



Application: 20230567

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: **Mr Satnam Singh Dhaliwal, SD And JD Property Limited
C/O Mr Shailender Nagpal, Design And Plan Consultants Ltd
93 Cotmandene Crescent
Orpington
Kent
BR5 2RA**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**Heritage House
79 - 80 High Street
Gravesend
Kent
DA11 0BH**

and being **Change of use from existing use Class E to sui generis (HMO) use and office on the ground floor with alterations to the buildings**. Your application dated 26th May 2023 is permitted subject to the following:-

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans and details, unless alternative details are approved pursuant to the conditions imposed on this decision notice:

Application form
Heritage Statement by JF Heritage
Design and Access Statement
Window and Door Details
Drawing no. 01 rev A (existing floor plans)
Drawing no. 02 rev A (existing elevations)
Drawing no. 03 rev A (existing elevations)
Drawing no. 04 rev A (existing plans and elevations - outbuilding)
Drawing no. 05 rev B (proposed floor plans) applicant's agent has confirmed by email that this plan should be labelled rev C, not B as shown on the plan
Drawing no. 06 rev B (proposed elevation and block plan)
Drawing no. 07 rev B (proposed elevations)
Drawing no. 08 rev B (proposed plans and elevations - outbuilding)
Drawing no. 09 (proposed extractor section)

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

3. Prior to the first occupation or use of the development hereby approved, details of the refuse arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores. The approved refuse facilities and arrangements shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times. For the avoidance of doubt this includes the refuse facilities and arrangements for both the residential and commercial elements of this permission.

Reason: In order to ensure the development is served by a suitable refuse storage area in the interest of amenity and in accordance with adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

4. a) Before any works commence, a noise impact assessment shall be carried out and shall be submitted to and approved, in writing, by the Local Planning Authority. For the avoidance of doubt the noise impact assessment shall set out how the change of use of the building will ensure compliance with the following requirements:
 - i. The internal ambient noise levels in all habitable rooms of the residential dwellings shall not exceed the guideline LAeq values in Table 4 of BS 8233:2014
 - ii. The maximum internal noise levels in all habitable rooms should not normally exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
 - iii. The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014Where compliance with these criteria will rely on closed windows, the development must include sufficient and suitable ventilation to affected residential dwellings by means other than opening windows to ensure that the internal noise levels required by the above conditions can be retained all year round. The noise assessment should not be limited to noise from traffic and plant but should also take into account the impact of other existing audible noise sources such as music and behavioural noise from, and associated with, existing licenced premises (in the areas of Queen Street, High Street & Town Pier) during the evening and night-time economy period, Tilbury port operations, and early morning delivery noise to nearby commercial uses, as appropriate.
- b) Prior to first occupation of the apartments, a suitable post-completion demonstrating compliance with (a) shall be submitted to and approved, in writing, by the Local Planning Authority
The approved details shall be maintained for the lifetime of the development.

Reason: To safeguard conditions of amenity in accordance with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023.

5. Prior to the first occupation of the HMO units, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the internal wall partitions, internal floor/ceiling partitions and also adjacent party wall partitions. The sound insulation performance of these shall resist the transmission of airborne sound and impact sound to demonstrate that the minimum levels stated in the Building Regulations are capable of being complied with. The assessment will also include details of any proposed works to achieve these levels.

Any works identified being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation.

Reason: In order to protect the amenity of future occupiers in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

6. A comprehensive Code of Construction Practice Strategy, covering the environmental impacts from the relevant clearance/construction phase of the development, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development hereby permitted shall thereafter be carried out in accordance with the approved Code of Construction Practice Strategy. For the avoidance of doubt the Code of Construction Practice Strategy shall include the following (where relevant):

- a) Construction Logistics Plan (CLP);
- b) Parking of vehicles of site personnel and visitors;
- c) Storage of plant and materials;
- d) Dust management controls;
- e) Location and height of cranes and scaffolding;
- f) Measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- g) Predicted noise and, if appropriate, vibration levels for construction using methodologies and at locations agreed with the Local Planning Authority;
- h) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- i) Scheme for location and appearance security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- j) Details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded);
- k) Hours of operation
- l) Smoke management controls;
- m) Odour controls;
- n) Road cleaning and wheel washing facilities;
- o) Any other matters relevant to this particular site.

Development shall thereafter proceed only in accordance with the approved Strategy, including any required remedial or monitoring measures.

Reason: To safeguard the amenities of surrounding properties in accordance with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework (2023).

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

8. Prior to the development herein permitted being occupied details of proposed cycle storage facilities at a rate of one space per room shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to first occupation of the relevant phase of the development and thereafter be retained for such purposes at all times.

Reason: In order to encourage options for sustainable travel in accordance with Policy CS19 Gravesham Local Plan: Core Strategy (September 2014) and saved Policy P3 of Gravesham Local Plan First Review (1994).

9. The access to the HMO herein approved shall only be taken from the rear of the site and not via High Street.

Reason: To ensure that the use of the ground floor is separate to the residential uses above in accordance with policies CS05 and CS08 of the Gravesham Core Strategy 2014.

10. The proposed ground floor of the premises shall be used as Class E (office) of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order, with or without modification) and notwithstanding the provisions of Article 3 of and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Statutory Instrument revoking or re-enacting that Order, with or without modification the ground floor of the premises shall not be used for any other uses unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason: In order that any alternative uses of the ground floor units may be the subject of a separate planning application that may be considered on its individual merits against relevant local and national policies and the amenity of adjoining and future occupants can be safeguarded against uses which would otherwise adversely affect amenity in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014).

11. The ground floor use as Class E (office) hereby permitted shall only be carried out between the hours of 0800 hours and 18:00 hours Mondays to Fridays, 0800 hours to 18:00 hours on Saturdays and 10.00 to 16:00 on Sundays or Public Holidays.

Reason: In the interests of residential and visual amenity and pursuant to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

12. The HMO herein approved shall be occupied by no more than 12 people at any time.

Reason: To safeguard conditions of amenity for future occupiers of the property in accordance with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023.

INFORMATIVES:-

1 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

2 NAMING & NUMBERING

As a result of the changes to this property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is available at the Planning/House Numbering page of the council's web-site

<http://www.gravesham.gov.uk/street-naming>. Please submit the application and the requisite fee in accordance with the guidance on the form.

3 AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION(S)

In accordance with The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 20 March 2024 to the inclusion of the following pre-commencement conditions.

Condition 4 - Noise

Condition 6 - Code of Construction Practice

Condition 7 - Archaeology Building Recording

4 DRAINAGE/SEWERAGE INFORMATIVE

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

5 PUBLIC RIGHTS OF WAY INFORMATIVE

Public Rights of Way NGX1 lays to the north of the application site and may be affected by the application. Please be advised that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in the future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

6 SHOP FRONT DESIGN GUIDANCE

The appearance of shopfronts in a town centre or local shopping area has a profound impact on the area's character. Poorly designed and badly maintained street frontages detract from the visual qualities of an area and affect the retail viability and local economy.

The Council has provided a number of guidance notes to encourage a sensitive approach to shopfront design, comprising:

Design Sheet 1 (Introduction, The Need for Consent, General Principles, Access to Upper Floors);
Design Sheet 2 (The Elements of a Traditional Shopfront, Historical Shopfront Design, Design Detail: Shopfront Window);
Design Sheet 3 (Design details, Doors & Access, Stallriser, Pilasters & Fascia's);
Design Sheet 4 (Materials & Finish, Timber specification);
Design Sheet 5 (Signs & Advertisement, Fascia, Projecting signs, Lettering & Lighting); and
Design Sheet 6 (Canopies, blinds & security).

These design guidance sheets are available to view and download from the following website address: <http://www.gravesham.gov.uk/home/planning-and-building/supplementary-planning-guidance/informal-guidance/shop-front-design-guidance-notes>.

7 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

8 SMOKE CONTROL

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

9 KENT FIRE AND RESCUE

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20230567 I would like to make the following observations.

o Although it appears access to the proposed building under the County of Kent Act 1981 can be achieved, please confirm that once on site there is vehicle access for a pump appliance to within 45m of every point of the footprint of the building or 15% of the perimeter.

If the above cannot be achieved then a fire mains will be required in accordance with paragraph 16.3 of ADB Vol 2.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Dated: 22 March 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Ms Tava Walton
AD Planning

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.