

Application: 20220931

**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: **Other A Davie, St Mildred's PCC
C/O Ms C Rodriguez, DAC Architects
21 Stone Street
Gravesend
DA11 0NP**

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:

**St Mildred's Church
Nurstead Church Lane
Meopham
Gravesend
Kent**

and being **Installation of an external, detached and prefabricated module to provide toilet facilities for visitors to the church, with associated works** Your application dated 25th August 2022 is permitted subject to the following:-

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:

Application Form and Ownership Certificate
Design and Access Statement and Statement of Significance by DAC Architects dated 23 August 2022
Drawing No 4976 D-05: Site Survey
Drawing No 4976 D-11 Rev B: Location Plan Block Plan Plans and Elevations

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 Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy (September 2014), saved Policy TC2 (Listed Buildings) of the Gravesham Local Plan First Review 1994 and section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF), 2021.

Archaeology

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed, and human remains, graves and any archaeological features or finds are recorded, and impacts minimised. The watching brief shall be in accordance with a written scheme of investigation, which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that development impacts are appropriately mitigated, and features of archaeological interest are properly examined and recorded in accordance with adopted Gravesham Local Plan Core Strategy Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment), saved policies TC2 (Listed Buildings) and TC7 (Other Archaeological Sites) of the Gravesham Local Plan First Review Policy 1994 and section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF), 2021.

Materials and Finishes

4. Notwithstanding the details shown in the approved drawings and within one month of the commencement of the development full details of the proposed new paving running from the existing church entrance to the external prefabricated module to provide toilet facilities as hereby permitted, shall be submitted for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details before the toilet facilities are first brought into use. For the avoidance of doubt the external walls of the module shall be in pine 'thermowood' left to weather and the door shall be powder coated in black.

Reason: These details are required to ensure special regard is paid to the interests of protecting the special architectural and historic character, detailing and setting of the Listed Building and pursuant to Policy CS20 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy TC2 (Listed Buildings) of the Gravesham Local Plan First Review 1994 and section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF) 2021.

Unsuspected Contamination - Watching Brief

5. The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the Local Planning Authority should be informed as soon as practical, and the work shall not continue until written agreement is provided by the Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Reason: To 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) and pursuant to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy, September 2014.

Waste Removal

6. Within 12 months of bringing the prefabricated module ('Kazuba Ltd KL2 WooWoo') as hereby permitted into use, to provide toilet facilities for visitors to the church, details shall be submitted for the approval of the Local Planning Authority of the servicing and maintenance arrangements for the module and how it is proposed to remove solid waste from the site including the frequency, method and collection arrangements. The system shall be operated and maintained in accordance with the approved maintenance arrangements for as long as the module is required on the site.

Reason: Insufficient details have been submitted and in order to ensure that the servicing and maintenance arrangements do not adversely impact on the environment, the character and appearance of this Grade II* listed church building or the local highway, pursuant to Policies CS11 (Transport) CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy Policy 2014 and sections 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 15 (Conserving and Enhancing the Natural Environment) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF) 2021.

INFORMATIVES:-

1 DEVIATION FROM 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.

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 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.

In this instance the application was acceptable as submitted.

4 PRE-COMMENCEMENT CONDITIONS

Pursuant to the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 introduced on 1 October 2018 the following planning condition (condition 3) attached to this permission is a pre-commencement conditions and has been agreed as such by the applicants.

It is agreed that the requirements of that planning condition (including the timing of compliance) is so fundamental to the development permitted that such details must be submitted prior to the works commencing on site.

5 ENVIRONMENTAL REQUIREMENTS

The applicants are advised that GBC Regulatory Services (Environmental Protection) comment that the proposed 'Kazuba Ltd KL2 WooWoo' system is of adequate capacity to serve the proposed development and that suitable access and hardstanding area shall be maintained to it on site.

6 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00 a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

Dated: 21 December 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (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.

- **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.**
- 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.