Gravesham Borough Council

PEFULZ

Application: 20221364

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: **Ms S Kirby**
C/O Mr P Nicholls, Graham Simpkin Planning Ltd
2 The Parade
Ash Road
Hartley
Longfield
DA3 8BG

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:

Orchard House
Springhead Enterprise Park
Northfleet
Gravesend
Kent

and being **erection of detached warehouse.** Your application dated 28th December 2022 is permitted subject to the following:-

1. The development hereby approved shall be begun not later than 3 years following the date of this permission.

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 in accordance with the following approved plans:

Planning Application Form;
Planning, Design and Access Statement;
Drawing No. 01 - Site Location and Existing Block Plan;
Drawing No. 03 - Proposed Site Plan;
Drawing No. 04 - Proposed Floor Plan;
Drawing No. 05 - Proposed Elevations; and
Drawing No. 01 Rev 01 - Vehicle Swept Paths - Max Legal Artic.

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

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3. Notwithstanding the details included on the application form and approved plans the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the adjacent units.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Gravesham Local Plan: Core Strategy Policy CS19.

4. The permission hereby granted is in respect of the use of the premises as a warehouse (B8 storage or distribution) and not for any other use Town & Country Planning (Use Classes) Order 1987 (As amended) [or in any provision equivalent to those Classes in any Statutory Instrument revoking or re-enacting that Order].

Reason: To enable the Local Planning Authority to maintain proper control of the premises as certain other forms users for these premises could adversely affect the amenities of the locality or wider use of the business estate and in accordance with Policies CS07 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

5. The use hereby permitted shall operate only between the hours of 0400 to 2130 on weekdays, 1000 to 1800 on Saturdays and 1000 to 1630 on Sundays, Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

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

Reason: To prevent harm to human health and pollution of the environment in accordance with Local Plan: Core Strategy Policy CS19 and paragraphs 120 and 121 of the National Planning Policy Framework (2021).

7. Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and no additional lighting shall be installed without the prior permission in writing of the Local Planning Authority.

Reason: To avoid any nuisance caused by lightspill in accordance with Gravesham Local Plan: Core Strategy Policy CS19, and paragraph 130 of the National Planning Policy Framework (2021).

INFORMATIVES:-

1 **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:-

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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:-

- A strict control on the amount of material burnt at any one time.
- 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.
- All material shall be kept dry prior to being burnt.
- 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.

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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:
* 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).
* 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.

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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:-

* keeping the height of stock piles as low as possible,
* using water sprays as appropriate whilst minimising the production of excessive runoff,
* minimising the re handling of dry construction materials and spoil,
* keeping the loading drop heights to as low as possible,
* where appropriate applying the surfaces of roads on site with water sprays as necessary and/or using wheel-washing facilities.
* 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".

2 **DEVIATION FROM APPROVED PLANS**

It is possible that any proposed deviation from the approved plans could be classed as a ‘material’ change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

3 **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

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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.

4 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.

5 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.

Dated: 22 February 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

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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**.

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- 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.

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