



**Application: 20240942**

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

|                                                               |
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| <b>DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED</b> |
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To: **Substantia Capital  
C/O Harriet Eve, Savills  
33 Margaret Street  
London  
W1G 0JD**

**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 **44 - 46 The Grove  
Gravesend  
Kent  
DA12 1DF**

and being **Prior approval for the change of use of 44-46 The Grove from office use (Class E) to 37 residential units (Class C3) under Part 3, Schedule 2, Class MA of the General Permitted Development (England) Order 2015 (GPDO).**

Referred to in your application dated 18th October 2024

**CONDITIONS:-**

1. The development hereby permitted under Class MA of Part 3 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. Prior to the first occupation of the development hereby permitted, all windows shall be fitted with either double glazing or secondary glazing.

**Reason:** In the interests of the amenity of future occupiers in relation to external noise, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

**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:

Planning Application Form;  
Drawing No. 100.001 - Existing Block and Location Plan;  
Drawing No. 100.002 - Existing Site Plan;  
Drawing No. 100.012 - Existing Lower Ground Floor Plan;  
Drawing No. 100.013 - Existing Ground Floor Plan;  
Drawing No. 100.014 - Existing 1st Floor Plan;  
Drawing No. 100.015 - Existing 2nd Floor Plan;  
Drawing No. 100.016 - Existing 3rd Floor Plan;  
Drawing No. 100.020 - Existing Elevations;  
Drawing No. 200.001 - Proposed Site Plan;  
Drawing No. 200.010 - Proposed Lower Ground Floor Plan;  
Drawing No. 200.011 - Proposed Ground Floor Plan;  
Drawing No. 200.012 - Proposed 1st Floor Plan;  
Drawing No. 200.013 - Proposed 2nd Floor Plan;  
Drawing No. 200.014 - Proposed 3rd Floor Plan;  
Drawing No. 200.020 - Proposed Elevations;  
Cover Letter;  
Phase 1 Desk Study (Contamination Report);  
Daylight and Sunlight Assessment;  
Transport Note; and  
Noise Impact Assessment.

## **3 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].

## **4 WORKS OF CONSTRUCTION**

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

## **5 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](mailto:air.quality@gravesham.gov.uk)

## **6 DRAINAGE/SEWERAGE**

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.

The proposed change of use would result in a substantial increase in the amount of foul waste entering the public sewer therefore we recommend that Southern Water Services is contacted by the applicant, all subsequent advice from Southern Water is followed and consent is obtained from them.

## **7 CONTAMINATED LAND**

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

## **8 ASBESTOS**

Owing to the likelihood of the existing building containing asbestos products, the applicant should be informed to contact the Health and Safety Executive (HSE) for advice on the submission of a suitable method statement for removal. Any asbestos found on site must be removed in a

controlled manner by an appropriately qualified operator. This is in the interests of safeguarding the amenity of the surrounding area and safety.

## 9 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.

Dated: 9 December 2024

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Windmill Street  
Gravesend  
Kent  
DA12 1AU

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Planning Service