



Application: 20230067

**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 Adrian Cox
C/O Mr Benjamin Wood, BWW Architects Limited
93 Old Dover Road
Canterbury
Kent
CT13RX
United Kingdom**

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:

**104 & 106 Jubilee Crescent
Gravesend
Kent
DA12 4AE**

and being **Erection of replacement dwellings to number 104 and 106, Jubilee Crescent following the two existing dwellings being destroyed from fire damage in June 2022.** Your application dated 26th January 2023 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. 22412_01 - Ground Floor Plan;
- Drawing no. 22412_02 - First Floor Plan;
- Drawing no. 22412_03 - Loft Plan;
- Drawing no. 22412_04 - Roof Plan;
- Drawing no. 22412_05 - Elevations;
- Drawing no. 0032A_01 - Site Location Plan;
- Drawing no. 0032A_02- Existing Block Plan;
- Drawing no. 0032A_05 - Proposed Site Plan;
- Drawing no. 0032A_10 - Proposed Ground and First Floor Plans;
- Drawing no. 0032A_11 - Proposed Second Floor and Roof Plans;
- Drawing no. 0032A_15 - Proposed Front and Rear Elevations;
- Drawing no. 0032A_16 - Proposed Side Elevations;

- Drawing no. 0032A_20 - Proposed Artist's Impression; and
- Design and Access Statement.

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

3. Notwithstanding the details included on the application form and approved plans the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwellings (before the damage) and the rest of the dwellings in the terrace.

Reason: To ensure a satisfactory visually attractive development which protects the character of the area in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

4. There shall be no ground floor sleeping accommodation.

Reason: To reduce the risk to life from flooding in accordance with Policy CS18 of the Gravesham Local Plan Core Strategy (2014).

5. Notwithstanding the provisions of Article 3, Part 1 Classes A, AA, B, C, E & G of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended or any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order, with or without modification, no enlargement, improvement or other alteration of the dwellings hereby approved shall be carried out, or any additional storeys, dormers, rooflights or other roof alterations shall be constructed, installed or carried out, or the provision of any building or enclosure for a purpose incidental to the enjoyment of the dwellings provided and there shall be no installation, alteration or replacement of a chimney, flue or soil and vent pipe.

Reason: In order that any further development at these properties be the subject of a planning application that the Local Planning Authority would wish to determine on its merits in regard to CS19 of Gravesham Local Plan Core Strategy (2014).

6. Notwithstanding the provisions of Article 3, and Part 1 Classes A and G 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 statutory instrument revoking and re-enacting that Order, no further windows, doors, roof lights or other openings other than those shown in the approved plans, shall be formed at any time in the dwellings hereby permitted.

Reason: In order to safeguard the amenity and privacy of the occupants of the neighbouring properties in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

7. The parking space provision for the two dwellings hereby permitted shall be as per the existing situation for both dwellings.

Reason In order to ensure adequate parking provision for the parking of private motor cars in accordance with saved Policy P3 of the Gravesham Local Plan First Review (1994).

8. Any window serving a bathroom/wc/ensuite must be fitted with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) only at all times.

Reason: To prevent undue overlooking of the adjoining residential property in accordance with Policy CS19 of the Local Plan Core Strategy (2014).

9. The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the Local Planning Authority should 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 and in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan 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 SMOKE CONTROL INFORMATIVE

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 air.quality@gravesham.gov.uk

5 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.

6 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: 23 March 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.