

Application: 20230019

**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: **Tufail
C/O Mr Chris McMullon, Sevenscroft Ltd
277 Canterbury Road
Kennington
Ashford
Kent
TN24 9QW**

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:

**139 And 140 Parrock Street
Gravesend
Kent
DA12 1EZ**

and being **Erection of a four-storey infill extension, four storey rear extension, two storey extension above existing first floor with mansard roof with windows front and rear, to No. 140 and conversion of existing 4 bedroom dwelling; Erection of three storey extension above existing ground floor rear projection with mansard roof with windows, change of use of first floor restaurant area, conversion of existing residential unit and extension and alteration to existing pitch roof to a mansard roof with windows to front and rear and conversion of existing roofspace into habitable rooms, to No. 139; to provide 11no. one bedroom, one person units.** Your application dated 17th April 2023 is permitted subject to the following:-

Time Limit

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.

Approved Plans

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

Application Form;
OS Plan and Block Plan Proposed;
2022/28/09 - Rear Elevations Proposed;
2022/28/11 - Basement Plan Proposed;

2022/28/12 - Ground Floor Plan Proposed;
2022/28/13 - First Floor Plan Proposed;
2022/28/14 - Second Floor Plan Proposed;
2022/28/15 - Third Floor Plan Proposed;
2022/28/16 Rev A - Revised Front and Side Elevations;
2022/28/17 - Side Elevation facing 138 and Rear Elevations Proposed;
2022/28/18 - Roof Plan Proposed;
2022/28/19A - Revised Proposed Streetscene;
2821 - Sections Proposed.

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

Pre-commencement Conditions

Materials

3. No development approved by this permission shall be commenced until full details and samples of all materials and finishes to be used in the external faces of the building (bricks, tiles, rainwater goods, windows and doors) have been submitted to and approved in writing by the Local Planning Authority; the development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visually attractive development which preserves and enhances the Area in accordance with Saved Policy TC3 of the Gravesham Local Plan First Review (1994).

Restaurant Frontage Changes

4. No development approved by this permission shall be commenced until full details of the changes to be made to the proposed Restaurant frontage have been submitted to and approved in writing by the Local Planning Authority; the development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visually attractive development which preserves and enhances the Area in accordance with Saved Policy TC3 of the Gravesham Local Plan First Review (1994) and Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014).

Restaurant/Takeaway Odour

5. No development approved by this permission shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - 1) Submit a scheme in writing to the Local Planning Authority for approval in relation to cooking odour/fume control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". Full details of proposed extraction system to deal with grease and odour control should include:
 - a) Plans and details of all duct work (internal and external) and equipment.
 - b) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings.
 - c) Details of all grease filtration and odour control including the manufacturer's specification/data sheets. This includes the canopy.
 - d) Details, including manufacturer's specification/data sheets of the fan.
 - e) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.

- f) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances to be used. Where the end user is not yet known, the extraction system shall be designed for a 'very high' grease content, a 'very high' level of odour potential and a 'very high' smoke content (EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)).
- 2) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, ensuring minimum discharge rates are included. The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Noise Transmission Between Restaurant and Flats

6. No development approved by this permission shall be commenced until a noise impact assessment has been carried out and submitted to and approved in writing by the Local Planning Authority; demonstrating that:
- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
 - The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Restaurant/Takeaway Noise

7. No development approved by this permission shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:
- 1) Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:
 - a) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
 - b) Assess structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.
 - c) Use the results of the noise survey to ensure that the noise generated at the boundary of any noise sensitive property meets the requirements laid down in BS4142:2014 "Method for Rating and Assessing Industrial and Commercial Sound".
 - 2) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local

Planning Authority to verify the installation, including post completion noise levels. The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Code of Construction Practice

8. No development approved by this permission shall be commenced until a Code of Construction Practice covering environmental impacts of this development has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The development hereby permitted shall be carried out in accordance with the approved Code of Construction Practice. For the avoidance of doubt Code of Construction Practice shall include, but not exclusively cover the following:

- a) Construction Logistics Plan (CLP);
- b) Routing of construction and delivery vehicles to and from site;
- c) Parking and turning areas for construction and delivery vehicles and site personnel;
- d) Timing of deliveries;
- e) Provision of wheel washing facilities;
- f) Temporary traffic management/signage (including a scheme and timetable for maintaining access through the site and retaining access for existing servicing arrangements during the construction);
- g) Storage of plant and materials;
- h) Dust management controls;
- i) Location and height of cranes and scaffolding;
- j) Measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- k) Predicated noise and, if appropriate, vibration levels for construction at appropriate nearest noise and vibration sensitive properties;
- l) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- m) Scheme for location and appearance security fencing/hoardings, depicting a readily visible contact number for queries or emergencies;
- n) Details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded);
- o) Hours of operation;
- p) Smoke management controls; and
- q) Odour Controls.

Reason: To ensure the free flow of traffic on the highway and to protect the amenity of local residents and businesses in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Sustainable Surface Water Drainage

9. No development approved by this permission shall be commenced until a scheme for sustainable surface water drainage has been submitted to and approved, in writing, by the Local Planning Authority. The detailed drainage scheme submitted shall

- (i) demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site during any rainfall event (up to and including the climate change adjusted 100 year critical storm),
- (ii) demonstrate that the existing on-site surface water flow-routes and accumulation points will not be altered in such a way that the development places property at risk from

flooding during any rainfall event, up to and including the climate change adjusted critical 100 year storm,

(iii) demonstrate that infiltration features are not located on parts of the site where contamination might be present,

(iv) include a timetable for its implementation, and

(v) include 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.

The surface water drainage scheme shall thereafter be implemented in full prior to first residential occupation of the development and thereafter maintained and managed in accordance with the approved scheme.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal; to ensure that the development does not contribute to, or is not put at risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and to ensure ongoing efficacy of the drainage provisions, in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Prior to Above Ground Works

Boundary Treatment

10.. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence, full details of all boundary treatments, including their location, design, height and materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the dwellings hereby permitted are first occupied and thereafter maintained.

Reason: To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF), 2021.

Prior to Occupation

Refuse Details

11. Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans, submitted documents and application form, details of the refuse arrangements (for the avoidance of doubt the management of chutes) along with a refuse collection management plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores and the management plan shall include arrangements for how the bins shall be taken nearer to the public highway on collection days and then returned to the bin store after the refuse has been collected. The development shall be carried out in accordance with the approved details prior to first occupation of any of the residential/commercial units hereby permitted and shall thereafter be retained for such purposes at all times.

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

On-going Conditions

Restriction on Balcony Access

12. No access shall be gained to the flat roofed area on the approved plan (Drawing No. 2022/28/13 - Proposed First Floor Plan), other than for the purposes of carrying out routine maintenance to the dwelling of which it forms part. In particular, this flat roofed area shall not be used as a veranda, balcony, roof garden or similar amenity area; nor shall balustrades, railings or other means of enclosure be erected around it.

Reason: To allow the Local Planning Authority to exercise control over any future development at the application site in the interests of the character and amenities of the locality in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Dishes/Telecommunication

13. 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 internal elevations if visible from the Conservation Areas, roofs or external elevations of the development hereby approved.

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

INFORMATIVES:-

1 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].

2 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.

3 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 04/09/2023 to the inclusion of the following pre-commencement conditions.

Condition 3, 4, 5, 6, 7, 8 and 9.

4 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.

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: 8 September 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (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.