

Application: 20231258

**TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED

To: **Mr Sengupta, The Cantina Group Ltd
C/O Mr Dan McEwan, Fluid Planning Ltd
PO Box 1014
Horsham
RH12 9TJ**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL** for the relevant matters for the development of land as described below **IS REQUIRED AND APPROVED**

at **Land To East And West Of
Gold Street
Cobham
Gravesend
Kent
DA12 3AA**

and being **Application for a determination as to whether prior approval is required for the erection of 1 no. winery building and hardstanding.**

Referred to in your application dated 7th December 2023.

CONDITIONS:-

1. The development must be carried out within a period of 5 years from the date on which this prior approval application was submitted to the Local Planning Authority.

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 - dated 06/12/2023;
Planning Statement by Fluid Planning (ref. 0431);
Drawing no. 0811.01 - Landscape Plan;
Drawing no. fp0431.1 - Location Plan (scale - 1:1250);
Drawing no. fp0431.2 - Proposed Block Plan (scale - 1:500);
Drawing no. fp0431.3 - Proposed Plans and Elevations.

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

3. Prior to any above grounds works and notwithstanding the details shown on the approved plans and application form, additional 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, including details of doors and other

openings, 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 before the first use of the development.

Reason To ensure that the development has a satisfactory visual relationship with the surrounding landscape and the wider area in accordance with adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

4. Prior to any above ground works details of the proposed soft landscaping to include the provision of native planting and to be informed by the indicative details included on 'drawing no. 0811.01', shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved details, and the proposed landscaping scheme shall be fully implemented within one year of first use of the building. The soft landscaping shall thereafter be maintained for a period of not less than five years and any trees, shrubs or grassed areas which die, are diseased or vandalised within this period shall be replaced within the next planting season.

Reason To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development and wider landscape, in accordance with adopted Policies CS12 and CS19 Gravesham Local Plan: Core Strategy (September 2014).

5. An archaeological watching brief shall be carried out during any groundworks. In the event that archaeological remains are found on site then works shall cease, and shall not recommence, until such time that the applicant/developer has received written approval from the Local Planning Authority to a programme of archaeological work to be carried out in accordance with a written specification and a timetable, and having regard to the significance of the identified archaeology.

Reason To ensure that any identified features of archaeological interest are properly examined and recorded and pursuant to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014).

Your attention is drawn to the following informatives

INFORMATIVES:-

1 GENERAL PERMITTED DEVELOPMENT ORDER 2015 (AS AMENDED) SCHEDULE 2 PART 6 A.2 (5) (A) (B)

The applicant is advised that where:

- (a) The use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and
- (b) Planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased,

then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

2 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.

3 PUBLIC RIGHTS OF WAY

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 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.

4 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.

5 FOR THE AVOIDANCE OF DOUBT - HARDSTANDING

The formation of an access and hardstanding from the highway to the building hereby approved is development in its own right and would require planning consent.

Dated: 3 January 2024

Civic Centre
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Gravesend
Kent
DA12 1AU

Shazad Ghani
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Head of Planning
Planning Service