

Application: 20231316

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND
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To: **Ms Sarah Collins
C/O Ms Claire Southam, Jacobs
1 City Walk
Holbeck
Leeds
LS11 9DX**

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:

**Marling Cross Site Compound
Valley Drive
Gravesend
Kent
DA12 5UF**

and being **Application for the variation of condition 1 attached to planning application reference number 20210675 for the continued use of the site compound established through planning application 20190482 being for the; Erection of temporary portable cabins with associated fenced off laydown area and car parking area with 3m fence around the site, lighting and perimeter landscaping, and as amended by application 20191217; to allow the continued use of the site as a compound/laydown area relating to National Highways construction activities and to allow for a further three year period of use of the land as a compound, until 31/12/2026.** Your application dated 20th December 2023 is permitted subject to the following:-

1. The buildings and machinery in connection with the use of the land as a temporary compound as hereby permitted shall be removed and the land restored to its former condition on or before **31 December 2026** unless an application for an extension of the period hereby granted is approved in writing by the Local Planning Authority.

Reason: To ensure that the permitted development does not prejudice any future proposals for redevelopment of the site.

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans and details, unless alternative details are approved pursuant to the conditions imposed on this decision notice:

Application form;
Cover Letter;
Planning, Design and Access Statement;
Landscape and Visual Technical Note;

Flood Risk Assessment;
Construction Compound Noise Assessment;
Lighting Strategy Assessment;
Transport Appraisal;
Summary Update;
Preliminary Ecological Appraisal;
Drawing no. 00002 rev P02.1 (cross section);
Drawing no. 00001 rev P02.2 (south compound general layout);
Drawing no. 00008 rev P01.1 (south compound block plan);
Drawing no. 60549458-SKT-P-HEVER_COURT-LOCATION_PLAN (location plan).

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

3. The recommended noise management protocols set out in section 5.6 of the submitted noise report shall be implemented and adhered to at all times.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy CS19 of the Core Strategy 2014.

4. At all times a banksman shall be employed to oversee and control all HGV and other large vehicles leaving the site including towing trailers.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy CS11 of the Core Strategy 2014.

5. Throughout the life of the development vision splays of 103m x 2.4m to the south and 43m x 2.4m to the north shall be provided and no obstruction of sight more than 0.6m above carriageway level shall be permitted within the splays.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy CS11 of the Core Strategy 2014.

INFORMATIVES:-

1 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.

2 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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 road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

3 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

Dated: 6 February 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Ms Tava Walton
AD Planning

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.