



PEFULZ

Application: 20211347

**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

To: **Mr T Billings
C/O Mr Jonathan Buckwell, DHA Planning Ltd
Eclipse House
Eclipse Park
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:

**Warren Hastings Court
Clifton Marine Parade
Northfleet
Gravesend
Kent**

and being **Application for the installation of windows and doors to the ground floor in support of prior approval application (20211359)**. Your application dated 2nd November 2021 is permitted subject to the following:-

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

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. Unless otherwise reserved for approval by a condition forming part of this permission, the development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application for planning permission form;
Drawing no. DHA/14980/01 Proposed site location plan;
Drawing no. DHA/14980/04 Existing northern and eastern elevations;
Drawing no. DHA/14980/05 Existing western and southern elevations and cross section;
Drawing no. DHA/14980/11 Proposed ground floor layout;
Drawing no. DHA/14980/12 Proposed northern and eastern elevations;
Drawing no. DHA/14980/13 Proposed western and southern elevations and cross sections;
Drawing no. DHA/14980/14 Existing block plan;
Drawing no. DHA/14980/15 Proposed block plan; and
Emails from the agent dated 04 and 20 January, 10 February and 01 March 2022.

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

3. The development hereby permitted shall not commence until details of all windows and doors have been submitted to and approved, in writing, by the Local Planning Authority. The approved details shall effectively mitigate against adverse noise impacts and adverse overlooking impacts to future occupiers and should take account of the location of the application site adjacent to the Lansdowne Square Conservation Area and the listed remains of Rosherville Pier. The development shall be built in accordance with the approved details.

Reason: In the interests of visual and residential amenity and in accordance with adopted Local Plan: Core Strategy Policies CS19 and CS20.

4. The parts of the bedroom windows within the northern elevation of the development hereby approved shown on approved drawing no. DHA/14980/12 as obscure glazed shall be installed and retained in perpetuity as obscure glazed, to a level at least equal to Level 3 on the Pilkington Scale.

Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Local Plan: Core Strategy Policy CS19.

5. All windows within the development hereby approved shall be non-openable and retained as such, in perpetuity.

Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Local Plan: Core Strategy Policy CS19.

6. The planning permission hereby granted shall only be implemented in conjunction with prior approval reference 20211359 in respect of the proposed change of use of the two ground floor units (Class E Commercial and Business Services) to four residential units (Class C3 (dwellinghouses)).

Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Local Plan: Core Strategy Policy CS19.

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 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 01 March 2022 to the inclusion of the following pre-commencement condition;

Condition 3 - window and door details.

3 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].

4 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].

5 PARTY WALL ACT 1996

Applicants are reminded of their responsibilities under the Party Wall Act 1996. This legislation is not taken into account when determining a planning application and independent advice should be taken in this regard. In the event of application of this legislation requiring change to the permitted scheme, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

6 CLARIFICATION REGARDING WINDOW AND DOOR DETAILS

Manufacturer's details for all the proposed windows and doors shown on drawing no. DHA/14980/12 (proposed northern and eastern elevations), drawing no. DHA/14980/13 (proposed southern and western elevations) and drawing no. DHA/14980/11 (proposed ground floor layout) should be submitted and approved prior to the commencement of the development. For clarification these details should include all proposed windows and doors in the elevations of the building surrounding the proposed entrances to the residential units as well as those in the northern, southern and eastern elevations.

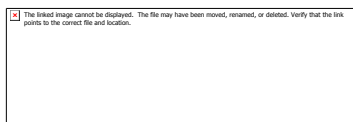
The submitted details shall ensure that the development is undertaken in accordance with the recommendations set out in section 5 of the noise impact assessment from MRL acoustics (ref MRL/100/1749.1v1) dated June 2021 and submitted with prior approval reference 20211359, as a minimum, to ensure that all habitable rooms of the dwellings meet the maximum values set out in table 4 of BS8233:2014 and The World Health Organisation 'Guidelines for Community Noise' as referenced in the Noise Impact Assessment.

7 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.

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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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](mailto: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.