

Application: 20211196

**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
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To: **Mr L Kallar, Stonewater Ltd
C/O Mr Andrew Scott, DAC Architects
21 Stone Street
Gravesend
Kent
DA11 0NP**

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:

**Land To The Rear Of
Bridge Bar And Club
24 Stone Street
Gravesend
Kent
DA11 0NP**

and being **Application for a minor material amendment to planning permission reference no. 20191187 for Demolition of outbuildings, excavation of soil to form a lower ground and upper ground floor B1 use, unloading bay and refuse areas with construction floors 1 to 4 providing a total of 3no. one bedroom self-contained flats and 11no. two bedroom self-contained flats and associated external works to allow alterations to the main entrance from Rathmore Road to Athboy Road and amendments and substitution to approved plans.** Your application dated 15th November 2021 is permitted subject to the following:-

1. Time Limit

The development to which this permission relates must be begun not later than 11 June 2024

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. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Application Form;
- Drawing no. SLP Revision C (Site Location Plan)
- Drawing no. D1.10 Rev E Proposed Site Plan with New Road Overlaid;
- Drawing no. D1.11 Rev G Proposed Lower Ground Floor;

- Drawing no. D1.12 Rev H Proposed Upper Ground Floor;
- Drawing no. D1.13 Rev E Proposed First Floor;
- Drawing no. D1.14 Rev C Proposed Second Floor;
- Drawing no D1.15 Rev C Proposed Third Floor;
- Drawing no. D1.16 Rev C Proposed Fourth Floor;
- Drawing no. D1.17 Rev B Proposed Roof Plan;
- Drawing no. D1.19 Rev B Proposed West Elevation;
- Drawing no. D1.18 Rev D Proposed North Elevation;
- Drawing no D1.20 Rev C Proposed South Elevation;
- Drawing no. D1.21 Rev D Proposed East Elevation;
- Drawing no. D1.22 Rev D West Street Scene Elevation;
- Drawing no. D1.23 Rev D North and South Street Scene Elevations;
- Drawing no. D1.24 Rev B Sections A-A & B-B;
- Light Penetration Plan, Bedrooms 2, units 3, 7 & 11/units 2, 6 & 10.

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.

3. **Survey of existing site**

No development shall be commenced until all features identified as being of architectural and historic interest that will be removed or concealed as a result of the works hereby permitted, shall be photographically recorded and surveyed and the results deposited in an archive to be agreed with the Local Planning Authority.

Reason No such details have been provided at this stage and in order to comply with Policies CS19 and CS20 of Gravesham Core Strategy (2014).

4. **Code of Construction**

Prior to the commencement of development a comprehensive Code of Construction Practice, covering the environmental impacts from the clearance/construction phase of this development, shall be submitted to and approved, in writing, by the Local Planning Authority. The Code of Construction Practice should include the following:

- Hours of work;
- Measures to reduce mud and spoil on the public highway from vehicles accessing the site;
- Measures to prevent nuisance from wind blown dust, including fencing and the dampening down with water of excavated construction and covering materials on site, and other areas traversed by plant vehicles and machinery; no burning of waste materials shall be carried out on the site;
- Location of the site compound and fixed plant, as well as areas for storage of materials;
- Measures to alleviate noise and vibration during the construction phase including the insulation of fixed plant and the silencing of vehicles and mobile machinery;
- Details of the lorry routes to be used for any importation of any fill or for any building or engineering operations;
- Parking for vehicles of site personnel, operatives and visitors; and
- Details of site hoarding.

Reason To ensure the free flow of traffic on the highway and to minimise the impact on residential amenity and in accordance with adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

5. Prior to the flats/B1A use being occupied/brought into use a management plan shall be submitted to the Local Planning Authority for approval. On approval the management plan shall be fully implemented and operated at all times in accordance with the approved details. Typically the management plan shall cover areas such as:

- Long term maintenance of the development; and
- Maintenance of the private amenity space on the on the development.

Reason No such details have been provided at this stage and in order to comply with policies CS12,CS19 and CS20 of Gravesham Core Strategy (2014).

6. **Sound insulation**

Prior to the commencement of development the applicant shall provide to the Local Planning Authority (LPA) a suitable sound insulation assessment providing details of the substantially enhanced sound insulation performance of/sound reduction achieved by the floors/ceiling between the first floor flats and ground floor B1a use. Once this scheme has been approved the necessary work shall take place and suitable confirmation of this shall be provided to the LPA prior to first occupation.

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

7. **Sustainable urban drainage**

Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed without increase to on site or off site flood risk. Any discharge to the public surface water sewer shall be agreed in advance in writing with the local planning authority and Southern Water.

- (i) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

8. **Highway works**

Prior to the commencement of development a detailed highway scheme (to accord substantially with Drawing No.D1.10 Rev E contained shall be submitted to and approved, in writing, by the Local Planning Authority in consultation with the Local Highway Authority. For the avoidance of doubt this shall include details of surface finishes for roads, footpaths, cycle-ways and refuse vehicular access. The development

shall only be completed in accordance with the approved details to be delivered through agreement (including timeframe) with the Local Highway Authority.

Reason To ensure adequate highway improvement works are provided in a timely manner to ensure no adverse impact to the safe and free flow of traffic on the highway network; to ensure that the final external appearance of the public highway is acceptable and built to appropriate and recognised safety standards, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

9. **Surface treatments**

Prior to the commencement of development details of surface finishes for roads, footpaths have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter only be carried out in accordance with the approved details

Reason To ensure a satisfactory standard of development upon completion and in accordance with policy CS19 of Gravesham Core Strategy (2014).

10. **Lighting**

Prior to the commencement of development details of all proposed external lighting, including location, type and luminosity, for both the construction and operational phases, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved lighting shall thereafter be fully installed on site prior to first occupation of any units of accommodation/ commercial use.

Reason In order that any proposals for external lighting may be subject to approval by the Local Planning Authority to ensure it is sympathetic to the area and is not detrimental to the amenity of the opposite residential properties (existing and proposed) or the integrity of the adjacent designated nature conservation areas and in accordance with Policy CS19 of Gravesham Local Plan Core Strategy (2014).

11. **Phasing plan**

Prior to the commencement of the development full details of the phasing of the development shall be submitted to, and approved in writing by the Local Planning Authority The development shall be carried out in accordance with the approved details.

Reason The Local Planning Authority needs to be satisfied that the development of the site is undertaken in a coherent and comprehensive manner and to ensure compliance with Policies CS05, CS19 and CS20 of Gravesham Core Strategy (2014).

12. **Materials**

Prior to the commencement of the development and notwithstanding the information on the application form, approved drawings and Design & Access Statement full details including samples of all external facing materials and fenestration to be used on the development shall be submitted to, and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason In order that the Local Planning Authority may be satisfied with the external appearance of the development and in accordance with Policies CS19 and CS10 of Gravesham Core Strategy (2014).

13. **Pizza Oven**

Prior to first residential occupation of (as annotated on the approved plans), details of a scheme for mitigating the adverse impact of smoke from the pizza oven chimney located at the rear of the adjoining property (23 Stone Street) on the occupiers of the proposed development shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be implemented in full prior to first residential occupation of the development, and thereafter maintained in full working order at all times. Refer to Informative 4.

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

14. Water supply demand

Prior to the commencement of the development impact studies of the existing water supply infrastructure shall be submitted to and approved, in writing by, the Local Planning Authority (in consultation with Southern Water Services). The studies should determine the extent of any new additional capacity required in the system and a suitable connection point. The development shall then be built in accordance with the approved details.

Reason To ensure that the water supply infrastructure has enough capacity to cope with the additional demand.

15. Deliveries and servicing for office/residential

Prior to the commencement of development, details and arrangements for deliveries and servicing the proposed development shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be implemented as approved unless otherwise agreed in writing. The servicing strategy shall include the following:

- (a) Details for the servicing of the residential and office floorspace to be provided as part of the development, to have regard to the phased delivery of the development and interim arrangements required until such time as the whole development is built out and operating;
- (b) Details as to how existing properties will be serviced during the construction of the development and once it has been built out (if this differs).

Reason To ensure acceptable delivery and servicing arrangements to enable the efficient operation of the development and to minimise any potential impacts on the road network and existing properties and businesses.

16. Plant Equipment

Prior to the commencement of development details of services and plant systems, including roof top plant, lift overruns and ducting for ventilation systems, shall be submitted to and approved, in writing, by the Local Planning Authority. For commercial uses where the requirement for extraction equipment is likely, the detailed design of the development should include provision for its discreet siting. The details shall include the siting, external appearance and any proposed screening. The works shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building/use to which it relates.

Reason In the interest of the amenities of neighbouring properties and the area generally and in accordance with Policy CS19 of Gravesham Core Strategy (2014).

17. Radio Waves

Prior to the commencement of development an assessment of the impacts of the development on radio, television and satellite reception in the vicinity of the site, including appropriate mitigation if necessary, shall be submitted to and approved, in writing, by the Local Planning Authority. Any identified mitigation works shall be carried out in full prior to first occupation of the phase to which the effects relate.

Reason In the interest of residential amenity by adequately mitigating any adverse effects of the development on the living conditions of nearby residents and in accordance with Policy CS19 of Gravesham Core Strategy (2014).

18. Hard and soft landscaping

Prior to the commencement of development full details of the open space, the design and landscaping of all un-built areas of any part of the development, including all pedestrian and cycle linkages, public art, hard and soft surfacing and means of enclosure for the residential outdoor amenity space, any children's play equipment and street furniture proposed in the development. Furthermore the scheme shall ensure that the flood defence line is set as far back within the landscaped area as is reasonably practical to maximise the provision of flood storage volume. The scheme shall also seek to enhance the ecological value of the river frontage. The details shall be submitted to, and approved in writing by the local planning authority. The approved landscaping scheme shall be completed within one year of the completion of the development.

Reason In order to improve the character and amenities of the area and ensure compliance with Policy CS19 of Gravesham Core Strategy (2014).

19. Refuse and recycling details

Prior to commencement of development on site full details of the refuse storage and recycling facilities and refuse collection arrangements for the entire development shall be submitted to, and approved in writing by the Local Planning Authority prior to commencement of the development. The storage and recycling facilities shall in all respects be constructed in accordance with the approved details before the development is first occupied.

Reason In order that the Council may be satisfied with the details of the proposed and ensure compliance with Policy CS19 of Gravesham Core Strategy (2014).

20. Archaeology

Prior to the commencement of the development the applicant, or their agents or successors in title, must secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason To ensure that features of archaeological interest are properly examined and recorded and in accordance with Policy CS20 of Gravesham Core Strategy (2014).

21. Foul and Surface water disposal

Prior to the commencement of the development details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Reason No such details have been submitted at this stage and in accordance with Policy CS18 of Gravesham Core Strategy.

22. B1 office use

The office space shown on Drawing No.D1.11 G shall be used only for purposes falling within Use Classes B1A, as defined by the Town and Country Planning (Use Classes) Order 1987, as amended, or any equivalent Order that may subsequently amend or replace it.

Reason In order that any alternative use of the office space may be the subject of a separate planning application which the Local Planning Authority would wish to determine on its individual merits

23. Noise from office

The rating level of the noise emitted from any plant or equipment associated with the B1 Office Use shall not exceed existing background (LA90) measured 1m from the nearest noise sensitive façade. The measurements and assessments shall be made according to BS4142:2014.

Reason To safeguard human health and the natural environment, in accordance with adopted Local Plan Core Strategy Policy CS19 and the National Planning Policy Framework.

24. Trees/plants

Any trees or plants which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason In order to improve the character and amenities of the area and ensure compliance with Policy CS19 of Gravesham Core Strategy (2014).

25. Dishes/telecommunication

No satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the site or roof/wall of any buildings hereby approved unless or until details of their size and location have previously been submitted to and approved in writing by the Local Planning Authority.

Reason In the interests of the visual amenity of the development and in accordance with Policy CS19 of Gravesham Core Strategy (2014).

26. Solar Panels

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no solar PV or solar thermal equipment shall be installed on any building hereby approved unless approved in writing by the Local Planning Authority.

Reason In the interests of the visual amenity of the development and in accordance with Policy CS19 of Gravesham Core Strategy (2014).

27. External pipework on elevations

Unless shown on the approved elevational drawings, any pipework (with the exception of rainwater down pipes) shall be internal to the building.

Reason In the interests of the visual amenities of the locality and in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

28. Watching Brief

The applicant shall undertake a watching brief during construction in case any unexpected 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 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 safeguard human health and the natural environment, in accordance with adopted Local Plan Core Strategy Policy CS19 and the National Planning Policy Framework.

INFORMATIVES:-

1 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.

2 REASON FOR IMPOSITION OF PRE-COMMENCEMENT CONDITIONS

Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of conditions 3-21 (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site. Due to the importance attached to these details, it is reasonable and necessary to seek full approval in advance of works commencing.

3 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The development hereby permitted requires works to be undertaken in the public highway adjacent to the site. Prior to starting work you must first contact KCC Highways and Transportation on 030000 41 81 81 to ascertain what work is required and the procedure to be followed to progress this to completion.

4 CONDITION 12 - CHIMNEY SMOKE MITIGATION

Following advice from the Borough Council's Air Quality Officer it is anticipated that the form of mitigation required to satisfactorily mitigate the adverse effect of smoke from the adjoining pizza oven chimney will comprise a mechanical ventilation system. In such a case the position of the system inlet will be critical to the usefulness of the system, and should be designed and commissioned by a suitably qualified person or company. To ensure the effectiveness of such a system it may be necessary to provide sealed windows to the dwelling, and confirmation should be sought from the manufacturer and provided as part of the mitigation scheme.

However, it is understood that informal discussion has taken place between adjoining landowners regarding the potential for relocating the existing chimney such that it terminates at roof level, which may be sufficient to negate the need for mechanical ventilation.

It is important to note that any internal or external works associated with installing a scheme of mitigation are likely to require separate planning and/or listed building consent. Due to fundamental nature of this issue, which will require satisfactory address prior to first residential occupation, the applicant/developer is advised to seek formal approval of such details in advance of commencing any works on site.

5 GAS BOILERS

It has been advised by the Borough Council's Air Quality Officer that if gas boilers are to be installed it is recommended that they be low NOx emitting boilers, in order to reduce potentially harmful emissions.

6 CONDITION 5 - SOUND INSULATION

The construction that separates the residential and commercial unit shall aim to resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels.(i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB).

The weighted standardized difference (DnT, W) is an spectrum adaption term, Ctr, is quoted according to BS EN ISO 140- 4; 1998 Acoustics- Measurement of sound insulation in buildings and of building elements- Part 4: Field measurements of airborne sound insulation between rooms.

7 SOUTHERN WATER

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk'.

The application proposes development that may produce a trade effluent. No trade effluent can be discharged either directly or indirectly to any public sewer without the formal consent of Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see <https://www.southernwater.co.uk/BusinessCustomers/wasteServices/tradeEffluent/> for further information.

8 COMMERCIAL REFUSE ARRANGEMENTS

Storage facilities provided shall be of sufficient capacity having regard to the quantity of waste produced and the frequency of waste collection. All waste shall be removed from site on a regular basis by a licensed waste carrier and disposed of at a licensed waste disposal site.

Compliance with the Environmental Protection Act 1990 "Duty of Care" is essential. Advice on Solid Waste Management can be obtained from Waste Services on [01474] 337533.

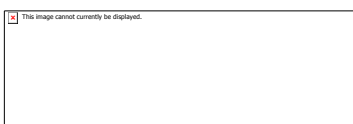
9 S73 CONSENT AND S106 OBLIGATIONS

The applicant is reminded of the s106 of the original application 20191187 and clause 5.18 referencing subsequent section 73 consents. The obligations of the original application are also, therefore, tied to the current application.

For further details, please refer back to the signed s106 dated 11 June 2021.

Dated: 14 February 2022

Civic Centre
Windmill Street
Gravesend
Kent



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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**.
- 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.
- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: enquiries@pins.gsi.gov.uk or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).**
- 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.

### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.