



PEFULZ

Application: 20211466

**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: **Mrs Iris Smith, TJ's Public House
C/O Mr James Barron, Barron Edwards Ltd
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:

**TJ's
15 Milton Road
Gravesend
Kent
DA12 2RF**

and being **Demolition of the existing 2 storey outrigger and erection of a replacement two storey outrigger linked to a first floor extension to the existing function room including the change of use of the new first floor accommodation to 6no. en-suite letting rooms ancillary to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities.** Your application dated 30th November 2021 is permitted subject to the following:-

1. Standard Time Limit

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. Approved Plans

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

Application form received 30 November 2021.
Structural Appraisal Report received 30 November 2021.
Addendum to Structural Appraisal Report received 11 January 2022.
Planning and Heritage Statement received 30 November 2021.
Photographs received 30 November 2021.

Supplementary Structural Report received 11 January 2022.
Drawing no. 001 rev B (site plan) received 30 November 2021.
Drawing no. 002 rev B (existing floor plans) received 30 November 2021.
Drawing no. 003 rev B (proposed floor plans) received 30 November 2021.
Drawing no. 004 rev B (existing elevations) received 30 November 2021.
Drawing no. 005 rev B (proposed elevations) received 30 November 2021.

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

3. **Photographic Survey**

No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis to Historic England Building Recording Level 3 has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To record the existing building prior to its demolition in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014

4. **Materials (details & samples)**

Prior to the commencement of any above ground works details and samples of all external facing materials to be used on the building hereby approved (to include on site sample panels of where requested by the Local Planning Authority) shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include the following:

- (i) Joinery details of windows and doors, to be of timber construction only with no trickle vents, at a scale of 1:10, 1:2 or full size, including method of opening, method of fixing and finish
- (ii) Samples of bricks
- (iii) Details of treatment of verges and eaves
- (iv) Brickwork Mortar & Pointing
- (v) Samples of feather-edged weather boarding including its finished colour
- (vi) Samples of roof tiles to match the existing building
- (vii) Details of rainwater goods to be cast metal and half round, painted black, and guttering half round in profile and fixed by rise and fall brackets with no fascia board fitted
- (viii) Details of the external staircase and balustrade
- (ix) Details of series such as extractor vents, heater flues, metre boxes, airbricks, soil and vent pipes or any other external accretion

The development shall be implemented in accordance with the approved details.

Reason: In order to ensure that the works preserve the special architectural and historic interest of the building and Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014.

5. **Demolition**

The demolition of outrigger shall be carried out by hand (by tools held in the hand and not by power-driven tools) and the materials stored on the site for re-use.

Reason: To avoid damage to the remaining building and to enable materials to be re-used and in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014

6. **Obscure Glazing**

The en-suite windows within the eastern elevation of the development hereby approved shall be installed and retained in perpetuity as obscure glazed, to a level at least equal to Level 3 on the Pilkington Scale, and non-openable below a level of 1.7m above the adjacent internal floor level.

Reason: In the interest of privacy, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

7. **Restriction to approved use**

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any provision equivalent to it in any statutory instrument revoking and re-enacting or replacing that Order, the use of the new outrigger building shall be restricted to uses ancillary to the existing sui generis use that it a public house only.

Reason: In order than any alternative use of the building may be the subject of a separate application to be determined on its merits and and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014

8. **Boundary treatment**

Prior to the bringing in to use of the new outrigger building full details of replacement boundary treatment to the western boundary with East Crescent Road and a timetable for the implementation of the new boundary treatment shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a suitable replacement of the existing unauthorised boundary treatment that currently negatively impacts on the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014.

9. **Watching brief**

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 Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 120 and 121 of the National Planning Policy Framework (2021).

10. **Noise Control**

Prior to the commencement of any above ground works, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed letting units ancillary to the public house 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.

- If relevant, the rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA₉₀ background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

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).

11. **Cycle storage**

The development hereby approved shall not be used until a scheme of cycle storage facilities incorporating 1 cycle parking spaces within a secure and weatherproof enclosure has been submitted to and approved in writing by the Local Planning Authority. These facilities shall be made available for use prior to first occupation of the development hereby approved and retained for use by site users at all times thereafter.

Reason: In order to encourage options for sustainable travel in accordance Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 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 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.

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 ADVERTISEMENTS

This grant of permission does not convey consent for the display of any advertisement on the application site.

6 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 3 (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

7 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.

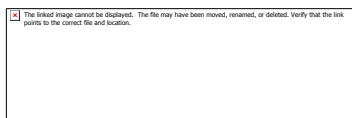
8 WORKS OF CONSTRUCTION

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: 24 March 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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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.