

Application: 20250081

**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: **Mr Christopher Martin
209 Boxley Road
Maidstone
Kent
ME14 2TL**

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:

**Distarti
Rhododendron Avenue
Meopham
Gravesend
Kent
DA13 0TT**

and being **Application for variation of condition 2 attached to planning permission reference number 20240001 for Demolition of existing dwelling and erection of a new replacement dwelling; to allow change to new dwelling position.** Your application dated 29th January 2025 is permitted subject to the following:-

Approved Plans

1. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans:
 - Application Form - dated 26 January 2025;
 - Supplementary Information – Annotated Site Plan Comparison (dated Jan-2025) (PL/04 - Rev. D);
 - Drawing no. PL-01 - Existing Site Location and Block Plan;
 - Drawing no. PL-02 - Existing Floor Plans;
 - Drawing no. PL-03 - Existing Elevations;
 - Drawing no. PL/04 - Rev. E - Proposed Location and Site Plan (dated Mar-2025);
 - Drawing no. PL-05 - Proposed Floor Plans;
 - Drawing no. PL-06 - Proposed Elevations;
 - Drawing no. PL-07 - Proposed Roof Plan and Sections;
 - Drawing no. PL-08 - Proposed 3D Render.

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

Demolition of the Existing Dwelling

2. The existing dwelling on the site shall be demolished and all arising materials shall be removed from the site within three months of the first occupation of the dwelling hereby approved.

Reason To ensure that only one dwelling remains on the site, with sufficient amenities for future occupiers, in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

Foul and Surface Water Sewerage Disposal

3. No development approved by this permission shall be commenced until full details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

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).

Lighting (Biodiversity)

4. Prior to above ground works, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, as well as expected light spill in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason In order to enhance the biodiversity of the site in accordance with Policy CS12 of the Gravesham Local Plan: Core Strategy (September 2014).

Biodiversity Enhancement

5. Prior to the commencement of any above ground works, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The details will be implemented as approved and thereafter retained.

Reason To enhance the biodiversity value of the site, in accordance with Policy CS12 of the Gravesham Local Plan: Core Strategy (September 2014).

External Facing Materials

6. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence details (and samples where requested by the Local Planning Authority) of all the external facing materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to any part of the development first being brought into use.

Reason To maintain the character and appearance of the building and to ensure a satisfactory visual relationship between the existing and new development in accordance with adopted Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

Hard Surface and Boundary Treatments

7. Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall include the following:

- proposed boundary treatments,
- proposed finished levels and contours,
- hard surface finishes to the vehicle parking areas, pedestrian accesses, private gardens and amenity areas;
- details of any retaining walls, steps, railings, walls, fencing, gates or other supporting structures
- details of the pedestrian access and circulation areas
- minor structures such as play equipment, log piles, and any proposed seating.

The approved works shall be completed in accordance with the approved details prior to first occupation of any of the residential units hereby permitted.

Reason To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity and highway safety in accordance with Policies CS11 and Policy CS19 of the Gravesham Local: Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review (1994).

Soft Landscaping Scheme

8. 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, a scheme detailing the proposed soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following 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.

Reason To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

Obscure Glazing

9. Any window serving a bathroom/wc/ensuite shall be fitted with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) only at all times.

Reason To prevent undue overlooking of the adjoining residential property in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

Permitted Development Rights

10. No development under the provisions of Classes A, AA, B, E or F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended shall be carried out on the dwelling without the prior permission in writing of the Local Planning Authority having first been obtained.

Reason Given the very special circumstances established in order to justify the approved development, and in the interests of maintaining the openness of the Green Belt, in accordance with Saved Policy C12 of the Gravesham Local Plan First Review (1994) and Section 13 of the National Planning Policy Framework (2024).

Trees to be Retained

11. No existing trees on the site shall be felled without prior permission from the Local Planning Authority.

Reason To ensure that the character of the existing site and landscape character area is retained in accordance with Policy CS12 of the Gravesham Local Plan: Core Strategy (September 2014).

Watching Brief

12. 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 187 of the National Planning Policy Framework (2024).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) 2024, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 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 2 (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. The reason for this is to ensure that the foul and surface water drainage for the new dwelling are suitable and futureproof.

Due to the importance attached to these details, it is reasonable and necessary to seek full approval in advance of works commencing. The agent has agreed in writing on 01 March 2024 to the pre-commencement condition.

3 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].

4 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.

5 FOR THE AVOIDANCE OF DOUBT - DRAINAGE

The details provided in relation to Condition 4 (Drainage and Foul Water) shall be in accordance with Environment Agency advice and Building Regulations. The applicant is advised to lease with these bodies to ensure that the proposal is acceptable in terms of location, soakaways, discharge points, etc.

6 PUBLIC RIGHTS OF WAY INFORMATIVE

Public Rights of Way Bridleway NS293 runs to the western (front) border of the property and may be affected by the application. Please be advised that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in the future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

7 FOR THE AVOIDANCE OF DOUBT - ENGINEERING OPERATIONS

The permission hereby granted does not include, as this is not demonstrated in any of the approved plans, any engineering operations to address site levels or groundworks to flatten the site and any such development would require separate consent from the Local Planning Authority.

8 CODE OF PRACTICE FOR CONSTRUCTION/DEMOLITION SITES WITHIN THE BOROUGH OF GRAVESHAM

This Code of Practice relates to all building sites in Gravesham and is given to ensure best practice is achieved equally throughout the borough. All aspects of the code apply to every building site and will only be altered on an individual basis if there are found to be special circumstances on that particular site. Any amendment made will be in writing by an authorised officer of the Environmental Health Department. The following circumstances are given where consideration will be given to a variation in the Code of Practice:-

- a) Where occupiers of noise sensitive properties are unlikely to be affected by the works.
- b) Where the work cannot be carried out during the hours specified because of the requirements of another authority such as the emergency services, utilities, traffic management authorities etc.
- c) Where the site location is isolated or where the works are in a mainly commercial/industrial area with few residential properties.

In all the above cases the onus will be on the applicants to provide written justification as to why the code should be varied. When making such a statement the applicant must include the following information where appropriate:-

- i) Location, nature and duration of works.
- ii) Measured/predicted noise levels and background levels.
- iii) Measured/predicted vibration levels.
- iv) Proximity and numbers of residential properties.
- v) Evidence of public consultation/information to persons likely to be affected.
- vi) Written evidence from the appropriate authority (in instances where b) above applies).

In order for adequate consideration to be given by this Council to a request for deviation from the Code of Practice, any proposal must be provided in writing to the Environmental Health Services Manager at least fifteen working days prior to the works starting.

On developments where construction/demolition is undertaken on contaminated land, work will be required to be carried out in a way which will be specified within conditions of the site's planning approval.

The requirements of this Code of Practice should prevent unnecessary disturbance to nearby residents. In the event of a nuisance being caused due to work not being carried out in an appropriate way, the council may take enforcement action to resolve the situation.

Please note compliance with Health and Safety requirements arising from construction/ demolition work shall be given priority over this Code of Practice.

BURNING OF MATERIAL

It is expected that no burning of materials shall take place on a construction or demolition site. Where the contractor is of the opinion that this is unavoidable he shall make representations to the council for consideration. No burning will be allowed to take place without written authority from a suitably authorised officer of the council. Any burning so authorised will be subject to strict controls which will include, amongst other matters, the following:-

- o A strict control on the amount of material burnt at any one time.
- o Burning is carried out under the direct and continuous supervision of the person responsible for the site or a person authorised to act on his behalf.
- o All material shall be kept dry prior to being burnt.
- o The wind shall be positively blowing away from nearby residential or other sensitive buildings. Where this is not possible burning shall take place in still weather.

NOISE AND VIBRATION

Where sensitive premises are likely to be affected by noise and/or vibration, all works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the council, shall be carried out only between the following hours (these to be known as normal working hours) : -

- o Monday - Friday - 08:00 - 18:00
- o Saturday - 08:00 - 13:00
- o Sunday and Bank Holidays - No works audible at the site boundary or any other place agreed by the council.

In addition to the above times the contractor may use up to one hour before and up to one hour after normal working hours for start up and close down of activities. Examples of these activities would be:

- a) Day to day maintenance, checking, lubrication and cleaning/washing down of plant and machinery.
- b) Refuelling of plant and machinery (from on-site storage facilities only).
- c) Deliveries and unloading.
- d) Site inspections and safety checks, but excluding any works necessary to make the working zone and/or construction site safe (which are to be undertaken within normal working hours).
- e) Arrival and departure of workforce and staff at the construction site, but only in so far as the arrival and departure times provide for the minimum time necessary to undertake the tasks allowed by these start up/close down activities.
- f) Site meetings.
- g) Site clean up.

NB - The start up and close down periods are not to be regarded as an extension to the normal working day.

Where the site boundary/entrance is located adjacent to noise sensitive areas it must be ensured as far as possible that vehicles do not arrive on site outside the times laid out above. Where this is found not to be possible, drivers of vehicles arriving at the site before it is open must not leave the vehicle's engine running or cause other excessive noise/pollution whilst they are waiting.

On the site itself, best practicable means as defined in section 72 of the Control of Pollution Act 1974 to reduce noise to a minimum shall be employed at all times.

Compliance with BS5228 Part 1:1997 'Noise control on Construction & Open sites' is expected as a minimum standard. This requires amongst other things that all plant and machinery in use shall be properly silenced, maintained and used in accordance with the manufacturer's instructions.

Criteria and procedures for vibration control are assessed using different parameters as follows:

- * Vibration Dose Values (VDVs) are used to protect the occupants and users of buildings from disturbance. (VDVs are defined in BS 6841 and their application is discussed in BS 6472).
 - * Peak Component Particle Velocity is used to protect buildings from risk of physical damage.
- These are assessed in accordance with BS 7385.

Best Practicable means shall be used to control vibration levels so that the following Vibration Dose Values measured on a normally loaded floor in accordance with BS 6472:1994 are not routinely exceeded as a result of works.

Building Type	Period	VDV (ms ^{-1.75})
Residential Buildings, Educational Establishments, Offices and similar	Normal working hours	0.4
Commercial	Normal working hours	0.8

Best Practicable Means shall be used to control Peak Component Particle Velocity measured at the base of any building in accordance with BS 7385 does not routinely exceed a level of 10 mm/s.

In instances where complaints of vibration are received within any adjacent property then the contractor shall immediately take all measures necessary to demonstrate that the vibration levels are below the limits shown in the paragraphs above.

Where the results of any monitoring indicate non-compliance with the limits stated above, the contractor shall immediately change the method of working, and/or the plant being used. Prior to the work recommencing, the contractor shall satisfactorily demonstrate that the new arrangements satisfy the vibration limits.

DUST

Dust suppression techniques shall be used on site where significant quantities of spoil or fine aggregates are stored and/or where the site location is such that it is likely persons living in residential properties are going to be affected by wind blown dust.

Spoil temporarily placed on site shall be located as far away from sensitive properties as possible. The height of stored material shall be kept as low as is practical and water sprayed onto the surface of the piles shall be used as appropriate to keep the surface damp.

Where longer term storage of fine aggregates and other potentially dusty material is necessary, suitable storage facilities shall be used where practicable in order to screen these materials from the wind. This stored material shall be located so that it is as far away from sensitive properties as possible and measures to prevent wind blown dust shall be adopted. These shall include:-

- * keeping the height of stock piles as low as possible,
- * using water sprays as appropriate whilst minimising the production of excessive runoff,
- * minimising the re handling of dry construction materials and spoil,
- * keeping the loading drop heights to as low as possible,
- * where appropriate applying the surfaces of roads on site with water sprays as necessary and/or using wheel-washing facilities.
- * all materials transported to and from the site shall be conveyed by suitable vehicles in enclosed containers or using other adequate wind shielding measures such as sheeting.

The person responsible for the site shall keep on site a daily log book which will be available to visiting authorised officers and shall list the following:-

- * the conditions on site,
- * whether any wind blown dust was visibly coming off the site,
- * what control measures were carried out, and
- * what the results of these were.

COMMUNICATION

It shall be a matter of priority for a contact name and telephone number to be set up in order to enable ready two-way communication and contact with the council and local residents. In cases where work likely to cause a disturbance is to be carried on out of normal working hours, the phone line would be manned whilst the work is ongoing.

LIGHTING

Where security and/or site lighting is used, this shall be located and directed or screened so that it does not cause undue intrusion to adjacent occupied residential properties, or sensitive areas, or constitute a road hazard, and shall be chosen to limit light pollution effects such as "glow in the sky".

Dated: 26 March 2025

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Shazad Ghani
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Head of Planning
Planning Service

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (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.