



Application: 20240144

**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 Singh
C/O Mrs Sonia, Gill Sterling
Whitehall Place
47 The Terrace
Gravesend
Kent
DA12 2DL**

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:

**157 Milton Road
Gravesend
Kent**

and being **conversion of the upper floors of the property from a vacant restaurant with ancillary accommodation to 1x1 bed flats and 3x2 bed flats**. Your application dated 15th February 2024 is permitted subject to the following:-

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

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 schedule of approved plans:

Covering Letter;
Application form;
Drawing no. 001 Rev. A - Existing and Proposed Block Plans, Location Plan;
Drawing no. 002 Rev. B - Existing Plans;
Drawing no. 003 Rev. B - Existing Elevations;
Drawing no. 004 Rev. C - Proposed Plans;
Drawing no. 005 Rev. B - Proposed Elevations;
Noise Assessment Version 1 by Inacoustic;
Air Quality Assessment Report Ref. P7022-R1-V1 - Air Quality Assessment by Noise Air Acoustics & Air Quality; and
Heritage Statement by Heritage Unlimited.

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

3. No development shall commence until a Construction Environmental Management Plan (CEMP) covering all environmental impacts of this development has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- a) A Dust Management Plan; and
 - b) Measures of minimising the impact of noise and, if appropriate, vibration during the conversion.

The construction of the development shall adhere at all times and be carried out in full accordance with the relevant approved document or any subsequent variations that may be approved in writing by the Local Planning Authority.

Reason: To ensure that the construction of the development does not impact on the Air Quality Management Area (AQMA) or result in harm to the amenity of local residents and businesses in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

4. Prior to commencement of the development full details of the Mechanical Ventilation Heat Recovery (MVHR) system to be installed, to include full layout plans, technical specification etc, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a heat exchange unit,
- noise attenuation
- location of air intakes, flues and all ducting
- the air intakes must be sited away from all pollution sources e.g. traffic fumes, flues, soil and vent pipes and must not bring in odour from any commercial extraction system.

The scheme as approved shall be installed prior to first occupation of any of the flats hereby permitted. The installed scheme shall be commissioned, before occupation, by an independent ventilation engineer to ascertain if the flow rates are correct and that it is fit for purpose i.e. that it fulfils its purpose of positively pressurising the residential units so that pollution cannot enter from the roadside or any other sources and is not drawn into the property through the air system.

Reason: In order to safeguard the living conditions of the future occupants of the residential units and in order to protect the architectural and historic importance of this grade II listed building and the character and appearance of the King Street Conservation Area in accordance with Policies CS19 and CS20 Gravesham Local Plan Core Strategy (2014) and Saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994).

5. Prior to commencement of the development hereby permitted the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Scaled drawings and details of all new internal walls/partitions;
- b) Scaled drawings of all new internal joinery;
- c) Scaled drawings to a scale of 1:10 with 1:2 or 1:1 joinery details of all new doors including architraves;
- d) Scaled drawings to a scale of 1:10 with 1:2 or 1:1 joinery details of any secondary glazing;
- e) Scaled drawings of vents.

The development shall be carried out in accordance with the approved details prior to first occupation of any of the flats hereby permitted.

Reason: To protect the architectural and historic importance of this grade II listed building and the character and appearance of the King Street Conservation Area in accordance with Policies CS19 and CS20 Gravesham Local Plan Core Strategy (2014) and Saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994).

6. None of the flats hereby permitted shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures in accordance with 'Noise Assessment for Planning dated' 31st January 2024 by InAcoustic (The Report). If the noise levels set out in The Report are exceeded, additional noise mitigation measures to ensure the appropriate noise levels can be met shall be submitted to an approved in writing by the Local Authority and implemented in full prior to the first occupation of any of the flats hereby permitted.

The final approved sound insulation scheme shall be implemented and maintained in accordance with the approved plans thereafter.

The Post Completion report shall assess the performance of any ventilation and cooling/heating system that has been installed to the satisfaction of the local authority. The approved alternative means of ventilation and cooling/heating shall be maintained thereafter.

Reason: In order to safeguard the living conditions of the future occupants of the residential units in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 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 05/07/2024 to the inclusion of the following pre-commencement conditions:

Conditions 3, 4 & 5.

2 INFORMATION REGARDING CONDITION 4 - MECHANICAL VENTILATION HEAT RECOVERY (MVHR) SYSTEM

A checklist of points that must be considered and included in the scheme and which must be adequately demonstrated to the Local Planning Authority by the submission of required information, plans, commitments etc. in order for the scheme to be approved can be requested from Environmental Protection at EP@gravesham.gov.uk

3 INFORMATION REGARDING CONDITION 6 - POST COMPLETION NOISE SURVEY

Please note that as this is a listed building double glazing would not be acceptable should any additional noise mitigation measures be required.

4 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

5 DRAIN/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.

6 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 amenities of the surrounding area and safety.

7 LISTED BUILDING CONSENT

The applicant is advised that Listed Building Consent is also required for the development hereby granted planning permission.

8 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].

9 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.

10 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.

11 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: 9 July 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

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.
- **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.