



Application: 20211213

**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 and Mrs Bill Phelps
C/O Mr Alan Divall, Walsingham Planning
Bourne House
Cores End Road
Bourne End
SL8 5AR**

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:

**Tranklyn
Wrangling Lane
Luddesdown
Gravesend
Kent
DA13 0XF**

and being **Erection of replacement dwelling and associated works**. Your application dated 4th October 2021 is permitted subject to the following:-

1. **TIME LIMIT**

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. **APPROVED PLANS**

The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form received 4 October 2021.

Landscape and Visual Appraisal received 4 October 2021.

Design and Access Statement received 4 October 2021.

Cover letter received 4 October 2021.

Drawing no. OV/DB/WP/02 (block plans) received 4 October 2021.

Drawing no. OV/DB/WP/01 (proposed plans) received 4 October 2021.

Drawing no. OV/DB/WP/05 (Site location plan) received 4 October 2021.

Drawing no. OV/DB/WP/03 (existing plans) received 4 October 2021.

Drawing no. TGB/1710/1A (site survey) received 4 October 2021.

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

3. MATERIALS

All materials used externally shall match those listed in the submitted planning application form and Design and Access Statement received 4 October 2021.

Reason: To ensure the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy CS19 of the Gravesham Local Core Strategy 2014

4. HARD AND SOFT LANDSCAPING

Prior to above ground works, a scheme detailing the proposed hard and soft landscaping associated with the development shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include:

- (i) the type and species of planting to be carried out to include their quantity and size;
- (ii) measures to promote biodiversity enhancement to include planting of native and wildlife attracting species and installation of bat and bird nesting boxes;
- (iii) a timetable for implementation; and
- (iv) details of initial aftercare, long term maintenance and details for monitoring and remedial measures.
- (v) the extent of, and materials for all areas of hardstanding
- (vi) the type, materials, height and extent of any fences, gates, walls or other means of enclosure

The approved landscaping scheme shall thereafter be implemented in accordance with the approved timetable and maintained in accordance with the approved details. Any trees or plants that die, are damaged, removed or become diseased within five years from the date of planting shall be replaced with a species of a similar size and species during the next available planting season.

Reason: To ensure an acceptable standard of development upon completion through provision and long term management of soft landscaping and to enhance local provisions for wildlife and biodiversity to mitigate habitat lost by development, in accordance with adopted Gravesham Local Plan Core Strategy Policies CS12 and CS19.

5. FOUL AND SURFACE WATER SEWERAGE DISPOSAL

Prior to above ground works details of the proposed means of foul and surface water sewerage disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal; to ensure that the development does not contribute to, or is not put at risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and to ensure ongoing efficacy of the drainage provisions, in accordance with policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

6. LAND CONTAMINATION

The applicant shall undertake a watching brief during construction in case any land contamination issue is encountered. If during development any contamination is found, the Local Planning Authority shall 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 in accordance with Local Plan: Core Strategy Policy CS19 and paragraphs 174, 183 and 185 of the National Planning Policy Framework (2021)

7. PARKING

The development hereby approved shall not be occupied until the car parking and turning areas shown on the approved drawings have been fully provided and made available for use. These facilities shall be retained for use at all times thereafter.

Reason: To prevent parking on highway inconvenient to other road users or elsewhere on the site in the interests of highway safety, in accordance Local Plan: Core Strategy Policies CS11 and CS19 and saved policies P3 and T5 of the Local Plan First Review (1994).

8. REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the provisions of Classes A, B, D, E and F of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any provision equivalent to it in any statutory instrument revoking and re-enacting or replacing that Order, no enlargements to the dwellinghouse, including the roof of the dwellinghouse or the construction of any further outbuildings, shall occur.

Reason: In the interests of retaining adequate private amenity space for the future occupiers of the dwellinghouse, in accordance with Local Plan: Core Strategy Policy CS19.

9. DEMOLITION OF EXISTING DWELLING

The existing dwelling on the site shall be demolished and all arising materials shall be removed from the site within three months of the first occupation of the dwelling hereby approved.

Reason: To ensure that only one dwelling remains on the site, with sufficient amenities for future occupiers, in accordance with Local Plan: Core Strategy Policy CS19.

INFORMATIVES:-

1 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].

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 DRAINAGE/SEWERAGE INFORMATIVE

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.

4 SMOKE CONTROL

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed.

When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services by emailing: air.quality@gravesham.gov.uk

5 HIGHWAYS

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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 road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

6 PUBLIC RIGHTS OF WAY

Public Rights of Way NS310 runs to the east of the site and may be affected by the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

7 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.

8 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.

Dated: 15 December 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



~~~~~

### **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.