

Application: 20220733

**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: **FM Conway Limited
C/O Mr George Massingham, PDE Consulting Limited
6 Forbes Business Centre
Kempson Way
Bury St Edmunds
IP32 7AR**

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:

**FM Conway
Imperial Wharf
Clifton Marine Parade
Gravesend
Kent
DA11 0DY**

and being **the installation of two additional bitumen tanks, load out gantry and the installation of a bitumen emulsion plant and alternative car parking**. Your application dated 11th July 2022 is permitted subject to the following:-

Time Limit

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.

Approved Plans

2. The development hereby approved shall be carried out in accordance with the following schedule of approved plans:
 - Application Form (30 June 2022)
 - Covering Letter from PDE Consulting Ltd dated (30 June 2022)
 - Planning Application Supporting Statement by PDE Consulting Ltd (30 June 2022)
 - Landscape and Visual Impact Assessment produced by Kedd Limited (April 2022)
 - Transport Statement produced by The Hurlstone Partnership (June 2022)
 - Flood Risk Assessment produced by BCL Hydro (May 2022)
 - Surface Water Drainage Strategy produced by Ambiental (May 2022)

- Ground Condition Desktop Study produced by Ground Condition Consultants Limited (November 2022)
- Preliminary Ecological Appraisal produced by Wilkinson Associates (June 2022)
- Cultural Heritage Assessment produced by Andrew Josephs Associates (May 2022)
- Noise Assessment produced by WBM Limited (30 May 2022)
- Air Quality and Odour Assessment produced by Tetra Tech Limited (December 2022)
- Supplementary Information - Letter from PDE Consulting Ltd to the Environment Agency (01 November 2022)
- Supplementary Information - Proposed Flood Wall Concrete Barrier (Drawing by JP Concrete) (01/11/2019)
- Supplementary Information - Imperial Wharf Flood Defence Structural Inspection Report by Frankham Consultancy Group Limited (October 2022)
- Supplementary Information - Imperial Wharf Flood Defence Kerb Design - General Arrangement Kerb (Rev. P02) by Frankham Consultancy Group Limited (November 2022)
- Supplementary Information - Technical Note from Tetra Tech re Air Quality re Air Quality (12 December 2022)
- Supplementary Information - Response to Environment Agency on Flood Defences (27 February 2023)
- Supplementary Information - Letter of Clarification in respect of odour emissions on site by PDE Consulting Ltd (28 April 2023)
- Supplementary Information - Response to Environmental Protection comments by PDE Consulting Ltd (11 July 2023)
- Drawing Number KD.IMP.D.001: Location Plan (scale 1:25000)
- Drawing Number KD.IMP.D.001: Location Plan (scale 1:1250)
- Drawing Number KD.IMP.D.003: Current Situation / Immediate Site Context
- Drawing Number KD.IMP.D.004A: Proposed Development
- Drawing Number KD.IMP.D.005: Elevations - Proposed Silos, Bund Wall & Oil Heater
- Drawing Number KD.IMP.D.010: Emulsion Plant & Tanks
- Drawing Number KD.IMP.D.011: Truck Loading System.

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

Pre-commencement Condition(s)

Construction Environmental Management Plan (CEMP)

3. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The document shall cover all environmental impacts from the clearance and construction phases of this development including details of the following, as well as any other measures deemed reasonably necessary:
 - (a) Suitable mitigation measures to minimise noise pollution and vibration during the construction phase including the insulation of fixed plant and the silencing of vehicles and mobile machinery.
 - (b) A Dust Management Plan to minimise emissions to air and to prevent nuisance from wind-blown dust including fencing and the dampening down with water of excavated construction and cover materials on site, and other areas traversed by plant vehicles and machinery.
 - (c) A Construction Traffic Management Plan covering:
 - Means of direct access to the site from the adjoining maintainable public highway;
 - Surface treatment of the access to avoid spill of migratory material on to the maintainable public highway;
 - Details of numbers and routeing of construction and delivery vehicles to / from site;
 - Timing of deliveries and waste movement;

- Loading and unloading of plant and materials away from the maintainable public highway;
 - Parking and turning areas for construction and delivery vehicles and site personnel;
 - Type and location of wheel washing and chassis cleaning facilities;
 - Temporary traffic management / signage.
- (d) Details of the location of the proposed construction compound.
 - (e) Details of security fencing and other site security measures.
 - (f) Details of stockpile areas for building materials or for fill or removed topsoil.
 - (g) A Construction Drainage Design Plan to identify the required devices to prevent construction run off from flowing into existing drainage.
 - (h) Ecological mitigation measures.
 - (i) Measures to be undertaken to protect any public sewers and water apparatus.
 - (j) Details of vibration monitoring and mitigation during any necessary piling works.
 - (k) Details of the location, form and visual appearance of any site hoardings along road frontages and footpaths including decorative displays and facilities for public viewing, where appropriate.
 - (l) Details of pest control.
 - (m) Details of temporary construction or security lighting; and
 - (n) Monitoring and review provisions with the Local Planning Authority.
 - (o) A Community Engagement Strategy covering how local residents, community groups and businesses will be kept informed about the development and construction timetable and works taking place, until completion of the development.

The construction of the development shall adhere at all times and be carried out in full accordance with the relevant approved document or any subsequent variations that may be approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable programme of all works is set out from the commencement of development, to demonstrate that the free flow of traffic on the highway and to minimise the impact on local residents and businesses, in accordance with Policies CS11, CS12 and CS19 of the Gravesham's Local Plan: Core Strategy (2014).

Sustainable Surface Water Drainage

4. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the Surface Water Drainage Strategy prepared by AEA dated May 2022 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with Policies CS18 and CS19 of the Gravesham's Local Plan Core Strategy (2014).

Surface Water Drainage Verification Report

5. No development shall take place until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (2023).

Archaeological Watching Brief

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined, recorded, interpreted and information displayed and disseminated appropriately in accordance with Policy CS20 of Gravesham's Local Plan: Core Strategy (2014) and Section 16 of the National Planning Policy Framework (2023).

Hard Landscaping Scheme

7. No development shall take place until details of the proposed hard landscaping to include the proposed surface and boundary treatments, security gates and means of demarcating the car parking spaces, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to first occupation of the development and thereafter retained in good order during the lifetime of the development.

Reason: To maintain the character and appearance of the site and to ensure a satisfactory visual relationship in accordance with adopted Policy CS19 Gravesham's Local Plan: Core Strategy (2014).

Car parking spaces

8. No development shall take place until the car parking spaces indicated on 'Drawing Number KD.IMP. D.004A' are formed, surfaced and suitably demarcated (in accordance with the hard landscaping scheme to be approved pursuant to condition 5). Thereafter the parking spaces shall be kept available for such use and no development shall be carried out that would preclude their use for car parking.

Reason: That the development without the provision for adequate accommodation for the parking or garaging of a private motor car or cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity and in accordance with Saved Policy P3 of Gravesham's Local Plan First Review (1994).

Pre-Operational Condition(s)

Odour Management

9. Prior to commissioning and operation of the new plant the applicant is required to draft and submit an odour management plan for the prevention, identification and resolution of odour impacts on the community, to the LPA for approval. It is expected that the plan include the following as a minimum, or words to affect the same outcome:
- (a) Suitable and sufficient techniques taken from the Defra Process Guidance Note 6/42 (13) for the Bitumen Processes with particular reference to sections 5.1 and 5.8 to 5.11.
 - (b) Measures to ensure that once the site becomes operational there are no visible airborne emissions from any part of the plant at any time.
 - (c) There shall be no offensive odour beyond the site boundary, as perceived by GBC.
 - (d) Monitoring to identify the origin of a visible emission shall be undertaken using one or more of a variety of a number of indicative techniques.
 - (e) The plant shall be installed and operated in accordance with supplier recommendations, so as to minimise the release of odour.
 - (f) Visual checks of all locations that are potentially the source of leaks especially airborne emissions. The time, location and result of the checks, along with weather conditions such as indicative wind direction and strength, shall be recorded. The aim being to prevent any visible air borne emission from any part of the plant. For unmanned sites other suitable checks shall be implemented e.g. suitable CCTV should be installed so as to carry out daily visual checks remotely.
 - (g) Where there are problems that, in the opinion of the Council, may be attributable to the installation, such as local complaints of visual emissions or odour being detected beyond the site boundary, operations shall cease immediately and operator shall investigate the source of the odour emissions in order to find out which part of their operation is the cause.
 - (h) While problems are ongoing, a visual check shall continue to be made at least once per day, by the operator. Once the source of the emission is known, corrective action shall be taken without delay.
 - (i) Where it is installed any odour arrestment equipment shall be inspected at least once a day to verify correct operation and to identify any malfunctions. Depending upon the type of any arrestment plant used this inspection shall include the identification of any leaks in air handling equipment and ductwork. The operator shall keep records of inspections, tests and monitoring:
 - Records shall be kept on site and made available for the regulator to examine;
 - Records shall be kept by the operator for at least two years.
 - (j) In the case of abnormal emissions, malfunction or breakdown leading to abnormal emissions the operator shall:
 - Investigate the source of the odour emissions and undertake remedial action immediately;
 - Cease operation of the site immediately;
 - Promptly record the events and actions taken; and
 - Inform the regulator without delay.

Reason: To ensure that a suitable monitoring plan and programme is in place to prevent, identify and resolve any odour issues in the interest of amenity in accordance with Policy CS19 of Gravesham's Local Plan: Core Strategy (2014).

Flood Risk

10. Before the proposed emulsion plant, emulsion tanks and truck loading system are operational, improvements must be made to the tidal Thames flood defences in accordance with the letter provided by PDE Consulting Limited (named: GM.006, reference: 20/010/GM/23/006, dated: 27 February 2023, signed by: George Massingham). These improvements must include as a minimum:

- Provide a site tidal flood defence crest level of no less than 7.00m Above Ordnance Datum.

- A vehicle crash barrier will be constructed adjacent to the tidal flood defence in the proposed HGV parking and circulation area.
- No part of the development will encroach closer than the distances stated in the referenced letter.

Reason: To prevent an increased risk of flooding, to ensure that the development is appropriately protected from flooding, in line with Section 14 of the National Planning Policy Framework (2023), and to enable the inspection of flood defence assets.

Contamination

11. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of Section 15 of the National Planning Policy Framework (2023).

Lighting

12. Prior to the completion of the development hereby approved, an ecologically sensitive lighting plan shall be submitted to and approved in writing by the local planning authority.

The plan shall:

- a) Identify any areas / features on or off site that are particularly sensitive to light disturbance for ecological features; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not have any significant effect upon biodiversity features.

All lighting shall be installed in accordance with the specifications and locations set out in the plan, and these shall be maintained thereafter in accordance with the plan. Under no circumstances should any other lighting be installed without prior to consent from the Local Planning Authority.

Reason: To ensure that ecological interests will be fully conserved and enhanced in accordance with Section 15 of the National Planning Policy Framework (2023).

Biodiversity Enhancement

13. Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: To ensure that ecological interests will be fully conserved and enhanced in accordance with Section 15 of the National Planning Policy Framework (2023).

On-going Condition(s)

Piling

14. No piling or any other foundation designs using penetrative methods shall be undertaken without the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution requirements of accordance with Section 15 of the National Planning Policy Framework (2023).

Odour Survey

15. Within three months of the completion of the development an odour survey is to be undertaken in accordance with the methodology outlined within the Odour Survey Plan produced by Tetra Tech, dated 28 April 2023, and submitted to Gravesham Borough Council for approval. The assessment shall be undertaken under conditions representative of the worst-case scenario. Should any issues be identified during the assessment, then the Operator will undertake appropriate investigations and any remedial actions intended to be undertaken shall be outlined in writing to Gravesham Borough Council and implemented as soon as practicably possible to resolve the odour impact. The odour survey shall be repeated in the event of any future justified odour complaints, with the necessary works to resolve the odour/potential odour implemented as soon as practicably possible to resolve the matter.

Reason: In the interest of amenity in accordance with Policy CS19 of Gravesham's Local Plan: Core Strategy (2014).

Drainage System

16. No drainage system for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning Gravesham Borough Council End authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of Section 14 of the National Planning Policy Framework (2023).

Use

17. The storage tanks as hereby permitted shall be used for and operated only for the storage of bitumen in connection with the operation of the existing Imperial River wharf and deep water jetty as a terminal for the importation, storage and distribution of bitumen.

Reason: In order that any other proposals for the use of or operation of the storage tanks may be subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to issues of local amenity, traffic safety and the prevailing planning policies.

Noise

18. The background (LA90) noise level in the absence of the ancillary equipment operations including activated carbon filter unit and mixing plant shall not be exceeded at the boundary of any noise sensitive receptor by more than 3dB. Any measurement carried out shall be made with reference to BS4142:2014.

Reason: In order to protect the residential amenity of nearby residents and pursuant to Policy CS19 of Gravesham's Local Plan: Core Strategy (2014).

Additional Lighting

19. No additional lighting shall be erected on the site or on the bitumen tanks hereby permitted unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason: In order to protect the residential amenity of nearby residents and pursuant to Policy CS19 of Gravesham's Local Plan: Core Strategy (2014).

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) 2023, 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 FOR THE AVOIDANCE OF DOUBT - 'CEASE OF OPERATIONS'

The 'Cease of Operations' as referenced in Condition 5 (Odour Management Plan) does not require the draining/emptying of the tanks, but requires the ceasing of any deliveries of bitumen to the site and no filling of any tankers.

5 CODE OF PRACTICE FOR CONSTRUCTION/DEMOLITION SITES WITHIN THE BOROUGH OF GRAVESHAM

This Code of Practice relates to all building sites in Gravesham and is given to ensure best practice is achieved equally throughout the borough. All aspects of the code apply to every building site and will only be altered on an individual basis if there are found to be special circumstances on that particular site. Any amendment made will be in writing by an authorised officer of the Environmental Health Department. The following circumstances are given where consideration will be given to a variation in the Code of Practice:-

- a) Where occupiers of noise sensitive properties are unlikely to be affected by the works.
- b) Where the work cannot be carried out during the hours specified because of the requirements of another authority such as the emergency services, utilities, traffic management authorities etc.

c) Where the site location is isolated or where the works are in a mainly commercial/industrial area with few residential properties.

In all the above cases the onus will be on the applicants to provide written justification as to why the code should be varied. When making such a statement the applicant must include the following information where appropriate:-

- i) Location, nature and duration of works.
- ii) Measured/predicted noise levels and background levels.
- iii) Measured/predicted vibration levels.
- iv) Proximity and numbers of residential properties.
- v) Evidence of public consultation/information to persons likely to be affected.
- vi) Written evidence from the appropriate authority (in instances where b) above applies).

In order for adequate consideration to be given by this Council to a request for deviation from the Code of Practice, any proposal must be provided in writing to the Environmental Health Services Manager at least fifteen working days prior to the works starting.

On developments where construction/demolition is undertaken on contaminated land, work will be required to be carried out in a way which will be specified within conditions of the site's planning approval.

The requirements of this Code of Practice should prevent unnecessary disturbance to nearby residents. In the event of a nuisance being caused due to work not being carried out in an appropriate way, the council may take enforcement action to resolve the situation.

Please note compliance with Health and Safety requirements arising from construction/ demolition work shall be given priority over this Code of Practice.

BURNING OF MATERIAL

It is expected that no burning of materials shall take place on a construction or demolition site. Where the contractor is of the opinion that this is unavoidable he shall make representations to the council for consideration. No burning will be allowed to take place without written authority from a suitably authorised officer of the council. Any burning so authorised will be subject to strict controls which will include, amongst other matters, the following:-

- A strict control on the amount of material burnt at any one time.
- Burning is carried out under the direct and continuous supervision of the person responsible for the site or a person authorised to act on his behalf.
- All material shall be kept dry prior to being burnt.
- The wind shall be positively blowing away from nearby residential or other sensitive buildings. Where this is not possible burning shall take place in still weather.

NOISE AND VIBRATION

Where sensitive premises are likely to be affected by noise and/or vibration, all works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the council, shall be carried out only between the following hours (these to be known as normal working hours) : -

Monday - Friday 08:00 - 18:00

Saturdays 08:00 - 13:00

Sunday and Bank Holidays. No works audible at the site boundary or any other place agreed by the council.

In addition to the above times the contractor may use up to one hour before and up to one hour after normal working hours for start up and close down of activities. Examples of these activities would be:

- a) Day to day maintenance, checking, lubrication and cleaning/washing down of plant and machinery.
- b) Refuelling of plant and machinery (from on-site storage facilities only).
- c) Deliveries and unloading.
- d) Site inspections and safety checks, but excluding any works necessary to make the working zone and/or construction site safe (which are to be undertaken within normal working hours).
- e) Arrival and departure of workforce and staff at the construction site, but only in so far as the arrival and departure times provide for the minimum time necessary to undertake the tasks allowed by these start up/close down activities.
- f) Site meetings.
- g) Site clean up.

NB The start up and close down periods are not to be regarded as an extension to the normal working day.

Where the site boundary/entrance is located adjacent to noise sensitive areas it must be ensured as far as possible that vehicles do not arrive on site outside the times laid out above. Where this is found not to be possible, drivers of vehicles arriving at the site before it is open must not leave the vehicle's engine running or cause other excessive noise/pollution whilst they are waiting.

On the site itself, best practicable means as defined in section 72 of the Control of Pollution Act 1974 to reduce noise to a minimum shall be employed at all times.

Compliance with BS5228 Part 1:1997 'Noise control on Construction & Open sites' is expected as a minimum standard. This requires amongst other things that all plant and machinery in use shall be properly silenced, maintained and used in accordance with the manufacturer's instructions.

Criteria and procedures for vibration control are assessed using different parameters as follows:

- * Vibration Dose Values (VDVs) are used to protect the occupants and users of buildings from disturbance. (VDVs are defined in BS 6841 and their application is discussed in BS 6472).
- * Peak Component Particle Velocity is used to protect buildings from risk of physical damage. These are assessed in accordance with BS 7385.

Best Practicable means shall be used to control vibration levels so that the following Vibration Dose Values measured on a normally loaded floor in accordance with BS 6472:1994 are not routinely exceeded as a result of works.

Building Type	Period	VDV (ms ^{-1.75})
Residential Buildings, Educational Establishments, Offices and similar	Normal working hours	0.4
Commercial	Normal working hours	0.8

Best Practicable Means shall be used to control Peak Component Particle Velocity measured at the base of any building in accordance with BS 7385 does not routinely exceed a level of 10 mm/s.

In instances where complaints of vibration are received within any adjacent property then the contractor shall immediately take all measures necessary to demonstrate that the vibration levels are below the limits shown in the paragraphs above.

Where the results of any monitoring indicate non-compliance with the limits stated above, the contractor shall immediately change the method of working, and/or the plant being used. Prior to the work recommencing, the contractor shall satisfactorily demonstrate that the new arrangements satisfy the vibration limits.

DUST

Dust suppression techniques shall be used on site where significant quantities of spoil or fine aggregates are stored and/or where the site location is such that it is likely persons living in residential properties are going to be affected by wind blown dust.

Spoil temporarily placed on site shall be located as far away from sensitive properties as possible. The height of stored material shall be kept as low as is practical and water sprayed onto the surface of the piles shall be used as appropriate to keep the surface damp.

Where longer term storage of fine aggregates and other potentially dusty material is necessary, suitable storage facilities shall be used where practicable in order to screen these materials from the wind. This stored material shall be located so that it is as far away from sensitive properties as possible and measures to prevent wind blown dust shall be adopted. These shall include:-

- * keeping the height of stock piles as low as possible,
- * using water sprays as appropriate whilst minimising the production of excessive runoff,
- * minimising the re handling of dry construction materials and spoil,
- * keeping the loading drop heights to as low as possible,
- * where appropriate applying the surfaces of roads on site with water sprays as necessary and/or using wheel-washing facilities,
- * all materials transported to and from the site shall be conveyed by suitable vehicles in enclosed containers or using other adequate wind shielding measures such as sheeting.

The person responsible for the site shall keep on site a daily log book which will be available to visiting authorised officers and shall list the following:-

- * the conditions on site,
- * whether any wind blown dust was visibly coming off the site,
- * what control measures were carried out, and
- * what the results of these were.

COMMUNICATION

It shall be a matter of priority for a contact name and telephone number to be set up in order to enable ready two-way communication and contact with the council and local residents. In cases where work likely to cause a disturbance is to be carried on out of normal working hours, the phone line would be manned whilst the work is ongoing.

LIGHTING

Where security and/or site lighting is used, this shall be located and directed or screened so that it does not cause undue intrusion to adjacent occupied residential properties, or sensitive areas, or constitute a road hazard, and shall be chosen to limit light pollution effects such as "glow in the sky".

6 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 01/09/2023 to the inclusion of the following pre-commencement conditions:

- Condition 3 - Construction Environmental Management Plan (CEMP)
- Condition 4 - Sustainable Surface Water Drainage
- Condition 5 - Surface Water Drainage Verification Report
- Condition 6 - Archaeological Watching Brief
- Condition 7 - Hard Landscaping Scheme
- Condition 8 - Car Parking Spaces.

Dated: 11 September 2023

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.