



Application: 20201270

**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 Barry Maclellan
C/O Mr Keith Rogers, KCR Design
6 Chada Avenue
Gillingham
ME7 4BN**

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:

**23 Elm Road
Gravesend
Kent
DA12 5LE**

and being **Erection of an annex to the rear of the property, for use incidental to the main dwelling and a vehicular crossover and off road parking to the front.** Your application dated 4th January 2021 is permitted subject to the following:-

1. The development to which this permission relates must be begun not 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 accordance with the following approved plans:

- Application form (Received 04 January 2021);
- Drawing No 01 Revision A - Existing and Proposed Block Plans (Received 17 January 2020);
- Drawing No N/A - Site Location Plan (Received 04 January 2021); and
- Drawing No N/A - Site Location Plan (Received 02 December 2020).

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

3. The outbuilding hereby permitted as an annexe living accommodation shall be occupied by persons related to a resident of the main dwellinghouse at any time, and in a manner in conjunction with the original dwellinghouse at no. 23 Elm Road, Gravesend, as a (combined) single planning unit and shall not be used, let or sold at any time as a self contained, separate unit of living accommodation.

Reason A separate unit of accommodation would be inappropriate on this site and in accordance with Policies CS02 and CS19 of Gravesham's Local Plan Core Strategy (2014).

4. No external lighting shall be erected or placed within the rear garden area or on the outbuilding hereby permitted without the prior written permission of the Local Planning Authority having first been obtained.

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

5. Notwithstanding the provisions of Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any provision equivalent to those classes in any Order revoking or re-enacting that Order) no gate, fence or other means of enclosure shall be erected or constructed on the site which would have the effect of subdividing the existing residential curtilage

Reason To safeguard against subdivision of the existing single residential curtilage that would facilitate independent occupation of the extension, as a separate unit of accommodation would be inappropriate on this site, in accordance with Policies CS02 and CS19 of Gravesham's Local Plan Core Strategy (2014).

6. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any provision equivalent to that Classes in any statutory instrument revoking and re-enacting that Order), no additional doors, windows or other openings, no enlargement, or installation of any microwave antenna, shall be carried out to the annexe building hereby approved without the grant of further specific planning permission from the Local Planning Authority.

Reason In order that any further enlargement, improvement or other alteration of the annexe building may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits, having regard to adopted planning policy and guidance, and the amenity of nearby residents and in accordance with Policy CS19 of Gravesham's Local Plan Core Strategy (2014).

7. Within three months of the development commencing, a scheme detailing the proposed 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) a timetable for implementation; and
- (iii) details of initial aftercare, long term maintenance and details for monitoring and remedial measures.

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 As no information was provided with the application, and to ensure an acceptable standard of development upon completion through provision and management of soft landscaping, in accordance with adopted Gravesham Local Plan Core Strategy Policies CS12 and 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) 2019, 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 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 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 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: 1 March 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU


Planning Manager (Development Management)
Planning & Regeneration Services

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.**
- 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:

- 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
- 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 –

- an application for change of use;
- 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.

Gravesham Borough Council