

16 October 2024

Gravesham Borough Council
Planning Department
Civic Centre
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Gravesend
DA12 1AU

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Dear Sir / Madam,

**44-46 THE GROVE, GRAVESEND, KENT, DA12 1DF
APPLICATION FOR PRIOR APPROVAL FOR CHANGE OF USE FROM OFFICE (CLASS E) TO
RESIDENTIAL (CLASS C3) UNDER PART 3, SCHEDULE 2, CLASS MA OF THE TOWN AND COUNTRY
PLANNING ACT 1990 (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS
AMENDED)**

We are instructed on behalf of our client, Substantia Capital, to submit an application for prior approval for the change of use of 44-46 The Grove from commercial use (Class E) to a residential use (Class C3) under Part 3, Schedule 2, Class MA of the General Permitted Development (England) Order 2015 (GPDO).

The application has been submitted electronically over the Planning Portal (PP-13414444) and is comprised of the following information:

- Completed application form;
- Daylight and Sunlight Assessment, prepared by Ecolytik;
- Noise Impact Assessment, prepared by KP Acoustics;
- Phase 1 Contaminated Land Assessment, prepared by Lustre;
- Transport Statement, prepared by Evoke; and
- Full set of plans and drawings, prepared by Holloway Studio, as follows:

Drawing Reference	Drawing Title	Scale and Size
100.001	Site Location Plan	1:500@A3
100.002	Existing Site Plan	1:200@A1
100.012	Existing Lower Ground Floor Plan	1:100@A1
100.013	Existing Ground Floor Plan	1:100@A1
100.014	Existing 1 st Floor Plan	1:100@A1
100.015	Existing 2 nd Floor Plan	1:100@A1
100.016	Existing 3 rd Floor Plan	1:100@A1
100.020	Existing Elevations	1:100@A1
200.001	Proposed Site Plan	1:200@A1
200.010	Proposed Lower Ground Floor Plan	1:100@A1
200.011	Proposed Ground Floor Plan	1:100@A1
200.012	Proposed 1 st Floor Plan	1:100@A1
200.013	Proposed 2 nd Floor Plan	1:100@A1
200.014	Proposed 3 rd Floor Plan	1:100@A1
200.020	Proposed Elevations	1:100@A1

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Application Site

The application site is located in central Gravesend and comprises a broadly T-shaped parcel of land which to the front provides pedestrian access from The Grove and to the rear, vehicular access from Edwin Street. The site comprises of a part 4, part 5 storey building which lies to the west side of The Grove, approximately 60m to the south of the junction with Milton Road.

The site has a lawful Class E use, having been in use as a Job centre and offices, as confirmed and set out below in respect of the site's planning history (ref: 20210256 & 20210291). The site is located within walking distance of a range of services and amenities found within Gravesend Town Centre. The site is located approximately 500m east of Gravesend Railway Station and is in walking distance of numerous bus stops, providing transport connections in the area.

The site is not statutorily or locally listed. The site is not within a conservation area. The site is located within Flood Zone 1.

Planning Legislation

From 1 August 2021, a new permitted development right (Class MA) came into force which allows:

'Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.'

Coming into force from 5 March 2024, an amendment was made to Class MA to remove paragraphs (a) and (c) from the assessment criteria, removing the requirement that a building must have been vacant for a continuous period of at least 3 months immediately prior to the date of an application for prior approval, and removing the floorspace upper limit.

Gravesham Borough Council does not have an Article 4 Direction removing these permitted development rights.

Assessment against Class MA

The below sets out the proposal assessed against the criteria as set out within Class MA.

Requirement	Assessment
b) The building must fall under class E for a continuous period of at least 2 years prior to the date of the application for prior approval	Building falls under Class E and has been under Class E use for continuous period of at least 2 years prior to the date of this application. This is evidenced through application references 20210291 and 20210256.
d) The site must not fall under the following designations: - Is or forms part of a site of special scientific interest; - Is or forms part of a listed building or land within its curtilage; - Is or forms part of a scheduled monument or land within its curtilage; - Is or forms part of a safety hazard area; or - Is or forms part of a military explosives storage area;	Site not subject to a listed building, scheduled monument, SSSI, safety hazard area or military explosives area.
e) The site must not be within – An area of outstanding natural beauty;	Site does not fall within an AONB, an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, The Broads, National Park or World Heritage Site.

• An area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; • The Broads; • A National Park; • A World Heritage Site;	
f) If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;	Site not occupied under an agricultural tenancy.

The above shows that the proposal would be in accordance with the criteria contained within MA.1.

Section MA.2. states that development would be permitted subject to the following conditions. Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

(a) Transport impacts of the development, particularly to ensure safe site access

The building is currently accessed by vehicle via an existing access road off Edwin Street to the rear of the property. This vehicular entrance will be maintained following the conversion of the building, ensuring that the site will be accessed safely in line with the existing arrangements.

The existing car-parking will be retained as part of the proposed development split over ground floor and lower ground floor comprising a total of 22 car parking spaces which can be accessed via Edwin Street. This level of car-parking provision is equivalent to 0.59 spaces per unit which exceeds the Census ownership rates which show an average of 0.53 cars per household for flats in this area. Furthermore, a total of 41 long stay cycle parking spaces will be provided at lower ground floor level in sheltered and secure locations accessed via the existing ramp and lifts from Edwin Street and the Grove, in accordance with minimum cycle parking requirements highlighted in Kent County Council's SPG 4 (2006).

Refuse and recycling stores are proposed at lower ground floor level of the proposed development and will be managed by the in house building management team. An area has been identified for the storage of bins for before and after collection and building management will return bins to the storage at lower ground floor level following collection.

(b) Contamination risks in relation to the building

Only minor internal works are proposed as part of this change of use, with no major demolition works or excavation required. It is not considered that these works would lead to any risk of contamination during the construction process. Any works would also be subject to building control approval, which would control the impacts of construction processes.

Notwithstanding the above, the building has been historically in use as an office space, and therefore it would be expected that there would not be any existing contamination risk. The wider surroundings of the site consists of open greenspace, community and residential uses which are deemed to pose minimal risk.

A Phase 1 Contamination Assessment, prepared by Lustre, accompanies this application and concludes that it is unlikely that contamination is present on site in a circumstance which could lead to unacceptable risks to identified receptors. All of the risks attributable to viable pollutant linkages were considered to be low and very low and it is considered that no further works or mitigation measures are required to ensure the proposed development is suitable for use from a land quality perspective.

(c) Flooding risks in relation to the building

The site is situated in Flood Zone 1 so it is considered that there is low risk of flooding. The conversion of the building to residential will not result in any increase in flood risk.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

A Noise Impact Assessment has been produced by KP Acoustics, has been submitted in support of this application, which evidences that internal noise levels within the proposed residential units would be at acceptable levels, and therefore no further mitigation measures should be required as there will be no adverse impacts on the intended occupiers from commercial premises. Note there are no industrial or noise generating commercial uses near to the site.

(e) Where the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area

The site is not located in a conservation area.

(f) The provision of adequate natural light in all habitable rooms of the dwellinghouses

This application is supported by a Daylight and Sunlight Assessment, produced by Ecolytik, which provides further detail on the expected provision of natural light to each of the proposed units. The results from the Assessment sets out that all habitable rooms are in line or exceed BRE's daylight and sunlight recommendations. It is therefore confirmed that the proposed scheme will be provided with satisfactory levels of natural light for future residents.

(g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

The site is located in a predominantly residential area, with no significant presence of industrial, waste management, storage and distribution uses. While there are some commercial uses, it is considered there is no concern that future occupiers of the site could be negatively impacted by such uses in the vicinity.

(h) Where the development involves the loss of services provided by a registered nursery, the impact on the local provision of the type of services lost

Not applicable.

(i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

The development does not meet the fire risk condition as the building does not exceed 18.0m in height.

Furthermore, all of the residential units comply with Nationally Described Space Standards, as required by Paragraph 9(A), under Part 3 of the GPDO.

Given the above, it is considered that the proposal meets all relevant criteria and conditions within Part 3, Schedule 2, Class MA of the GPDO, and that the prior approval should be approved.

We trust you have all the relevant information to register and validate this application. We would be grateful if you could acknowledge receipt of this application.

Yours faithfully,



Ben Tattersall MRTPI

Senior Planner