



PEFULZ

Application: 20220207

**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: **Mr Adrian Doyle, Avery Healthcare Ltd
C/O Mr Adrian Kearley, QED Planning
Wesley House
Bull Hill
Leatherhead
KT22 7AH**

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:

**Ascot Arms
Central Avenue
Gravesend
Kent
DA12 5AW**

and being **Demolition of the existing former public house building and redevelopment to provide a new 62 bed care home (Use Class C2) in a three-storey building together with associated access, car and cycle parking, structural landscaping and amenity space provision.** Your application dated 25th February 2022 is permitted subject to the following:-

Conditions

Time Limit Condition

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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 and Particulars

- 2 The development hereby permitted shall be carried out only in precise accordance with the following approved details, plans and specifications:

Proposed Plans

Drawing AL(9)901 Rev E: Proposed Site Layout Plan
Drawing AL(1)101 Rev C: Proposed Ground Floor Plan
Drawing AL(1)102 Rev C: Proposed First Floor Plan
Drawing AL(1)103 Rev C: Proposed Second Floor Plan

Drawing AL(1)104 Rev C: Proposed Roof Plan
Drawing AL(1)140 Rev C: Proposed Elevations Sheet 1 (East and North)
Drawing AL(1)141 Rev C: Proposed Elevations Sheet 2 (West and South)
Drawing AL(1)160: Site Sections
Drawing AL(9)902: Proposed Site Plan Building - Sun Path Analysis (trees omitted)
Drawing AL(9)903: Proposed Boundary Treatments and Signage
Drawing AL(9)904: Proposed Cycle Stores - Visitors and Staff
Drawing AL(9)905: Proposed Refuse Store
Drawing AL(1)120: Proposed Materials Board

Documents

Planning Application and certificates by QED Planning
Covering Letter by QED Planning (ref 18118) dated 28 January 2022
Planning Policy Statement by QED Planning (ref 18118) January 2022
Statement of Community Involvement by becg, March 2021
Design and Access Statement by TDC Architects (ref A202043 Doc001), March 2021
Landscaping Design Plan by PDP Landscape and Urban Design Ltd (Drawing No CAG L1 Rev A), February 2021
Landscape Design Strategy by PDP Landscape and Urban Design Ltd, February 2021
Care Needs Assessment by Healthcare Property Consultants, February 2021
Operator Supporting Statement by TDC Architects (A202043 - Doc005)
Waste Management Plan by TDC Architects (ref A202043 - Doc003)
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Public House Viability Report by James A Baker Surveyors 10 February 2021
Arboricultural Report by Andrew Day Arboricultural Consultancy Ltd, 26 February 2021
Tree Protection Plan by Andrew Day Arboricultural Consultancy Ltd, 26 February 2021
Transport Statement by Bancroft Consulting (Revision D), June 2022
Transport Technical Note by Bancroft Consulting, May 2022
Framework for Green Travel Plan by TDC Architects, February 2021
Flood Risk Assessment and Drainage Strategy by Herrington Consulting Ltd January 2022
BREEAM Pre-Assessment by Scott White and Hookins (Project No. 503396 Revision: 01) 24 March 2021
Sustainability Report by Harniss Consulting, March 2021
Phase 1 Land Contamination Desk Study Report by ASL (ref 002-21-719-11) February 2021
Preliminary Ecological Appraisal by Andrew Day Arboricultural Consultancy, February 2021
Archaeological Heritage Asset Assessment by Souterrain Archaeological Services Ltd (ref SOU21-723) February 2021
Utility Services Report by Harniss Consulting, March 2021

and those approved pursuant to any conditions contained herein after and there shall be no deviation therefrom.

Reason: In order to ensure the development is implemented on the basis of the scheme as submitted and assessed in the interests of proper planning and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Construction and Contamination

Code of Construction Practice/Construction Management Plan

3. No works shall commence on site until a comprehensive Code of Construction Practice/Construction Management Plan covering all environmental impacts of this development has been submitted to and approved in writing by the Local Planning Authority.

The Code of Construction Practice/Construction Management Plan shall include details, where relevant, of the following, including any other measures deemed reasonably necessary:

- (a) Suitable mitigation measures to minimise noise pollution and vibration during the construction phase including the insulation of fixed plant and the silencing of vehicles and mobile machinery
- (b) A Dust Management Plan to minimise emissions to air and to prevent nuisance from wind-blown dust including fencing and the dampening down with water of excavated construction and cover materials on site, and other areas traversed by plant vehicles and machinery
- (c) A Construction Traffic Management Plan covering:
 - Details of numbers and routeing of construction and delivery vehicles to / from site
 - Timing of deliveries
 - Parking and turning areas for construction and delivery vehicles and site personnel
 - Type and location of wheel washing and chassis cleaning facilities
 - Temporary traffic management / signage
- (d) Details of the location of the proposed construction compound
- (e) Details of security fencing and other site security measures
- (f) Details of stockpile areas for building materials or for fill or removed topsoil
- (g) A Construction Drainage Design Plan to identify the required devices to prevent construction run off from flowing into existing drainage
- (h) Ecological mitigation measures
- (i) Measures to be undertaken to protect any public sewers and water apparatus
- (j) Details of vibration monitoring and mitigation during any necessary piling works
- (k) Details of the location, form and visual appearance of any site hoardings along road frontages and footpaths
- (l) Details of temporary construction or security lighting; and
- (m) Monitoring and review provisions with the Local Planning Authority

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 construction of the development does not result in avoidable congestion on the local highway network, and to protect the amenity of local residents and businesses and protected species and to mitigate the risks to groundwater, in accordance with adopted Gravesham Local Plan Core Strategy Policies CS11 (Transport), CS12 (Green Infrastructure) and CS19 (Development and Design Principles).

Hours of Construction

4. No construction activities in connection with the development of the site including any preparatory earthworks or demolition works shall take place on site except between the following times:

07.30 a.m. and 6.00 p.m. on Weekdays
08.00 a.m. and 1.00 p.m. on Saturdays

No construction activities shall take place at any other time including Sundays, Bank or Public Holidays, without the prior approval of the Local Planning Authority having first been obtained.

Reason: In the interests of residential amenity and pursuant to Gravesham Local Plan Core Strategy Policy CS19 (Development and Design Principles).

Contaminated Land - Desk Study Report

5. The development of the site as hereby permitted shall be carried out in accordance with the findings and recommendations of the Phase 1 Land Contamination Desk Study Report by ASL (ref 002-21-719-11) February 2021, accompanying this application, including the recommendations for further work in terms of intrusive investigation, likely to comprise a series of boreholes and which should include the installation of gas monitoring standpipes,

the requirement for specific precautions during the investigation and development of the site in relation to the potential for UXO to be present at the site, and the recommendation that an asbestos survey is completed ahead of the demolition and site clearance works.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (2021) and to accord with Policy CS19: Development and Design Principles of the Gravesham Local Plan Core Strategy (September 2014).

Unsuspected Contamination

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (NPPF), 2021.

Archaeology

7. No development other than demolition to ground level only shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
- archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record, in accordance with adopted Gravesham Local Plan Core Strategy Policies CS19: Development and Design Principles and CS20 (Heritage and the Historic Environment), saved Gravesham Local Plan First Review Policy TC7 and section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF), 2021.

Drainage

Sustainable Surface Water Drainage Scheme

8. No development other than demolition works shall take place 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 be based upon the Flood Risk Assessment (ref. 3085) and 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 100-year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in full accordance with the approved details before the first occupation of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development and pursuant to the requirements of paragraph 169 of the National Planning Policy Framework (NPPF), 2021.

Verification Report

9. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework (NPPF), 2021.

Infiltration

10. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework (NPPF), 2021.

Restrictions and Limitations on the Use of and Operation of the Development

Restrictions on Use as C2 - Residential Institutions

11. The use of the building as hereby permitted shall be for a residential care home for the elderly and for no other purpose including any other purpose within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987, as amended.

For the avoidance of doubt, it is expected that the nature of the occupancy is to provide residential care needs for the frail, elderly with complex physical and care needs, such that residents will not be active and will, under the terms of the management of the scheme, not be allowed to have or keep pets on the site or have access to or the use of motor vehicles or vehicle parking spaces on the site.

Reason: In order that any other uses of the building hereby permitted may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to traffic generation and safety, parking demand, the amenity of the site and the prevailing planning policies and in particular pursuant to policies CS02 (Scale and Distribution of Development), CS11 (Transport), CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 and saved policies T1 (Impact of Development on the Highway Network), P3 (Vehicle Parking Standards) and T5 (New Accesses onto Highway Network) of the Gravesham Local Plan First Review (1994).

Design and Detailed External Appearance

Submission of Details of Ground Levels and Floor Levels

12. Notwithstanding the details shown in the approved drawings or other supporting documents no works in connection with the development, other than demolition works, shall commence until full details of any proposed earthworks or changes to ground levels on the site including details of any earth retention measures have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details before the first occupation of the development.

Reason: No such details have been submitted and to ensure the development contributes to local character and local visual amenity and protects the privacy and amenity of adjoining premises and pursuant to Policy CS19: Development and Design Principles of the Gravesham Local Core Strategy and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF).

Materials

13. The development hereby permitted shall be implemented fully in accordance with the details and finishes as set out in Drawing AL(1)120: Proposed Materials Board before it is first brought into use.

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).

Details of Plant and Equipment

14. Notwithstanding the details in the approved detailed drawings, no development above ground level, shall take place until full details of the installation of any external plant and servicing equipment on the building including roof top plant, lift overruns, solar PV or solar thermal equipment and kitchen extraction equipment or other ventilation have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include the siting, external appearance and any proposed screening. Those works shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building and retained thereafter.

Reason: In the interest of the amenities of residential properties and the area generally and in accordance with Policy CS19: Development and Design Principles of the Gravesham Local Plan Core Strategy (September 2014) and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF), 2021.

Noise Control

15. Prior to the commencement of any above ground works, a comprehensive Noise Management Plan covering all potential noise from the new developments and its residents

and how it will be controlled on an ongoing basis is provided by the applicant and submitted for approval to the Local Planning Authority. No above ground works shall commence until approval of this report has been given by the Local Planning Authority.

Reason: To protect the 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 paragraph 185 of the National Planning Policy Framework (NPPF), 2021.

External Lighting

16. Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans full details of all proposed external lighting set out in a lighting management plan 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 and no additional external lighting shall thereafter be provided on the site without the prior written permission of the Local Planning Authority.

Reason: In order to ensure the development does not cause harm to residential amenity by reason of the installation of intrusive lighting and in accordance Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

Highways Access and Parking

Parking Provision

17. Prior to the first occupation of the development hereby permitted the vehicle parking and turning areas, shall be formed, surfaced, drained and marked out in accordance with the details as shown in drawing no AL(9)901 Rev E: Proposed Site Layout Plan; thereafter, and notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to it in any statutory instrument revoking and re-enacting that Order, with or without modification, no development shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking and turning areas.

Reason: To ensure sufficient off-street car parking provision is available to serve the development, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014), saved Policy P3 of Gravesham Local Plan First Review (1994) and the adopted vehicle parking standards (SPG 4).

Car Parking Management Plan

18. A Car Parking Management Plan shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the building hereby permitted. The Car Park Management Plan should contain as a minimum, the number, location and allocation of bays (including electric vehicle charging allocation), management, including 'right to park' scheme, parking restrictions, visitor parking, accessibility and parking for delivery vehicles, minibuses and emergency services, monitoring and enforcement procedures, and on-street parking deterrents. The measures within the approved Car Park Management Plan shall be implemented and adhered to in perpetuity unless any variation is agreed in writing by the Local Planning Authority through any submission pursuant to this condition.

Reason: In the interests of highway safety and pedestrian safety and having regard to Policy CS11: Transport, of the Gravesham Local Plan Core Strategy (September 2014), saved Policy P3 of Gravesham Local Plan First Review (1994) and the adopted vehicle parking standards (SPG 4).

Cycle Parking Provision and Retention

19. Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans full details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The storage facilities should be secure and weatherproof and well-lit, and the details shall show that there is adequate provision for staff to shower, change and suitably store wet clothes. The approved cycle facilities shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times.

Reason: To encourage the use of a sustainable and environmentally acceptable mode of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, Policy CS19: Development and Design Principles and the adopted vehicle parking standards (SPG 4).

Electric Vehicle (EV) Charging Points

20. The development hereby permitted shall ensure that at least 10% of the parking spaces are provided with Electric Vehicle (EV) charging points and a further 10% are provided with passive provision i.e., cabling / ducting. Each charging point should be able to accommodate a useable supply of 7kW. Such provision shall be implemented prior to the first occupation of the development hereby permitted, and thereafter permanently retained and maintained.

Reason: To encourage the use of sustainable and more environmentally acceptable modes of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, Policy CS18: Climate Change and Policy CS19: Development and Design Principles.

Travel Plan

21. Notwithstanding the details in the Framework for Green Travel Plan (February 2021) accompanying the application, no part of development shall be brought into use until a full and final workplace Travel Plan, detailing the measures designed to help and thereafter maintain a modal shift in favour of reduced reliance on private car usage for travel to and from the development, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, amongst other things, the appointment of a Travel Plan Co-ordinator, objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. All elements of the Travel Plan shall continue to be implemented at all times following its approval for as long as any part of the development is occupied or used.

Reason: To encourage the use of sustainable and more environmentally acceptable modes of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport and Section 9: Promoting Sustainable Transport of the National Planning Policy Framework (NPPF).

Access and Visibility

22. Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015, as amended (or any provision equivalent to that Order in any statutory instrument replacing, revoking or re-enacting that Order with or without modification) the vehicle visibility splays to the reconfigured vehicular access to the site on to Ascot Road as shown in drawing no F20176/01 Rev B accompanying the revised Transport Statement by Bancroft Consulting (Revision D), June 2022, and also including 2m by 2m pedestrian visibility splays on either side of the access shall be cleared of all obstructions over 1.05m above the level of the adjoining highway, including the reduction in level of the land if necessary. Nothing over that height shall be permitted to remain, be placed, built, planted or grown within the approved vehicle and pedestrian visibility splays at any time.

For the avoidance of doubt the existing secondary access from Aintree Close shall be permanently closed to vehicular traffic before the care home hereby permitted is first brought into use with only refuse collections from the care home being undertaken from Aintree Close via a pedestrian gated access only.

Reason: To ensure the safety of pedestrian and highway users in accordance with Policy CS11: Transport, of Gravesham Local Plan Core Strategy (September 2014) and saved policy T5: Access to the Identified Highway Network of the Gravesham Local Plan First Review (November 1994).

Prohibition on Gates

23. No gates shall be installed across the reconfigured vehicular access to the site on to Ascot Road or across the access drive serving the car parking area to the proposed care home, as hereby permitted, at any time.

Reason: In the interests of highway safety and to avoid vehicles waiting in the road while gates are opened or closed and pursuant to Policy CS11: Transport of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5: Access to the Identified Highway Network of the Gravesham Local Plan First Review (November 1994).

Landscaping and Trees

Soft Landscaping

24. Prior to the first occupation of the development hereby approved the proposed soft landscaping for the site shall be carried out in accordance with the details as shown in the Landscaping Design Plan by PDP Landscape and Urban Design Ltd (Drawing No CAG L1 Rev A), February 2021. The developers shall ensure that proper arrangements are put in place for the maintenance and aftercare of the proposed soft landscaping and any retained and remediated trees through a site-wide arboricultural maintenance strategy that shall be submitted for approval of the Local Planning Authority before the first occupation of the development.

Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and species during the next available planting season.

For the avoidance of doubt any existing more recently planted trees within that part of the application site that has been managed and maintained by the Borough Council as part of the Central Avenue open space shall be incorporated into the applicants landscaping scheme, either in situ or in an alternative location, and afforded protection in accordance with the terms of condition 26 of this permission.

Reason: To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development, in accordance with adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

Hard Landscaping

25. Prior to the first occupation of the development hereby approved the proposed hard landscaping for the site shall be carried out in accordance with the details as shown in the Landscaping Design Plan by PDP Landscape and Urban Design Ltd (Drawing No CAG L1 Rev A), February 2021 and drawing no AL(9)901 Rev E: Proposed Site Layout Plan. The developers shall ensure that proper arrangements are put in place for the maintenance and aftercare of the hard landscaping.

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).

Tree Protection and Tree Works/Removal

26. All retained trees on the site and other vegetation shall be protected during construction in accordance with the tree protection measures as detailed in the Arboricultural Report and Tree Protection Plan by Andrew Day Arboricultural Consultancy Ltd, 26 February 2021. No vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s). Upon completion of the construction works and before the first occupation of the development on the site the trees shall be inspected by a competent tree surgeon and any necessary works to tidy the trees and maintain their health shall be undertaken.

For the avoidance of doubt only those trees listed in the Arboricultural Report and Tree Protection Plan as G1, T1, T5, T6 - T10 and Part of G2 which is on site, shall be removed to facilitate the development. Only remedial works as indicated in the Arboricultural Report by Andrew Day Arboricultural Consultancy Ltd, 26 February 2021 shall be undertaken to the retained trees.

Reason: To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

Ecology/Biodiversity Provision

27. Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. This will include the recommendations in section 7.0 of the Preliminary Ecological Assessment (Andrew Day Arboricultural Consultancy February 2021). The approved details shall be implemented before the first occupation of the development and thereafter retained.

Reason: In the interests of protecting wildlife and encouraging biodiversity and pursuant to the requirements of Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES:-

1 STATUS OF SUBMITTED PLANS AND DOCUMENTS

Plans and Documents submitted for Approval

For the avoidance of doubt the following plans and documents were submitted in support of the application for approval and were taken into account in making the decision:

Existing Plans

Drawing AL(9)900: Site Location Plan
Drawing AL(9)906: Existing Site Plan

Proposed Plans

Drawing AL(9)901 Rev E: Proposed Site Layout Plan
Drawing AL(1)101 Rev C: Proposed Ground Floor Plan
Drawing AL(1)102 Rev C: Proposed First Floor Plan
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Archaeological Heritage Asset Assessment by Souterrain Archaeological Services Ltd (ref SOU21 723) February 2021
Utility Services Report by Harniss Consulting, March 2021

Plans and Documents submitted for Information

For the avoidance of doubt the following plans and documents were submitted in support of the application for information and were taken into account in the determination of the application:

Drawing AL(1)150: Artists Impression Sheet 1
Drawing AL(1)151: Artists Impression Sheet 2
Drawing AL(1)152: Artists Impression Sheet 3
Drawing AL(1)153: Artists Impression Sheet 4

2 DEVIATION FROM THE APPROVED PLANS

Deviation from or amendment to the approved plans could require a further application and permission/consent. In the event that any change is proposed, applicants and builders are advised to seek advice from the Local Planning Authority. Proceeding without the necessary permissions or consents could result in enforcement action.

3 BUILDING REGULATIONS AND PARTY WALL ACT 1996

This decision **DOES NOT** imply any consent which may be required under the Building Regulations or under any enactment or provision other than Section 57 of the Town and Country Planning Act 1990.

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. This legislation is not taken into account when determining a planning application and independent advice should be taken in this regard.

4 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

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.

This has involved extensive discussions and negotiations during the processing of the planning application in a collaborative manner in order to address the various consultation responses and neighbour concerns.

The original proposals were also the subject of a pre-application enquiry that enabled issues and concerns to be identified at an early stage prior to the submission of a planning application.

5 BREEDING BIRD INFORMATIVE

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

6 LIGHTING ADVICE

The applicants are advised of the following advice from Gravesham Borough Council Environmental Protection:

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

7 KENT COUNTY COUNCIL (KCC) HIGHWAYS AND TRANSPORTATION

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.

Should the development be approved by the Planning Authority, 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: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highwayspermissions-and-technical-guidance>.

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

8 UTILITIES

It should not be automatically assumed that permission will be given for utility services to be placed within the public highway, and early contact should be made with Kent County Council at roadworkswest@kent.gov.uk. This will enable a proper consideration of available options in order that the optimum solution can be determined.

9 KENT POLICE CRIME PREVENTION DESIGN ADVICE

The applicants are encouraged to incorporate or address all the matters and recommendations raised in the design advice from Kent Police (ref G/20220207/EH/G-260, dated 22 March 2022) with regard to Crime Prevention Through Environmental Design (CPTED) and are recommended to ensure the use of Secured by Design (SBD) Homes 2019 for Designing Out Crime, Crime Prevention and Community Safety and to meet the Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

Kent Police Designing out Crime Officer advise that site security is required for the construction phase. There is a duty for the principal contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

Kent Police would welcome a discussion with the applicant/agent about site specific designing out crime. Please note that Kent Police no longer assist with BREEAM applications so it will be up to the applicant to find an independent assessor.

10 SOUTHERN WATER ADVICE

Southern Water advise:

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer

network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

<https://www.water.org.uk/sewerage-sector-guidance-approved-documents/>

https://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

It should be noted that under the Water Industry Act 1991 it is an offence to "throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer... any matter likely to injure the sewer or drain or to interfere with the free flow of its contents."

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Please note that there is a private communication main crossing the development site.

Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: <https://www.southernwater.co.uk/> by email at: SouthernWaterPlanning@southernwater.co.uk

11 SUPERFAST FIBRE OPTIC BROADBAND

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high-speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

12 SMOKE CONTROL AREA

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 by emailing: air.quality@gravesham.gov.uk

13 KENT FIRE AND RESCUE SERVICE

Kent Fire & Rescue Service advise that although it appears access to the proposed building under the County of Kent Act 1981 can be achieved, you will need to ensure that once on site there is vehicle access for a pump appliance to within 45m of every point of the footprint of the building or 15% of the perimeter. If the above cannot be achieved, then fire mains will be required in accordance with paragraph 16.3 of ADB Vol 2.

In the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

14 LOCAL EMPLOYMENT

The applicants shall use its best endeavours to ensure the implementation of local employment initiatives in both the construction stage and the operational stage of the care home as hereby

permitted including:

- Appointment of a Local Employment Scheme Co-ordinator.
- Detail of targets and commitments for employing local workforce on construction of the development
- Indication of how jobs are to be marketed promoted and advertised and how the local workforce will be engaged
- Details of training opportunities
- Promotion of the local supply chain

15 COMMUNITY USE

The applicants shall use its best endeavours to ensure that there are opportunities for the local community to use the function areas of the care home building for future community use.

16 SIGNAGE

Notwithstanding the details as shown in Drawing AL(9)903: Proposed Boundary Treatments and Signage, the applicants are advised that this permission does not give consent for the display of any advertisements in connection with the development either on the site or the building for which separate consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended, may be required.

17 PRE-COMMENCEMENT CONDITIONS

Pursuant to the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 introduced on 1 October 2018 the following planning conditions (conditions 3, 5, 7, 8 and 12) attached to this permission are pre-commencement conditions and have been agreed as such by the applicants.

It is agreed that the requirements of those planning conditions (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.

18 NAMING AND NUMBERING

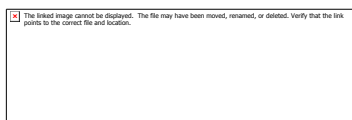
As a result of the changes to this land/property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council, and the schedule of charges is enclosed, which should be used for your application. Please submit the application and the requisite fee in accordance with the guidance on the form. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.local.gravesham.gov.uk/>

Dated: 13 July 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.

Gravesham Borough Council