

MC/22/1603

Date Received: 28 June 2022

Location: Pacadar Cement Casting Thamesport, Grain Road Isle of Grain

Proposal: Construction of a warehouse building (Class B2 - General Industrial)

Applicant Pacadar UK Ltd
C/o Agent

Agent Barton Willmore now Stantec
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Ward: Peninsula Ward

Case Officer: Tom Stubbs

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14th December 2022.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 28 June 2022:

1 Edition 2- Site Location Plan
6 Edition 2 - Floor Plan

Received 4 July 2022:

5 Edition 4- Sections Plan
7 Edition 3 - Roof Plan

Received 25 July 2022:

4a Edition 4 - Building Elevations: Western Elevation, Southern Elevation
4b Edition 4 - Building Elevations: Eastern Elevation, Northern Elevation

Received 25 July 2022:

3 Edition 4 - Site Plan

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) and operations plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of best practice to prevent potential contamination, air quality and noise impacts upon the neighbouring Medway Estuary and Marshes SPA, SSSI and Ramsar Site. It should also include the precautionary measures with regard to any vegetation clearance. The construction works shall be undertaken in accordance with the approved CEMP.

Reason: Required before commencement of development in order to minimise the impact of the construction period on wildlife with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 4 Prior to occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 168 of the National Planning Policy Framework 2021 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 5 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within Energy and Efficiency section of the design and access statement. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 6 The development shall not be occupied until the measures to protect future site users from the presence of ground gas set out within Ground Investigation Assessment, reference 220663, dated August 2022, have been provided on site and a verification report is prepared by a suitably qualified professional confirming that all the approved measures have been implemented has been submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid any detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 7, Class H of that Order unless planning permission has been granted on an application relating thereto.

Reason: To avoid any detrimental impact on human health as a result of the gas protection measures required from enclosing the building in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement to and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To avoid any detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 All materials used externally shall match those indicated within the Material Schedule received on 22 November 2022.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

Recommendation

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the construction of a warehouse building to be used within use Class B2 - General Industrial.

The pitched roofed zinc and metal open ended warehouse would measure approx. 111m in depth, approx. 24.2m in width, approx. 12.5m to the eaves and approx. 13.5m to the ridge height. The applicant has been awarded a contract to construct tunnelling and bridge structures associated with HS2 project and the proposed structure would allow them to assist in manufacture and storage of the finished concrete structure products.

The use is proposed to operate 24 hours per day.

Relevant Planning History

Same applicant on adjacent land

MC/17/1278 Installation of external concrete batching plant.
Decision Approval with Conditions
Decided 13 July, 2017

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of the surrounding residential and commercial properties. St James Isle of Grain Parish Council, Southern Water, Southern Gas, EDF Energy, Environment Agency, KCC Biodiversity, RSPB, Natural England and the Kent Wildlife Trust have also been consulted.

There are two letters of objection received.

One letter is from the Parish Council (detailed later below) and the other from DLA PIPER on behalf of National Grid Grain LNG

National Grid Grain LNG object to the proposal raising the following concerns:

- The development is in close proximity to Grain LNGs site which facilitates for the offloading and reloading of Liquefied Natural Gas. The site is responsible for approx. 20% of the UK gas demand a day. There is a lack of information and assessment as to what is proposed and any potential effects. The concern is around the operations within the warehouse and the possible impact from deposition of cement dust on the Grain LNG equipment resulting in smothering, binding, abrasion, chemical reaction and accumulation.
- Objection to the proposed mobile batching plant that the applicants indicated would be introduced under PD rights.

It should be noted that with regard the second area of concern from Grain LNG, the applicants have confirmed and amended their supporting documents to state that no mobile concrete batching plant will now be installed.

St James Isle of Grain Parish Council sent two letters of representation. The Parish Council state their objection is on the basis that there should be no new development until the B20001/A228 has been upgraded to take additional traffic. There are also concerns about health implications to residents from airborne particles of fine dust produced by the cement casting process.

Southern Water have written with a map of water mains in the area. They indicate that there are no public foul and surface water sewers to serve this development and the applicant is advised to examine alternative means. The LLFA should comment on acceptance of the drainage into local water source. They also indicate a sewer now deemed public could be crossing the site and provides information for the applicant to undertake before development. An informative will be included with the decision to bring this representation to the applicant's attention.

Natural England have written to raise no objection and that they consider that the proposed development would not have significant adverse impacts on statutory protected nature conservation sites or landscapes.

The Environment Agency have written to raise no objection to the proposals.

KCC Biodiversity have written to indicate they have reviewed the supporting ecological survey and confirm no further surveys are required. There are small areas of vegetation on site which may be used by breeding birds and a precautionary mitigation detailed within the report should be included in a CEMP. The site has a suitable habitat within the surrounding area for protected/notable species and there is the Medway Estuary and Marshes SPA, SSSI and Ramsar Sites within 850m of the site and therefore need to ensure the best practice guidance is implemented during construction to ensure those areas are not impacted during construction or operational phase of development. A CEMP condition is recommended. The ecology report did not include dust or noise impacts on the surrounding areas, but it is likely that these would not have a significant impact subject to best practice measures as mentioned before.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

Planning Appraisal

Principle

The site is located within an existing employment area which is also part of the Isle of Grain strategy area as designated in the Local Plan. Policies S13, ED1 and ED7 of the Local Plan apply which encourage B1, B2 and B8 uses at the Isle of Grain and within the Thamesport Site. Paragraphs 11, 81 and 83 of the NPPF encourage sustainable development, business growth and local requirements of certain industrial uses.

The proposals are shaped to meet the specific requirements of the expansion of the applicant's business to provide the additional space to produce the cement mouldings required by their contract requirement for the HS2 project which would generate 40 employees working a two-shift pattern.

Consequently, the proposed B2 use, and warehouse raises no objection in principle, subject to the consideration of further material planning considerations and the impact on the environment as set out below.

Design

Paragraph 126 and 130 of the NPPF emphasises the importance of good design within sustainable development and encourage visually attractive, good architecture, layout, appropriate and effective landscaping. Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The proposed metal and zinc open ended warehouse has been designed to meet the operational requirements of the applicant. The application is within an established industrial area and within close proximity are other warehouse buildings as well as other larger scale development including the Thamesport cranes, concrete batching plant, silos and equipment in association with aggregates storage and Medway Power Station.

By virtue of its proposed size and scale and in the industrial context of the site it is considered the proposal would have a low visual impact on the surrounding landscape within long and medium views with the building blending into the industrial nature of the area. Subject to a condition restricting the materials to those proposed within the material schedule, the application is considered to be in accordance with Policies BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

The site is within an established commercial area which includes the Thamesport Container Port and Aggregate Industries amongst others. There are no residential properties nearby and therefore there would be no detrimental impact on sunlight, daylight, overlooking, privacy or noise even operating 24 hours a day.

Concerns have been raised in public consultation responses regarding the impact of dust on the equipment of Grain LNG and dust particles on the health of residents of the village. This will be covered in the air quality and dust section below.

In terms of the impact with regard to loss of sunlight, daylight, overshadowing, privacy and noise, the proposal is considered acceptable and in compliance with Policy BNE2 of the Local Plan and paragraphs 130 and 174 of the NPPF.

Air Quality and Dust

Policy BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF requires new development to take account of the impact on air quality.

The application is supported by an Air Quality Assessment. The assessment is considered acceptable with regards to dust and impact on human health. An objection was received by Grain LNG about the impact of dust and the mobile concrete batching plant. In response the applicant, has provided an Air Quality Addendum which included the confirmation that a mobile concrete batching plant will no longer be used.

The information was assessed by an independent air quality consultant who was tasked with assessing the robustness of the supporting air quality information and the likelihood that the dust would reach the National Grid Grain LNG plant. Further information was requested with regard to the production of dust during construction and operation. The further information has been provided in the document "Response to the AQA Review by Air Quality Consultants Ltd document."

The warehouse is proposed to be located on an existing hardstanding. Assembly would take approx. seven weeks and comprise the erection of columns, bolting and installation of rafters, purlins and cover. This would result in a low risk of dust.

The abovementioned document breaks down the processes which are proposed to take place within the warehouse. There are mainly no dust creating operations, including the creation of formed concrete products utilising moulds with wet concrete. The identified dust generating process would be the cleaning of the moulds where loose aggregates in the mould would be cleaned manually via scrapers and then swept up. This would take place once a day and the identified dust produced is not in the form of cement powder. Instead, it is of small amounts of aggregated cement dusts in residues of concrete. This dust would therefore be localised, in larger fragments and unlikely to reach National Grid Grain LNG equipment. The proposed development would therefore have a negligible impact on baseline dust concentrations locally which are most likely to come from open storage of aggregates adjacent.

On the basis of all the supporting documents it is considered that development would not result in unacceptable air quality issues from operations or transport with regard to the impact on human health or neighbouring business including the National Grid Grain LNG equipment. The development is therefore in accordance with Policies BNE2 and BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF.

Highways

The Parish Council object stating that no further development shall take place until the road network has been upgraded. The applicant has provided a response to the objection. However, the Parish Council maintain their objection.

The proposed development would utilise the existing access and parking arrangements to the existing Pacadar site which is located within the Port Facility of Thamesport and include 37 parking spaces.

The application is supported by both a Transport Statement and Transport Statement Addendum which are considered acceptable. These documents include an assessment on trip generation. With regard to staff vehicle trips, a staff minibus service is to be provided and car sharing. With regard to HGV movements, a reduction in the number of HGVs carrying freight would result (due to a modal shift, to transporting tunnel segments by railhead). The applicant has illustrated that a reduction in net trips to and from the site will be achieved and on these grounds is therefore supported.

Utilising the proposed car sharing from local workforce, this would lead to 5 additional cars parked per day which can be accommodated by the existing car park.

Therefore, it is concluded the proposed development on the whole is acceptable in highways terms and the proposed modal shift of freight movements from HGV to rail will reduce the demand on the local road network in accordance with of Policies T1, T2, and T13 of the Local Plan and paragraph 111 of the NPPF.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

The application has been supported by a Phase 1 Geo-Environmental Assessment and an

amended Phase 2 Ground Investigation Assessment. The investigation has shown that elevated levels of ground gas exist on site. However, it has been confirmed that the proposed building shall be open at one end, thus negating the need for additional gas protection measures to be implemented. However, it must be ensured that the structure remains open at all times, with no doors/obstructions on the open elevation, otherwise an accumulation of ground gas could occur, and a condition is required to ensure this. Further conditions are required for a verification report prior to occupation and for any unexpected contamination found.

Consequently, subject to the abovementioned conditions, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

Flooding/SUDS

The application is supported by a Flood Risk Assessment. The site is situated within Flood Zone 3 'High Risk' in accordance with Environment Agency mapping. It is recognised that this area is defended by flood defences that are maintained. It is noted that there are areas of localised risk to surface water flooding however these do not affect the site or the surrounding area.

Inspection of British Geological Mapping indicates the presence of London Clay Formation which does not allow infiltration. It is noted that the proposal seeks to use existing features within the development site to discharge surface water. A swale located immediately south of the proposed warehouse will be utilised. It is noted that this swale currently outfalls into a pond located to the southeast of the warehouse before discharging into the river Medway. This is considered acceptable subject to a SUDs verification scheme.

The proposed development subject to the abovementioned condition would be considered to be in accordance with is in accordance with paragraph 167, 168 and 169 of the NPPF.

Ecology

The site is located within 850m of the Medway Estuary and Marshes SPA, SSSI and Ramsar Site. The supporting preliminary ecological appraisal is generally acceptable. The site is predominantly large bare ground with limited opportunities to be utilised by protected or notable species. However, there are some small areas of vegetation which may be used by breeding birds on the site. It is recommended that the precautionary mitigation detailed within the report is included within the proposed construction management plan condition to be required later. There is a need for best practice guidance to be followed during construction to ensure that adjacent protected sites are not impacted on with regards to contamination, noise and dust. This should be secured via a condition for an environmental construction management and operation plan. It should be noted that the applicant intends to submit this information prior to determination to prevent the need of any prior to commencement application to prevent any further delay to them commencing on site. At the time of drafting this report this had not been submitted, however if the details are submitted an update will be provided within the supplementary agenda.

Subject to the abovementioned condition the application is considered to be acceptable with regards to impacts on ecology and in accordance with Policies BNE35, BNE37 and BNE39 of the Local Plan and paragraphs 174 and 180 of the NPPF.

Climate Change and Energy Efficiency

The applicant has included an Energy and Efficiency section within their design and access statement which indicates the measures to be undertaken with regards to climate change and energy efficiency.

Due to the warehouse building being an open-ended structure it is not possible to undertake a BREEAM Assessment under Part L of Building Regulations. The proposal will include the use of low energy efficiency lighting and the use of an existing prefabricated warehouse structure which will be dismantled from another Pacadar site and relocated allowing for the reuse of existing materials. Furthermore, the operation of a minibus service would aid in reducing single travel transport onsite. Subject to a verification report for these measures the application is considered to be in accordance with paragraph 154 of the NPPF.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies S13, ED1, ED7, BNE1, BNE2, BNE23, BNE24, BNE35, BNE37, BNE39, T1, T2 and T13 of the Local Plan and paragraphs 11, 81, 83, 111, 126, 130, 154, 167, 168, 169, 174, 180, 183 and 186 of the NPPF. Accordingly, the application is recommended for approval subject to conditions.

The application would normally be determined under delegated powers but is being referred for Committee for determination due to the letter of representation from the Parish Council received expressing a view contrary to the officer's recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>