

Application: 20221327

**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: **McCarthy & Stone Retirement Lifestyles Ltd. And Gravesend Rugby FC
C/O Mrs Laura Jackson, 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:

**Gravesend Rugby Football Club
Donald Biggs Drive
Gravesend
Kent
DA12 2TL**

and being **New floodlighting to a natural turf rugby pitch including installation of four (4 no.) 10m high floodlight columns and relocation of four (4 no.) Existing lighting columns to proposed new pitch.** Your application dated 15th December 2022 is permitted subject to the following:-

1. The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

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 complete accordance with the following approved plans and particulars:

Application form;
Covering letter;
Lighting details;
100 Lux Lighting Design;
Drawing no. 01 (site location plan);
Drawing no. 02 (existing site plan);
Drawing no. 03 (proposed site plan);
Drawing no. 04 (existing sports pitch site plan);
Drawing no. 05 (proposed sports pitch site plan);
Drawing no. GRFC E1 (column elevations);
Drawing no. GRFC S3 (lighting spillage results); and
Drawing no. GRFC S4 (lighting spillage contours).

3. The floodlighting hereby permitted shall only operate between the hours of 16.00 hours and 21:30 hours on weekdays and Saturdays and not at all on Sundays.

Reason: In order to safeguard the living conditions of the occupants of nearby residential dwellings.

4. Following the implementation of the lighting scheme hereby permitted no additional luminaires shall be affixed to the floodlighting columns unless a specific grant of permission has been given by the Local Planning Authority.

Reason: In order to safeguard the living conditions of the occupants of nearby residential dwellings.

5. No development approved by this permission shall commence until a suitable report detailing and explaining the lighting impact of the lights on neighbouring light sensitive properties surrounding the site until a lighting impact assessment has been carried out submitted to and approved in writing by the Local Planning Authority. The report shall confirm compliance with The Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light such that its impact on existing and permitted residential properties is not greater than those referred to in Environmental Zones found in Table 2 of the ILP guidance notes.

The report shall include suitable predictions of light intrusion on the vertical plane demonstrating and explaining:

- The source intensity at predicted and existing light sensitive properties' windows (the maximum source intensity to be seen by looking at any of the development's lights);
- The vertical illuminance at light sensitive properties' windows (how much light falls onto a window).

Reason: To safeguard conditions of amenity in accordance with Policy CS19 of the Core Strategy 2014.

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 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.

4 **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 29/03/23 to the inclusion of the following pre-commencement conditions:

Condition 5 - Lighting Impact Assessment.

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.

Dated: 6 April 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (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.