



Application: 20240283

**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 A Sankey and Mrs A Thompson
C/O Mr Paul Nicholls, Graham Simpkin Planning Ltd
2 The Parade
Ash Road
Hartley
Longfield
Kent
DA3 8BG**

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:

**Plot 19
Rhododendron Avenue
Meopham
Gravesend
Kent**

and being **Change of use of stable block to create detached dwelling plus associated residential curtilage and use of existing vehicular access**. Your application dated 27th March 2024 is permitted subject to the following:-

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in accordance with the following schedule of approved documents and drawings:
 - Application form.
 - Drawing no. 3882-01 Site Location Plan.
 - Drawing no. 3882-02 Existing Block Plan.
 - Drawing no. 3882-03 Existing Floor Plan and Elevations.
 - Drawing no. 3882-04 Proposed Block Plan.
 - Drawing no. 3882-05 Rev A Proposed Floor Plan and Elevations.
 - Ecological Impact Assessment (17 October 2024).
 - Bat Survey Report (7 August 2004).
 - Sitecheck Assessment (25 August 2023).
 - Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment (October 2023).
 - Planning, Design and Access Statement (March 2024).

- Structural Assessment (December 2023).

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

3. Prior to any part of the approved development being occupied or used, details of cycle storage facilities to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details prior to occupation of the development and shall be retained for use at all times thereafter.

Reason: In order to encourage options for sustainable travel in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

4. Prior to any part of the approved development being occupied or used, details of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation of the development and shall be retained for use at all times thereafter.

Reason: In order to ensure the development is served by a suitable refuse and recycling storage facilities in the interests of amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

5. The area shown on drawing no. 3882-04 (Proposed Block Plan) as a vehicle parking and turning area shall be formed, surfaced and made available for such use before the residential unit hereby permitted is first occupied and thereafter they shall be kept available at all times for parking and turning and for no other purpose. No development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall be carried out on the site in such a manner or in such a position so as to preclude the use of this area for vehicle parking or turning.

Reason: In the interests of highway safety and visual amenity in accordance with Policy CS11 and Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

6. Prior to any part of the permitted dwelling being occupied or used, a scheme detailing the proposed soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall then be carried out in full within the first planting season. Any trees or plants that die, are damaged, removed or become diseased within five years from implementation shall be replaced with a similar size and species during 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 site and biodiversity, in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

7. Prior to any part of the permitted dwelling being occupied or used, a scheme detailing the proposed hard surface treatments and boundary treatments (including walls, fences or other means of enclosure) shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall then be constructed in accordance with these approved details and completed, in its entirety, prior to first occupation of the development and retained at all times thereafter.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with adopted Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014).

8. Notwithstanding the provisions of Classes A, AA, B, C, D and Class E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling or the erection of buildings incidental to the enjoyment of the dwelling hereby permitted, shall be carried out.

Reason: In order that any such development may be considered on its merits, in relation to development plan policies and having regard to its impact on the Green Belt, landscape, visual amenity and residential amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

9. Prior to commencement of works (including site clearance), a construction environmental management plan (CEcMP) shall be submitted to and approved in writing by the local planning authority. The CEcMP will be based on the recommendations in Appendix 1 of the EcIA, Native ecology, 17/11/24 report and include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;
- Reference to the relevant, granted, protected species licences (e.g., bats) obtained in advance of site clearance/construction and any relevant mitigation measures required;
- Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;
- Use of protective fences, exclusion barriers and warning signs.

The approved CEcMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: In the interests of the biodiversity of the site in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and the National Planning Policy Framework (2023).

10. Within three months of works commencement, a detailed plan(s) showing how the development will enhance biodiversity, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include a detailed landscaping plan, with native and wildlife-friendly planting, integrated wildlife features and durable bat and bird boxes aimed at species of conservation concern. The approved measures shall be implemented and retained thereafter.

Reason: In the interests of the biodiversity of the site in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and the National Planning Policy Framework (2023).

11. Notwithstanding the details included in the approved plans, prior to first occupation of the dwelling hereby permitted details of any external lighting on the building or within the site,

including location, size, appearance and degree of illumination shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: In the interests of nocturnal animals (including bats) using the site, in the interests of visual and residential amenity and in order to protect the openness of the Green Belt in accordance with Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and the National Planning Policy Framework (2023).

12. 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 prevent harm to human health and pollution of the environment and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and the National Planning Policy Framework (2023).

INFORMATIVES:-

1 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 and paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has approached the assessment and determination of this application in a positive and proactive manner and, where appropriate, has worked 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 is in accordance with local and national policy.

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 9 are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site. Due to the importance attached to these details, it is reasonable and necessary to seek full approval in advance of works commencing. The applicant has agreed in writing to this pre-commencement condition.

3 DEVIATION FROM THE 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 REGULATION CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority (as proceeding without the necessary permissions could nullify this permission).

5 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 8.00a.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.

6 WORKS ON OR AFFECTING THE PUBLIC HIGHWAY

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.

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:

Highways permissions and technical guidance - Kent County Council

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

7 PUBLIC RIGHT OF WAY

Access to Plot 19 is via Public Right of Way Bridleway NS293 and vehicles should be driven with care over the bridleway so as not to damage the surface. Any damage caused by construction traffic would need to be repaired at the applicants' expense, and contractors should be made aware that there will likely be frequent use of the route by pedestrians, cyclists and horse riders

The granting of planning permission confers no other permission or consent on the applicant. No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be contact the Kent County Council Public Rights of Way and Access Service before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this will be dealt with on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

8 DRAINAGE/SEWERAGE

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

Dated: 6 December 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
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.