

Application: 20240091

**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 Steve Chappell, Vineyard Farms Ltd
C/O Mr John Collins, DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent
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:

**Brookers Farm
Luddesdown Road
Luddesdown
Gravesend
Kent
DA13 0XE**

and being **Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, winery and vineyard workers, and other users of Brookers Farm.** Your application dated 5th February 2024 is permitted subject to the following:-

1. The development hereby approved shall be begun not later than 3 years following the date of this decision.

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 in accordance with the following schedule of approved plans:

Application form
Drawing no. G-01 (Site Location Plan)
Drawing no. G-02 (Ecological and Landscaping Plan)
Drawing no. H-01 Rev. P5 (Proposed Access Design and Parking Layout)
Planning Statement (dated 26/01/2024)
Preliminary Ecological Appraisal (ref. 2023/01/12 dated 27 January 2023)
MDCV UK/Vineyard Farms Ltd - Applicant Statement.

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

3. The materials used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details shown on Drawing no. G-02 (Ecological and Landscaping Plan).

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

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, recording, reporting and dissemination of the results, in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and in accordance with Policy CS20 of the Gravesham Local Plan: Core Strategy (2014).

5. No external lighting shall be installed on site unless details for such lighting have first been submitted to and approved in writing by the Local Planning Authority. Where the Local Planning Authority approved details of external lighting, the details approved shall be retained thereafter as approved.

Reason: In the interests of visual and residential amenity in National Landscape and in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014).

6. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use, the vehicle parking spaces shall be constructed in accordance with the detail shown on Drawing no. G-02 (Ecological and Landscaping Plan). Thereafter the vehicle parking shall be retained as approved.

Reason: In order to ensure an acceptable levels of parking provision, in accordance with adopted Policies T1 and P3 of the Local Plan First Review 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

7. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is first brought into use details shall be provided of the Electric Vehicle (EV) charging points and passive provision and shall ensure that at least 10% of the parking spaces are provided with Electric Vehicle (EV) charging points and a further 10% are provided with passive provision i.e., cabling / ducting. Each charging point should be able to accommodate a useable supply of 11KW or 22KW. Such provision shall be implemented prior to the first use of the development hereby permitted, and thereafter permanently retained and maintained.

Reason: To encourage the use of sustainable and more environmentally acceptable modes of transport, and in accordance with Policy CS11 and Policy CS19 of the Gravesham Local Plan: Core Strategy (2014).

8. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use, a soft landscaping scheme 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 and retained thereafter. Any trees or plants that die, are damaged, removed or become diseased within five years from the implementation of the soft landscaping scheme shall be replaced with trees or plants of a similar size and species during the next available planting season.

Reason: In the interests of the visual amenity of the development and having regard to the location of the site within and adjacent to a conservation area and to provide satisfactory screening to neighbouring properties, in accordance with adopted Local Plan Core Strategy Policy CS19: Development and Design Principles and to ensure that the landscaping is established and maintained in the longer term.

9. The parking area hereby permitted shall only for parking of vehicles by employees and other visitors in association with the business of Brookers Farm.

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

10. Any soft or hard landscaping treatment within a depth of 2.5 metres from the back edge of the highway, shall be maintained at a height of 1.05m maximum.

Reason: To protect pedestrian visibility splays in the interests of road safety in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

11. Prior to and during construction works the precautionary ecological mitigation within the Preliminary Ecological Appraisal (KB Ecology; January 2023) must be implemented as detailed.

Reason: To ensure that appropriate ecological mitigation measures are undertaken in the interests of amenity in the National Landscape and in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 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.

2 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].

3 BUILDING REGULATIONS 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 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.

5 ENVIRONMENT AGENCY

Although the Environment Agency have no comments on this planning application, the applicant may be required to apply for other consents directly from them. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult the Environment Agency website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

Drainage may be restricted in a Source Protection Zone or over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible. Developers should check <https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h> for Binding Rules information for small scale non mains discharges.

6 KCC HIGHWAYS

Informative: 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.

Should the development be approved by the Planning Authority, 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: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance> . Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

7 AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION(S)

In accordance with The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 02/04/2024 to the inclusion of the following pre-commencement conditions:

Condition 4 - Archaeological Field Evaluation.

Dated: 5 April 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Ms Taya Walton
AD Planning

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.