creating a level platform need to be provided in advance of development and the effects of these works on archaeology assessed and where appropriate evaluated. The former loco shed in particular sits on a raised platform that would appear from historic plans to have been in place as far back as the early part of the 19th century when it was the location of the barrack block of Fort Townsend. It may be that in this location significant archaeology sits above the general wider level and may require measures to preserve or investigate and record.

As mentioned above the former Cooling Ponds are a substantial and significant heritage asset in their own right. Being the last visible element of the western end of the Sheerness Lines moat, elsewhere a scheduled monument and thereby nationally important. The appreciation of this aspect is best achieved from aerial views of Sheerness. We accept that the infilling of these features will be necessary to enable the proposed use of the site however it is important that the former scale and layout of the moat is not fully lost as this would in my view in part affect the significance of the Scheduled Monument. As mitigation and a beneficial outcome of the scheme we would recommend that provision is made for the definition of the major fortifications in the surface treatment of the site. I would envisage this to be a broad colour / shade change that could be appreciated in aerial views of the site rather than lines marked on the surface that may lead to operational confusions as suggested by Chris Miele in our telephone discussion. I would recommend that an appropriately worded condition is attached to secure this.

Finally I am conscious that the application includes providing permitted development rights for port related activities and building in future. It will be important therefore that provision in these rights is made to ensure that future proposals that involve ground excavations are subject to archaeological assessment, evaluation and safeguarding / investigation as appropriate and that this is achieved through consultation and agreement with Swale BC or the County Archaeologist. It would be important in particular to ensure that future development avoids impacting on the buried fortifications and the military cemetery.

I am satisfied that the above archaeological matters can be addressed through suitably worded conditions attached to any planning consent for the present proposals.

7.11 Environmental Protection Team Leader has advised that:

Land Contamination Further to my memo dated 14th April 2016, I have now revisited the site and had a meeting with a new environmental consultancy. As a result of this meeting, and a subsequent visit around the site, a new revised remediation strategy has been drawn up by them and agreed in principle by myself. I am consequently satisfied with this approach, which will include more intrusive investigation points throughout the site, together with mitigation measures to be put in place for dust creation and noise during the decommissioning and demolition of the works.

Therefore I remove my initial objection to the proposal and will now raise no objection to it, subject to conditions.

7.12 Environment Agency

The Environment Agency notes that the Phase 2 investigation only covered the western most third of the site, and that no intrusive investigation has been undertaken for the remaining two thirds. The reported actions and analysis of the risks and liabilities detailed in the submitted report are agreed in principle as being in accordance with relevant guidance and good practice. The Environment Agency agrees with the recommendations for further investigations for this third of the site. Further clarification should be sought from Swale Borough Council's Environmental Health Officer with respect to issues related to potential human health risks.

The Environment Agency has no objection to planning permission being granted to the proposed development as submitted subject to a range of planning conditions. Without these conditions the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. has assessed the application as having a low environmental risk and consequently raises no objection to the proposal. Informative has been recommended in respect of consents, permissions and licenses.

7.13 **Council's Tree Consultant** has not raised objection subject to imposition of conditions relating to landscape and tree provision and tree protection.

7.14 The comments of my **Economic Development** colleagues are awaited, and I will update Members at the meeting.

8.0 APPRAISAL

8.1 The principle of the change of use

8.2 The application site is an established employment site for heavy industry. Although it has been in use as a steel mill for 40 years, that use is no longer viable and the site has remained dormant for the last 4 years. The nature of the buildings and site structures are closely related to its former use and not readily adapted to current industrial needs. The neighbouring Port of Sheerness has identified a need to expand in order to cope with increased demand for storage space and is seeking to redevelop the site for this purpose.

8.3 Policy B1 of the Local Plan 2008 requires land and buildings in employment use to be retained for that use unless demonstrated that it is no longer suitable for employment, while Policy SP3 of the Local Plan 2008 seeks to support local company growth and satisfy economic need. Although the level of employment associated with the proposed use will be substantially less than that associated with the steelworks use, the proposal will nevertheless contribute positively to stabilise losses of jobs within the (steel) manufacturing sector and support the extension of an existing employment site (the docks). This, further accords with Policy CP1 of the Emerging Plan which seeks to build a strong competitive economy and bring forward an increase in business creation and inward investment.

8.4 Paras 18 & 19 of the NPPF state that the Government is committed to securing economic growth in order to create jobs and prosperity and in ensuring that the

planning system operates to encourage and not act as an impediment to sustainable growth. In this instance implementation of the change of use will make beneficial use of a previously developed industrial site that would otherwise be, for reasons associated with its former use, be potentially uneconomic to develop and unsuitable for land use purposes such as housing without financially prohibitive reclamation.

8.5 Implications of the change of use

Under normal circumstances the proposal would entail a change of use from a Class B2 heavy industrial use to Class B8 storage and distribution use. The applicant has however applied for Port Related (sui generis) Use. This would allow extensive permitted development rights in accordance with the provisions of the Town and Country Planning (General Permitted Development) Order. Given the presence of heritage assets within and adjoining the site it is considered appropriate to restrict such rights through condition.

8.6 **Heritage and Conservation**

8.7 With the recent decision by the applicant to retain the (recently listed) former military hospital building, it is reasonable to lift earlier objection to the granting of planning permission. While detailed design matters still need to be resolved these are capable of being dealt with via planning conditions. These include the need for a programme of archaeological works and the provision of a hard and soft landscaping scheme. In common with the views expressed by heritage experts at Historic England and Kent County Council, the granting of planning permission for this site to be used for port purposes, can be seen as an essential step in finding a securer future for all of the designated heritage assets associated with the port

8.8 Although now protected by its addition to the statutory list, the former military hospital still faces an uncertain future and will ideally require a complementary use which will sustain its long-term repair and maintenance. Finding such a use is however a matter outside the remit of this determination process which seeks a change of use of the larger site. It is however important that the opportunity for identifying a new use for the hospital should not be prejudiced by access constraints and/or wholly unsympathetic adjoining development. On one hand it needs to be recognized that the listed building lies within a larger industrial site and that there are operational requirements associated with the proposed use of the land in conjunction with the Port of Sheerness. It should also be understood that there is no 'as of right' public access to the building. As the use of land for port related uses allows extensive permitted development rights it is considered appropriate in this instance to restrict certain of those right such as restrictions on the proximity and height of cargo that could otherwise visually dominate the historic building and its immediate setting.

8.9 If a port related use for the building cannot be found (as seems likely to be the case given the consistent feedback from applicant in this respect) then future opportunities for a beneficial use of the building will be more difficult to secure if the building is dominated by port related activities. Since the decision taken by Heritage England to list the building, the applicant has engaged positively in addressing heritage concerns. The option for an independent access to the building without the need to pass through port security has been considered and this now forms part of the amended proposal. It is hoped such measures will ultimately assist with other heritage initiatives that will in turn help regenerate the social and economic fortunes of Sheerness.

- 8.10 The proposed redevelopment of the site has the potential to affect buried archaeological remains, including the outline of the moated defence structure. Historic England and Kent County Council's Heritage Team have provided detailed advice and recommendations in this respect, and conditions will be attached to address the issues arising.

8.11 Residential amenity implications

- 8.12 In comparison to the sites former use the proposal represents a substantive improvement in terms of the impact upon the local environment including the impact upon residential amenity. Air quality will improve significantly due to the cessation of industrial steel production, there will be reduction in road traffic and there will be the potential for a significant reduction in noise and disturbance emanating from the site. Given the history of the site it would seem unreasonable to impose hours of working conditions particularly as noise, such as might be generated from loading and unloading operations, can be controlled by separate environmental health legislation, should that be an issue.

8.13 Transportation implications

- 8.14 The impact on the highway network will be significantly relieved as a result of the railhead development and emphasis on rail freight transportation. National Rail has not objected to the proposals subject to compliance with their requirement. The proposed new road bridge, linking the site to dock storage land within the control of the applicant falls under the jurisdiction of Highways England who have not raised objection subject to legal agreement under the Highways Act. Kent County Council Highways and Transportation has not raised objection subject to imposition of condition requiring the road overbridge to be completed and commissioned prior to first use of the site.

8.15 Air Quality

- 8.16 For the purposes of this application, notwithstanding that the steel facility has closed and would in the current economic climate be highly unlikely to re-open, due regard must be given to the current authorized use of the site as a steelworks. Given the level of emissions associated with steelwork production, the proposed change of use will result in a significant improvement in air quality both within Sheerness and within the wider area. Although there will be a degree of dust generation as a result of the intended demolition and site restoration processes, it is anticipated that this will be contained within a relatively brief period of time during the construction phase and will be subject to the imposition of conditions such as watering and other measures intended to reduce air-borne dust. Crucially air quality as a result of the cessation of steel manufacturing and the projected reduced road traffic levels will significantly improve. This is in line with Paragraph 17 of the NPPF which require the planning system to contribute to reducing pollution. The development is considered to be compliant with both Adopted Local Plan policy SH1 and Emerging Local Plan Policies ST3 and ST5 which highlight air quality as a constraint to development, although it is noted that there are no relevant AQMA's in this part of the Borough.

8.17 Ecology

- 8.18 As would be expected for a former heavy industrial site, the scope for the establishment of flora and fauna has been extremely limited given in particular the presence of ground and pond water pollution. This overview is supported by the findings of the Ecological Appraisal document (Brindle & Green, February 2016) who

conclude that the 'likelihood of indirect impacts is considered low'. Although Natural England has requested that regard be given to their standing advice, and have requested that where possible biodiversity be enhanced, there are no specific concerns relating to site ecology in this instance or in respect of SPA, Ramsar or SSSI sites.

8.19 Landscaping

8.20 Existing tree and hedge cover on this site is limited and is confined to the site perimeter where it affords a degree of intermittent screening. Although a dense row of semi-mature conifers lining the northern site boundary adjoining Brielle Way afford effective screening of the larger site buildings, the conifers do in other respects not contribute positively to local character and do not merit statutory protection. Furthermore, the applicant has advised as to current Department of Transport requirements for security fencing around Ports and it would appear that the existing conifers represent a security risk as they would be readily scaled and used for unauthorized entry to the site. Consequently it is considered unreasonable to require their retention. The potential loss of the existing screening can however be mitigated by landscaping provision within the site. The applicant has amended drawings showing a landscaped perimeter bund that would be located within the site and extend for much of the northern and western boundaries, providing screening on the approaches to the town of Sheerness along the A249.

8.21 Flood Risk

8.22 Although the site is located within a flood risk area (Flood Zone 3), no built development is proposed within the site. Given that the proposed use of the site is for surface level car storage and other forms of goods storage, and that retained buildings would not constitute an obstruction to flood waters, the nature of the use would not exacerbate the current flood risk status of the site.

8.23 Developer Contributions

8.24 No contributions are sought and it is considered that biodiversity and heritage enhancement can be achieved by way of planning conditions.

8.25 Site Contamination and Demolition

8.26 Land Contamination issues as a result of the former industrial site processes have raised understandable concerns within the neighbouring resident community. Since submission of the application specialist site investigations have been carried out to further inform a comprehensive understanding of the nature and extent of contamination both below ground and on the surface. Following this process the Environmental Protection Team Leader has advised that contamination and pollution together with safeguards necessary during demolition that may have otherwise impacted on the environment can be satisfactorily addressed through condition and has removed earlier objection to the proposal.

8.27 The Environment Agency was responsible for monitoring the site during the latter period of steel production. Although they have noted that initial investigations covered only the western portion of the site, this is understandable as that was the area recorded as being used for storage, burial and deposit of contaminated materials. They have not raised objection to the proposals subject to imposition of conditions, many of which re-iterate the range of conditions required by the Environmental Protection Team Leader.

- 8.28 National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). The strategy proposed to deal with site contamination is considered acceptable and in compliance with the NPPF.

9.0 Conclusion

- 9.1 The proposed use and associated re-development of the site (including demolition) and the cumulative impact of that use would not give rise to unacceptable harm to the environment or to residential and public amenity, would result in a considerable reduction in environmental impact, would enable the expansion of the Port of Sheerness and as a result would provide opportunities for job creation and provide a boost to the local economy, would make beneficial use of a redundant industrial land resource and would preserve the local heritage. For these reasons the proposed development is considered to represent sustainable development in accordance with Plan Policy and the provisions of the NPPF and is acceptable.

- 10.0 RECOMMENDATION** Approve subject to the following planning conditions.

CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date on which permission is granted.

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

- 2 No development (include surfacing but excluding demolition) shall take place until details of a soft landscaping works to include the creation of landscape bunds (which shall have regard to the protection of underground services) and planting have been submitted and approved by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, and an implementation programme. All soft landscaping works shall be carried out in accordance with the details and programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and to encourage wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

- 3 No development shall take place until a tree protection plan, arboricultural impact assessment and arboricultural method statement in accordance with the recommendations of BS 5837:2012 have been submitted to and approved in writing by the local planning authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access,

demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme.

Reason: In the interests of the visual amenities of the area and to encourage wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

- 4 The use of the site hereby approved shall not commence until a landscape management plan to include new and existing areas of landscaping and the grassed embankment forming the rampart to the visible remains of the Sheerness Lines Moat Rampart defence structure has been submitted to and agreed by the Local Planning Authority. Management of the relevant areas (to be shown on a site plan to be submitted as a requirement of the condition) shall thereafter fully accord with the details specified in the approved plan.

Reason: To ensure that an acceptable standard of landscaping is maintained and in order to maintain the historic integrity of the historic ramparts.

- 5 Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and to encourage wildlife and biodiversity.

- 6 Prior to first use of the site as hereby approved details of security fencing to the site boundary shall be submitted to and approved by the Local Planning Authority. The fencing shall be retained as approved for the lifetime of the development.

Reason: To ensure a satisfactory standard of security and in the interests of visual amenity.

- 7 No development including demolition shall take place until details of any proposals involving below ground excavation including details of remediation works, works to create a level development platform and infilling of the ponds have been submitted to and approved by the Local Planning Authority. Development works shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

- 8 No development including demolition shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
i) archaeological assessment and/or field evaluation works in areas proposed for ground excavation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
ii) further to the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 9 The north east part of the site, specifically around the listed building area shown in 'pale blue' on the amended proposed site layout drawing (drawing no. WDK-SI-A-000-013 Rev. P11) for Port multi-user open storage shall not be brought into use for open storage purposes until the following details have been submitted to and subsequently approved in writing by the LPA, and implemented (as appropriate) in accordance with the approved details:

- (a) A boundary treatment scheme for an area around the grade II listed former military hospital building to include walling and/or railings, and/or planting.
- (b) An open storage area site plan showing a buffer area around the curtilage of the listed building and its frontage that shall be kept free from the stacking of materials, that area to be subsequently marked out on site in accordance with a marking out scheme approved as part of the required submission of details.

Reason: In order to preserve the setting of the Grade II listed former military hospital building.

- 10 Prior to the commencement of development including the laying of any surfacing treatment, details of a 'safeguarding' scheme for the surface marking of the site (for the purposes of providing an interpretive aid to the outline of the buried moated defence structure and former military cemetery) shall be submitted and agreed in writing. The approved details shall be implemented prior to first use of the site and thereafter retained as approved.

Reason: In the interests of archaeological preservation.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting the order) no permanent buildings or structures shall be erected on the areas marked out on the 'safeguarded' areas of the site (in accordance with C5 above) as forming either part of the former moated defence structure or forming part of the military cemetery or forming part of the historic wellhead, without the express consent of the Local Planning Authority.

Reason: In the interests of archaeological preservation.

- 12 The access route to the listed Grade II former hospital building shall be safeguarded and made available for the future use of the listed building.

Reason: To ensure that the potential for a future beneficial use of the listed building is not unreasonably prejudiced by other forms of development or land uses.

- 13 Land Contamination: No development including demolition shall be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- a) 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
 - potentially unacceptable risks arising from contamination at the site;

b) A site investigation, based on the Preliminary Risk Assessment to provide information for a Detailed Risk Assessment of the risk to all receptors that may be affected, including those off site;

c) A Remediation Method Statement (RMS) based on the site investigation results and the Detailed Risk Assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action;

d) A Closure (Verification) Report to be submitted upon completion of the works. The Closure Report shall include full verification details as set out in RMS. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site and that any material brought onto the site is certified clean;

e) The Closure Report shall also include a “long-term monitoring and maintenance plan” for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that ‘best practice’ is carried out in dealing with contamination which may pose significant risk to the public and to prevent pollution of controlled waters and comply with the National Planning Policy Framework.

14 If, during development to include demolition, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of:

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology;

b) Details of any post-remedial 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) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure that 'best practice' is carried out in dealing with contamination, which may pose significant risk to the public and to prevent pollution of controlled waters.

- 15 No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of controlled waters and comply with the NPPF.

- 16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Penetrative methods, such as piling can result in risks to controlled waters from, for example, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

- 17 Landfill gas: In order to safeguard the future occupants of the site, a detailed scheme for the investigation, recording and remediation of gas shall be carried out. Such a scheme to comprise:
- a) a report to be submitted to and approved by the Local planning authority. The report shall include a risk assessment and detail how on site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported;
 - b) Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the Local Planning Authority. The Proposals shall detail sources of best practice employed;

The above works shall be carried out in full on site prior to first occupation/use.

Upon completion of the works a closure report shall be submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme.

Reason: To ensure that 'best practice' is carried out in dealing with potential land gas emissions which may pose significant risk to the public and environment.

- 18 Hours of working (demolition/construction): No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday. [In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary for safety reasons to conduct

works during a railway possession or road closure, outside the hours specified in this condition].

Reason: To safeguard the amenities of the area.

- 19 Dust, odour and vapour emissions: Full details of all measures to be taken to deal with the emission of dust, odours or vapours arising from the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of site demolition works. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: To safeguard the amenities of the area.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting the order) the following restrictions will apply:
- a) Within the open storage area generally to the south west of the site and shown coloured 'fawn' on the amended proposed site layout drawing (drawing no. WDK-SI-A-000-013 Rev. P13) no building shall be erected or goods stored that exceed 20m in height.
 - b) Within the open storage area generally to the north east of the site coloured 'light blue' on the amended proposed site layout drawing (drawing no. WDK-SI-A-000-013 Rev. P13) and around the grade II listed former military hospital building, no building shall be erected or goods stored that exceed 10m in height.

Reason: In the interests of visual amenity and in order to protect the setting of the listed building.

- 21 Prior to first use of the site hereby approved the overbridge shall be constructed and commissioned to the satisfaction of Highways England.

Reason: Implementation of the use without the overbridge would lead to unacceptable pressure on the highway network and in particular congestion at the roundabout at the east end of Brielle Way.

- 22 Prior to surfacing of the site, surface water drainage works shall be implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SUDS) and the results of the assessment shall be provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall;
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- ii) include a timetable for its implementation; and
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme through its lifetime.

Reason: To ensure that surface water run-off is controlled and does not exacerbate the potential for flooding or groundwater contamination.

- 23 Unless otherwise approved in writing the development shall be carried out in complete accordance with the drawings and plans hereby approved.

Reason: To ensure that development is carried out as permitted.

Informatives:

- 1 **Demolition:** Any decommissioning of infrastructure or remediation of impacted ground must be carried out in a strictly controlled manner to ensure that contaminants are not exposed and releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Clearing areas, particularly removing hardcover, must be done in a manner not likely to expose contaminants to flushing by incipient rainfall or surface water run-off on the site. Temporary surface water controls and management of any materials movement on site is critical to ensure protection of controlled waters near the site (Environment Agency Informative).
- 2 **Waste to be taken off site:** Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: □ Duty of Care Regulations 1991 □ Hazardous Waste (England and Wales) Regulations 2005 □ Environmental Permitting (England and Wales) Regulations 2010 □ The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information (Environment Agency Informative).
- 3 **Drainage:** The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:
 - Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
 - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
 - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.

A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater (Environment Agency Informative).

- 4 It is recommended that the applicant enter into discussions with Southern Water to confirm acceptability of connection and discharge rates to the public surface water sewer (Southern Water Informative).
- 5 Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the property served by the sewer and potential means of access before any further works commence on site (Southern Water Informative).
- 6 No development or new planting or new tree planting should be located within 4metres of the centreline of a public sewer (900mmm and 750mm) and within 3.5m of the centreline of a public sewer (525mm). No excavation, mounding or tree planting should be carried out within 4metres of the public water main (250mm), without the consent of Southern Water; All existing infrastructure should be protected during the course of demolition and construction works; No new soakaways should be located within 5metres of public sewers and water mains (Southern Water Informative).
- 7 You are advised to contact Medway Internal Drainage Board for formal consent for any works affecting a watercourse.
- 8 In respect of British Rail land the following comments have been received: the developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:
 - encroach onto Network Rail land
 - affect the safety, operation or integrity of the company's railway and its infrastructure
 - **undermine its support zone**
 - damage the company's infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's

boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must

consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing /wall must not

be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to

Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "**Zebrina**"¹¹

Not Permitted: Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved lime (Tilia Cordata), Oak (Quercus), Willows

(Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionKent@networkrail.co.uk prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx.

Council's approach to the application

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

This application was considered to accord with the provisions of the Development Plan and NPPF.

Case Officer: Jeff Sadler

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.