

Application: 20230362

**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: **Ms Maxine Fothergill, Amax Estates And Property Services
C/O Mr Ben Hebblethwaite, 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:

**39 The Terrace
Gravesend
Kent**

and being **refurbishment of an existing Listed building to form three additional flats**. Your application dated 9th May 2023 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 approved shall be carried out in accordance with the following schedule of approved documents and drawings:

- Application Form
- Drawing no. D-100 Plans As Existing
- Drawing no. D-101 Elevations & Sections As Existing
- Drawing no. D-102C Plans As Proposed
- Drawing no. D-103A Elevations & Section As Proposed
- Drawing no. D-104 Block Plan
- Drawing no. D-105 Acoustic & Ventilation Work
- Design & Access Statement (5 April 2023)
- Heritage Statement (5 April 2023)
- Acoustic Assessment (Document Ref: 032324).

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

3. Prior to any part of the approved development being occupied or used, details of cycle storage facilities to serve the development shall be submitted to and approved in writing

by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details prior to occupation of the development and shall be retained for use at all times thereafter.

Reason: In order to encourage options for sustainable travel and to protect the residential amenity of neighbouring occupiers in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

4. Prior to any part of the approved development being occupied or used, details of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation of the development and shall be retained for use at all times thereafter.

Reason: In order to ensure the development is served by a suitable refuse and recycling storage facilities in the interests of amenity and in accordance with adopted Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

5. The basement shall not be used for any living accommodation nor any business, commercial or industrial use at any time.

Reason: Such uses would be inappropriate in respect of occupier and neighbouring amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

6. Prior to the commencement of the development hereby approved, an air quality assessment undertaken by a suitably qualified person shall be submitted to and approved in writing by the Local Planning Authority. This should include details for an air quality mitigation scheme incorporating an air handling system, to include plan and elevation drawings to show ducting, inlets and vents. The air handling system must bring in clean air to each residential apartment and shall not bring in air from, or near to, the roadside elevations 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.

The scheme must also include:

- i. Heat recovery;
- ii. The designing out of the use of passive and trickle vents in the fabric or windows/doors of the residential unit;
- iii. Sound attenuation such that there is no breakout noise or vibration from the system.

The air quality handling system shall then be installed in accordance with the approved details prior to first occupation of the flats. Thereafter, prior to first occupation of the flats, the Local Planning Authority shall be provided with a written commissioning report from a competent ventilation engineer that the approved system has been incorporated into the dwellings and that it fulfils its purpose (i.e. that it prevents outside air entering the residential dwellings).

An inspection will also be carried out by an officer of the council to ensure the system in place is in suitable working order. The system shall be maintained in full working order at all times.

Reason: In order to protect the amenity of future occupiers due to the application site being within an Air Quality Management Area and in accordance with Policy CS19 Gravesham Local Plan Core Strategy (September 2014).

7. The noise mitigation measures as detailed in report 'Acoustic Assessment at 39 The Terrace Gravesend' Document ref: 032324 by Ned Johnson Acoustic Consultants dated

19/06/2023 (The Report) shall be implemented by competent persons. Prior to the use commencing a post completion noise survey must be 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 against the noise levels as set in the Report.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Authority and installed and tested prior to operation.

The mitigation measures must be retained thereafter.

Reason: In order to protect the amenity of future occupiers in accordance with Policy CS19 Gravesham Local Plan Core Strategy (September 2014).

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) 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.

2 LISTED BUILDING CONSENT

Works to the fabric of the building required to implement this planning permission (including those required to implement air quality and noise mitigation measures) require listed building consent. Although this has been granted, it is subject to a number of conditions requiring the submission of further details to demonstrate that these works would not have an adverse impact on the fabric and historic integrity of the listed building. The applicant should be aware that if this could not be achieved to the satisfaction of the Local Planning Authority, it is likely that the conditions would not be discharged. In such a scenario it would not then be possible to implement the planning permission and listed building consent for three additional flats.

3 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 condition 6 (air quality assessment) 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. The applicant has agreed in writing to all the pre-commencement conditions.

4 DEVIATION FROM THE 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).

5 BUILDING REGULATION 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).

6 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.

7 WORKS ON OR AFFECTING THE PUBLIC HIGHWAY

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 a 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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

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.

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:

Highways permissions and technical guidance - Kent County Council

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

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 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.

10 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.

Dated: 12 July 2024

Civic Centre
Windmill Street
Gravesend
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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:

- 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
- 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 –

- an application for change of use;
- 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.