

Application: 20211295

**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: **Mrs Laura Hicken, Hawkspare Ltd
C/O Mr David Bedford, DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN**

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:

**Lomer Farm
Wrotham Road
Meopham
Gravesend
Kent**

and being **Application for the variation of conditions 4, 5 and 14 attached to planning permission reference number 20170999 for the conversion of existing commercial buildings and other existing buildings and stables to 10 no. commercial units in a flexible B1/B8 use and 4 no. residential dwellings with associated access and parking arrangements; to allow the existing consent to be protected, so the triggers for a material start can be made on site without excessive or abortive works.** Your application dated 18th October 2021 is permitted subject to the following:-

1. The development to which this permission relates must be begun not later than 22 February 2022.

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.

2. The development hereby permitted shall be carried out only in precise accordance with the approved details, plans and specifications and with any drawing or detail approved pursuant to any condition contained hereafter. There shall be no deviation therefrom without the prior permission, in writing, of the Local Planning Authority. The approved plans are as follows:

Planning application forms;
Planning, Design and Access Statement (September 2017);
Economic Viability Appraisal (September 2017);
Agents letter, dated 19 October 2019, containing applicant's independent advice from Chartered Surveyors, RICS Registered Valuer and other professional advisors;

Extended Phase 1 Habitat Survey and Bat Building Assessment (July 2017);
 Bat Emergence Report (September 2017);
 Bat Addendum Report (October 2017);
 Phase 1 Desk Study (July 2017);
 Structural Engineering Appraisal Report (August 2017);
 Agents letter dated 31 January 2019;
 Drawing number: DHA/11595/01 - Site Location Plan;
 Drawing number: DHA/11595/02 - Existing Ground Floor Layout;
 Drawing number: DHA/11595/03 - Existing First Floor Layout;
 Drawing number: DHA/11595/04 Rev B - Proposed Ground Floor Layout;
 Drawing number: DHA/11595/05 Rev B - Proposed First Floor Layout;
 Drawing number: DHA/11595/06 - Existing Elevations;
 Drawing number: DHA/11595/07 - Proposed Elevations;
 Drawing number: DHA/11595/08 - Existing Stables Plan and Elevation;
 Drawing number: DHA/11595/09 - Proposed Stables Plan and Elevation;
 Drawing number: DHA/11595/10 Rev B - Proposed Landscaping Plan;
 Drawing number: DHA/11595/11 - Proposed Commercial Unit Conversion Plan and Elevation; and
 Drawing number: DHA/11595/11 - Commercial C4 Unit - Existing and Proposed Plans and Elevations.

Reason To provide certainty and to ensure a satisfactory standard of development in accordance with adopted policies set out in the Gravesham Local Plan: Core Strategy (September 2014).

3. Prior to the commencement of any external alterations hereby permitted taking place, details and samples of all materials to be used in the external faces and roofs of the buildings (including details of any doors, windows, external vents, chimneys or flues and rainwater goods and downpipes), 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.

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

4. Prior to above ground works a scheme of hard landscaping shall be submitted to the Local Planning Authority for its approval in writing. The landscaping works shall be completed in accordance with the approved details prior to the completion of the development or the first occupation of any of the residential units whichever is sooner. The scheme shall include:
 - 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 refuse storage units.

Reason To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

5. Prior to above ground works a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications, schedules of plants - noting species (which should be

indigenous and wildlife friendly) planting sizes, growth rates and proposed density. All new planting, seeding, turfing and other works comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the development or occupation of the first residential unit whichever is the sooner. Following the implementation of the landscaping scheme any trees or plants which within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

6. Notwithstanding the provisions of Article 3, Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, no additional boundary wall, fence or other means of enclosure (other than as may be approved pursuant to condition 4) shall be erected or placed at the application site unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason In order to safeguard the openness of the Green Belt and the character and visual amenity of the area in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

7. The areas shown on drawing no. DHA/11595/04 Rev A as vehicle parking spaces and for the manoeuvring of vehicles shall be formed, surfaced and made available for such use before the residential units and flexible B1/B8 units hereby permitted are first occupied and thereafter they shall be kept available at all times for parking and manoeuvring and for no other purpose and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, shall be carried out on the site in such a manner or in such a position so as to preclude their use for vehicle parking and manoeuvring.

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).

8. Notwithstanding the provisions of Article 3, Part 1, Classes A-H of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, no enlargement, improvement or other alteration of the dwellings hereby permitted shall be carried out, including the provision of dormers, roof lights or other roof alterations, the erection or construction of a porch outside any external door, the installation of any chimney, flue, vent pipe, rainwater goods or microwave antenna or the formation of any additional window, door or other form of opening and no building or enclosure required for a purpose incidental to the enjoyment of the dwellings or any hard surface, domestic heating storage container or microwave antenna shall be installed, constructed or placed within the curtilage of the dwellings, other than as may be shown in the approved drawings, unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason In order that any enlargement or alteration of the buildings and their curtilages may be considered on their merits, in relation to development plan policies and having regard to their impacts 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. Notwithstanding the provisions of Article 3, Part 7, Classes F, G, H and J of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, no extension or alteration of the flexible B1/B8 units hereby permitted (including the insertion of any additional window, door or other form of opening in any of the buildings and the internal subdivision or amalgamation of the units) or the provision or replacement of a hard surface within the curtilage of the buildings shall be carried out, unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason In order that any proposed alterations to the units and their curtilages may be considered on their merits, in relation to development plan policies and having regard to their impacts on the Green Belt, landscape, employment land, visual amenity, residential amenity and highway safety in accordance with Policy CS07 and Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

10. Notwithstanding the provisions of Article 3, Part 3, Classes O, P, PA and T of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order, the flexible B1/B8 units hereby permitted shall not at any time be used for any use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) or as a state-funded school or registered nursery, unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason In order that any other proposed uses of the buildings may be considered on their merits, in relation to development plan policies and having regard to their impacts on the Green Belt, landscape, employment land, visual amenity, residential amenity and highway safety in accordance with Policy CS07 and Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

11. None of the flexible B1/B8 uses hereby approved shall operate before 07.00 hours or after 19.00 hours on Mondays to Sundays.

Reason In the interests of residential amenity in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

12. None of the flexible B1/B8 uses hereby approved, including ancillary storage, shall take place within the site outside of the buildings, other than the loading or unloading of vehicles.

Reason In order to safeguard the openness of the Green Belt and in the interests of visual amenity and residential amenity in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

13. No external lighting shall be erected or placed within the site or on the buildings unless a specific grant of planning permission has been given by the Local Planning Authority.

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

14. Prior to above ground works a scheme for mitigating noise and disturbance between the approved flexible B1/B8 uses and the approved adjacent residential accommodation (laterally and vertically) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the approved residential units.

Reason In the interests of residential amenity in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

15. The door located within the rear elevation of Unit C7 shall only be used for emergency purposes and shall remain closed at all other times.

Reason In the interests of residential amenity in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

16. Prior to the occupation of any of the residential units or ground works or any above ground works commencing within the garden areas of the residential properties, a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

a) A site investigation based in the finding of the Phase 1 Desk Study (Lustre Consulting; July 2017), including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

d) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

e) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the Local Planning Authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

Reason To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

17. Prior to any above ground works commencing on site, a construction management plan, has been submitted to and approved, in writing, by the Local Planning Authority, which details shall show how the proposed works will minimise impacts to existing tenants. The development shall be carried out in accordance with the approved details.

Reason In the interests of the amenity of the occupiers of the existing business premises in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

18. Prior to the commencement of development an updated bat survey shall be carried out to determine the size and significance of any bat roost(s) within the site and that survey and its results together with a scheme to provide appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme should be fully implemented in accordance with the approved details prior to the first occupation of the development hereby permitted.

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

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 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.

2 EXTENT OF THE PERMISSION

For the avoidance of doubt this permission has been granted under section 73 of the Town and Country Planning Act 1990 to vary the conditions and amend the permission relating to the original grant of planning permission granted under reference 20170999. Either the amended planning permission or the original planning permission for the development or any other amended applications that may also have been granted permission may be implemented but the conditions on the permission chosen to be implemented must be fully complied with.

3 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).

4 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.

5 CRIME PREVENTION

The applicant is advised to contact the Kent Police Crime Prevention Design Advisory team to ensure that the development effectively addresses issues relating to crime prevention. This team can be contacted by telephone (01622 653234 or 01622 653209) or email (pandcr@kent.pnn.police.uk).

6 DISCHARGE OF PLANNING CONDITIONS

The applicants are advised that in respect of the amended permission hereby granted and the various planning conditions contained herein the Local Planning Authority will not expect the submission for discharge of any pre-commencement conditions relating to the development or relevant part of the development or pre-occupation conditions attached to this permission where such similar planning conditions have previously been approved and discharged relating to either the original grant of planning permission or any other amended applications that may also have been granted permission.

Dated: 13 December 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

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### 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](http://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.

### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.