



R2PRIZ

Application: 20211359

**TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED

To: **Mr T Billings, Grays Thurrock Properties Ltd
C/O Mr Joanthan Buckwell, DHA Planning Ltd
Eclipse House
Eclipse Park
Maidstone
Kent
ME14 3EN**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL** for the relevant matters for the development of land as described below **IS REQUIRED AND APPROVED**

at **Warren Hastings Court
Clifton Marine Parade
Northfleet
Gravesend
Kent**

and being **Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of the two ground floor units (Class E Commercial and Business Services) to 4 residential units (Class C3 (dwellinghouses))**

Referred to in your application dated 2nd November 2021.

CONDITIONS:-

1. The change of use of the building from Class E (Commercial and Business Services) to Class C3 (dwellinghouses) shall be completed within a period of 3 years from the date of this decision notice.

Reason: In accordance with condition MA.2.(5) of Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The building shall be used as dwellinghouses within the meaning of Class C3 of the Schedule to the Use Classes Order for no other purpose except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

Reason: In accordance with condition MA.2(6) of Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the Local Planning Authority:

- 1) 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; and
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on the recommendations of (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A Remediation Method Statement (RMS) based on the site investigation results and the detailed risk assessment at (2). 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 long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) Prior to the first occupation of the dwellings, a closure report shall be submitted to and approved in writing by the Local Planning Authority upon completion of the works. The closure report shall include full verification details as set out in (3). 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. Any material brought onto the site shall be certified clean.

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, sufficiently early in the construction design process before any impacts are irreversible or unmanageable, that any risks from contamination to the future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Local Plan: Core Strategy Policies CS18 and CS19.

4. No development shall commence prior to the details of an air handling system being submitted to and approved, in writing, by the Local Planning Authority. The air handling system:

- a) must bring in clean air to each residential apartment and shall not bring in air from, or near to, the roadside elevation to avoid drawing traffic fumes into the residences. Ideally the inlet air should be brought from the rear and or top of the building as far away from any sources of air pollution, fume or odour as possible;
- b) must include:
 - i. Heat recovery;
 - ii. The designing out of the use of passive and trickle vents in the fabric windows/doors of the residential unit; and
 - iii. sound attenuation such that there is no breakout noise or vibration from the system.

The approved air quality handling system shall be installed in accordance with the approved details, prior to the first occupation of the dwellings.

Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Local Plan: Core Strategy Policy CS19.

5. No development shall commence prior to the details of a hybrid lighting solution, incorporating LED daylight up-lighting, being submitted to and approved, in writing, by the Local Planning Authority. The approved lighting shall be installed in accordance with the approved details, prior to the first occupation of the dwellings.

Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Local Plan: Core Strategy Policy CS19.

6. If during construction/demolition works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. 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:

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, together with the necessary documentation detailing what waste materials have been removed from the site.

C) Even if no contamination has been discovered during the build then evidence (for example, photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To prevent harm to human health and pollution of the environment in accordance with Local Plan: Core Strategy Policy CS19.

7. The development hereby permitted shall be undertaken in accordance with the recommendations set out in section 5 of the noise impact assessment from MRL acoustics (ref MRL/100/1749.1v1) dated June 2021, as a minimum, to ensure that all habitable rooms of the dwellings meet the maximum values set out in table 4 of BS8233:2014 and The World Health Organisation 'Guidelines for Community Noise' as referenced in the Noise Impact Assessment.

Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Local Plan: Core Strategy Policy CS19.

8. Prior to the first occupation of the dwellings hereby approved, a post-installation noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The document will demonstrate compliance with the maximum values set out in table 4 of BS8233:2014 and The World Health Organisation 'Guidelines for Community Noise'. Any works identified as being required to meet these standards shall be carried out prior to the first occupation of the dwellings.

Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Local Plan: Core Strategy Policy CS19.

9. The area shown on approved drawing no. DHA/14980/10 as parking courtyard shall be formed and surfaced before the development hereby permitted is first brought into use and thereafter kept available at all times for such use, and no development, whether or

not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any provision equivalent to that Order in any statutory instrument revoking and re-enacting that Order, with or without modification, shall be carried out on the site in such a manner or in such a position so as to preclude its use for vehicle parking.

Reason: To ensure adequate parking provision at the application site, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy P3 of the Gravesham Local Plan First Review 1994.

10. The cycle storage shown on approved drawing no. DHA/14980/11 shall be installed prior to the first occupation of the units hereby permitted and thereafter shall be retained permanently.

Reason: To ensure adequate bicycle parking provision at the application site, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014).

11. All windows within the development hereby approved shall be non-openable and retained as such, in perpetuity.

Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Local Plan: Core Strategy Policy CS19.

Your attention is drawn to the following informatives

INFORMATIVES:-

1 THAMES ESTUARY AND MARSHES RAMSAR/SPECIAL PROTECTION AREA

It is a condition of any permission granted by a general development order that, in those cases where a development is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the development must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 73, of the Conservation of Habitats and Species Regulations 2010, which is expressly saved by Schedule 7 of the Conservation of Habitats and Species Regulations 2017. Pursuant to Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, an application under Regulation 73 would therefore be required before the development hereby approved is begun.

2 EXTENT OF THE PRIOR APPROVAL

This written notice confirms that prior approval is required and approved for the proposed development.

Unless otherwise reserved for approval by a condition forming part of this permission, the developer is advised that the development must be carried out in accordance with the details provided in the application, unless the Local Planning Authority and developer agree otherwise in writing. Details of the proposed scheme are included in the following plans and documents that accompanied the application to which this notice relates:

Application form for prior approval for change of use from Use Class E to Use Class C3;
Drawing no. DHA/14980/01 Proposed site location plan;
Drawing no. DHA/14980/02 Existing site layout plan;
Drawing no. DHA/14980/03 Existing ground floor layout;
Drawing no. DHA/14980/04 Existing northern and eastern elevations;
Drawing no. DHA/14980/05 Existing western and southern elevations and cross section;
Drawing no. DHA/14980/10 Proposed site layout;

Drawing no. DHA/14980/11 Proposed ground floor layout;
Drawing no. DHA/14980/12 Proposed northern and eastern elevations;
Drawing no. DHA/14980/13 Proposed western and southern elevations and cross sections;
Planning Statement October 2021;
Air Quality Technical Note 07 June 2021;
Daylight and Sunlight Assessment October 2021;
Flood Risk Assessment September 2021;
Noise Impact Assessment June 2021;
Transport Statement October 2021; and
Emails from the agent dated 04, 17 and 20 January and 10 February 2022.

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 10 February 2022 to the inclusion of the following pre-commencement conditions;

Condition 3 - contamination;
Condition 4 - air handling system; and
Condition 5 - hybrid lighting solution.

4 (3) CODE OF PRACTICE FOR CONSTRUCTION/DEMOLITION SITES WITHIN THE BOROUGH OF GRAVESHAM

This Code of Practice relates to all building sites in Gravesham and is given to ensure best practice is achieved equally throughout the borough. All aspects of the code apply to every building site and will only be altered on an individual basis if there are found to be special circumstances on that particular site. Any amendment made will be in writing by an authorised officer of the Environmental Health Department. The following circumstances are given where consideration will be given to a variation in the Code of Practice:-

- a) Where occupiers of noise sensitive properties are unlikely to be affected by the works.
- b) Where the work cannot be carried out during the hours specified because of the requirements of another authority such as the emergency services, utilities, traffic management authorities etc.
- c) Where the site location is isolated or where the works are in a mainly commercial/industrial area with few residential properties.

In all the above cases the onus will be on the applicants to provide written justification as to why the code should be varied. When making such a statement the applicant must include the following information where appropriate:-

- i) Location, nature and duration of works.
- ii) Measured/predicted noise levels and background levels.
- iii) Measured/predicted vibration levels.
- iv) Proximity and numbers of residential properties.
- v) Evidence of public consultation/information to persons likely to be affected.
- vi) Written evidence from the appropriate authority (in instances where b) above applies).

In order for adequate consideration to be given by this Council to a request for deviation from the Code of Practice, any proposal must be provided in writing to the Environmental Health Services Manager at least fifteen working days prior to the works starting.

On developments where construction/demolition is undertaken on contaminated land, work will be required to be carried out in a way which will be specified within conditions of the site's planning approval.

The requirements of this Code of Practice should prevent unnecessary disturbance to nearby residents. In the event of a nuisance being caused due to work not being carried out in an appropriate way, the council may take enforcement action to resolve the situation.

Please note compliance with Health and Safety requirements arising from construction/ demolition work shall be given priority over this Code of Practice.

BURNING OF MATERIAL

It is expected that no burning of materials shall take place on a construction or demolition site. Where the contractor is of the opinion that this is unavoidable he shall make representations to the council for consideration. No burning will be allowed to take place without written authority from a suitably authorised officer of the council. Any burning so authorised will be subject to strict controls which will include, amongst other matters, the following:-

- o A strict control on the amount of material burnt at any one time.
- o Burning is carried out under the direct and continuous supervision of the person responsible for the site or a person authorised to act on his behalf.
- o All material shall be kept dry prior to being burnt.
- o The wind shall be positively blowing away from nearby residential or other sensitive buildings. Where this is not possible burning shall take place in still weather.

NOISE AND VIBRATION

Where sensitive premises are likely to be affected by noise and/or vibration, all works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the council, shall be carried out only between the following hours (these to be known as normal working hours) : -

Monday - Friday	08:00 - 18:00
Saturdays	08:00 - 13:00
Sunday and Bank Holidays. No works audible at the site boundary or any other place agreed by the council.	

In addition to the above times the contractor may use up to one hour before and up to one hour after normal working hours for start up and close down of activities. Examples of these activities would be:

- a) Day to day maintenance, checking, lubrication and cleaning/washing down of plant and machinery.
- b) Refuelling of plant and machinery (from on-site storage facilities only).
- c) Deliveries and unloading.
- d) Site inspections and safety checks, but excluding any works necessary to make the working zone and/or construction site safe (which are to be undertaken within normal working hours).
- e) Arrival and departure of workforce and staff at the construction site, but only in so far as the arrival and departure times provide for the minimum time necessary to undertake the tasks allowed by these start up/close down activities.
- f) Site meetings.
- g) Site clean up.

NB The start up and close down periods are not to be regarded as an extension to the normal working day.

Where the site boundary/entrance is located adjacent to noise sensitive areas it must be ensured as far as possible that vehicles do not arrive on site outside the times laid out above. Where this is found not to be possible, drivers of vehicles arriving at the site before it is open must not leave the vehicle's engine running or cause other excessive noise/pollution whilst they are waiting.

On the site itself, best practicable means as defined in section 72 of the Control of Pollution Act 1974 to reduce noise to a minimum shall be employed at all times.

Compliance with BS5228 Part 1:1997 'Noise control on Construction & Open sites' is expected as a minimum standard. This requires amongst other things that all plant and machinery in use shall be properly silenced, maintained and used in accordance with the manufacturer's instructions.

Criteria and procedures for vibration control are assessed using different parameters as follows:

- o Vibration Dose Values (VDVs) are used to protect the occupants and users of buildings from disturbance. (VDVs are defined in BS 6841 and their application is discussed in BS 6472).
- o Peak Component Particle Velocity is used to protect buildings from risk of physical damage. These are assessed in accordance with BS 7385.

Best Practicable means shall be used to control vibration levels so that the following Vibration Dose Values measured on a normally loaded floor in accordance with BS 6472:1994 are not routinely exceeded as a result of works.

Building Type	Period	VDV (ms ^{-1.75})
Residential Buildings, Educational Establishments, Offices and similar	Normal working hours	0.4
Commercial	Normal working hours	0.8

Best Practicable Means shall be used to control Peak Component Particle Velocity measured at the base of any building in accordance with BS 7385 does not routinely exceed a level of 10 mm/s.

In instances where complaints of vibration are received within any adjacent property then the contractor shall immediately take all measures necessary to demonstrate that the vibration levels are below the limits shown in the paragraphs above.

Where the results of any monitoring indicate non-compliance with the limits stated above, the contractor shall immediately change the method of working, and/or the plant being used. Prior to the work recommencing, the contractor shall satisfactorily demonstrate that the new arrangements satisfy the vibration limits.

DUST

Dust suppression techniques shall be used on site where significant quantities of spoil or fine aggregates are stored and/or where the site location is such that it is likely persons living in residential properties are going to be affected by wind blown dust.

Spoil temporarily placed on site shall be located as far away from sensitive properties as possible. The height of stored material shall be kept as low as is practical and water sprayed onto the surface of the piles shall be used as appropriate to keep the surface damp.

Where longer term storage of fine aggregates and other potentially dusty material is necessary, suitable storage facilities shall be used where practicable in order to screen these materials from the wind. This stored material shall be located so that it is as far away from sensitive properties as possible and measures to prevent wind blown dust shall be adopted. These shall include:-

- o keeping the height of stock piles as low as possible,
- o using water sprays as appropriate whilst minimising the production of excessive runoff,
- o minimising the re handling of dry construction materials and spoil,
- o keeping the loading drop heights to as low as possible,
- o where appropriate applying the surfaces of roads on site with water sprays as necessary and/or using wheel-washing facilities.
- o all materials transported to and from the site shall be conveyed by suitable vehicles in enclosed containers or using other adequate wind shielding measures such as sheeting.

The person responsible for the site shall keep on site a daily log book which will be available to visiting authorised officers and shall list the following:-

the conditions on site,
whether any wind blown dust was visibly coming off the site,
what control measures were carried out, and
what the results of these were.

COMMUNICATION

It shall be a matter of priority for a contact name and telephone number to be set up in order to enable ready two-way communication and contact with the council and local residents. In cases where work likely to cause a disturbance is to be carried on out of normal working hours, the phone line would be manned whilst the work is ongoing.

LIGHTING

Where security and/or site lighting is used, this shall be located and directed or screened so that it does not cause undue intrusion to adjacent occupied residential properties, or sensitive areas, or constitute a road hazard, and shall be chosen to limit light pollution effects such as "glow in the sky".

5 INFORMATION FROM KENT HIGHWAYS

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel> Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

6 ADVICE FROM THE ENVIRONMENT AGENCY

The building is situated approximately 15 metres south of the Thames Tidal Defence wall.

Flood Risk Activity Permit (FRAP)

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- o on or within 8 metres of a main river (16 metres if tidal)
- o on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- o on or within 16 metres of a sea defence
- o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- o in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

7 DRAINAGE/SEWAGE

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.

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 ELECTRIC VEHICLE CHARGING

The applicant should consider the installation of the cables to support a future electric vehicle charging point at the application site.

10 CLARIFICATION REGARDING THE PROPOSED PARKING ARRANGEMENTS

The four parking spaces shown on drawing no. DHA/14980/10 and located immediately to the north of the application building, would be located outside of the red line boundary of the application site and on the public highway (which is currently subject to parking restrictions). As such, these spaces are not part of the approved development.

11 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) 2021, 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.

12 BUILDING REGULATIONS CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

13 **PARTY WALL ACT 1996**

Applicants are reminded of their responsibilities under the Party Wall Act 1996. This legislation is not taken into account when determining a planning application and independent advice should be taken in this regard. In the event of application of this legislation requiring change to the permitted scheme, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

Dated: 3 March 2022

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DA12 1AU

