



Application: 20221239

**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 J and L King
C/O Mr Steve Clarke, Graham Simpkin Planning Ltd
2 The Parade
Ash Road
Hartley
DA3 8BG**

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:

**Long Acre
Pear Tree Lane
Shorne
Gravesend
Kent
DA12 3JT**

and being **Demolition of existing detached dwelling and erection of replacement dwelling and associated works including landscaping, removal of existing outbuildings and swimming pool, a re-sited pedestrian and vehicular access from Pear Tree Lane and the stopping-up of the existing access.** Your application dated 21st November 2022 is permitted subject to the following:-

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

Covering letter
Application form
Planning, Design and Access Statement
Preliminary Ecological Appraisal (by Calumma Ecological Services dated 23 February 2022)
Bat and Reptile Survey (by Calumma Ecological Services dated 9 September 2022)
Countersigned IACPC certificate for Great Crested Newt DLL scheme
Drawing no. 3568.01 (Site Location Plan)
Drawing no. 3568.02 (Existing Block Plan)
Drawing no. 3568.03 (Existing Ground Floor Plan)
Drawing no. 3568.04 (Existing First Floor Plan)

Drawing no. 3568.05 (Existing Elevations 1)
Drawing no. 3568.06 (Existing Elevations 2)
Drawing no. 3568.07 (Proposed Ground Floor Plan)
Drawing no. 3568.08 (Proposed First Floor Plan)
Drawing no. 3568.09 (Proposed Basement Plan)
Drawing no. 3568.10 (Proposed Roof Plan)
Drawing no. 3568.11A (Proposed Block Plan)
Drawing no. 3568.12 (Proposed Elevations 1)
Drawing no. 3568.13 (Proposed Elevations 2)
Drawing no. 3568.14 (Proposed Section A-A)
Drawing no. 3568.15 (Comparison of Proposed and Existing with LDC)
Drawing no. 3568.16 (Comparison of Proposed and Existing Elevations)
Drawing no. 22/04A (Topographical Survey)

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

3. Prior to the commencement of any above ground works, details and/or samples of all external facing materials to be used on the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

4. Following the demolition of the existing dwelling and prior to any ground works taking place, a plan shall be submitted to the Local Planning Authority for approval showing full details of hard landscaping and surface finishes for the development, including details of a porous access drive and car parking area, any patio areas, any screening or boundary treatment by walls, fences or other means and any steps. The scheme shall be constructed in accordance with the approved details and completed, in its entirety, prior to the first occupation of the dwelling hereby permitted.

Reason: In order to protect and enhance the appearance and character of the site and locality in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

5. Following the demolition of the existing dwelling and prior to any ground works taking place, a soft landscaping scheme shall be submitted to and approved in writing by the plan shall be submitted to and approved in writing by the Local Planning Authority, detailing the following:

- The location of every tree on site, their species, the extent of crown spread and an assessment of their health and stability.
- Details of those trees to be retained and those to be removed.
- Details of hedgerow planting.
- Details of additional native tree and shrub planting within the site to include their quantity, size and arrangements for aftercare.
- Details of location for hedgehog boxes and log piles.

Any identified trees or plants that die, are damaged, removed or become diseased within five years from the first occupation of the dwelling hereby permitted shall be replaced with a species of a similar size and species during the next available planting season. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of appearance upon the completion of the development and to ensure no net loss of biodiversity in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

6. In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

a) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

b) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with British Standard 5837:2012 and details submitted to and approved by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of demolition and development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

7. Prior to the demolition of the pump house, a bat mitigation strategy based on the information within the Bat and Reptile Survey (Calumma Ecological Services; September 2022), and including the location of the bat box within the roof void, must be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy must be implemented as approved unless varied by a European protected species licence issued by Natural England, and shall be maintained thereafter.

Reason: In the interests of biodiversity and in accordance with the provisions set out under Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

8. 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 in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

9. Prior to the first occupation of the dwelling, a detailed lighting plan must be submitted to and approved in writing by the Local Planning Authority. It must demonstrate that the lighting plan has been designed in accordance with Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' guidelines (or subsequent editions/updates) and the replacement bat roosts will not be impacted by artificial lighting. The plan must be implemented as approved and maintained thereafter.

Reason: In order to limit the impact of the lighting on wildlife with regard to Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

10. The development hereby approved shall be carried out at all times in accordance with the recommendations set out in the Preliminary Ecological Appraisal dated 23 February 2022 by Calumma Ecological Services.

Reason: In the interests of ecology and in accordance with the provisions set out under Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

11. Notwithstanding the provisions of Article 3 and Classes A, B, C and E of Schedule 2 to Part 1 of the Town and Country Planning (General Permitted Development) 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 dwelling hereby permitted shall be carried out, including any alterations to the roof, including the installation of dormers and rooflights, and no additional buildings required for a purpose incidental to the enjoyment of the dwelling shall be provided in the curtilage of the dwelling house without the approval in writing by the Local Planning Authority.

Reason: In the interests of maintaining the openness of the Green Belt in accordance with Policy CS02 of the Gravesham Local Plan Core Strategy 2014 and the National Planning Policy Framework 2021.

INFORMATIVES:-

1 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:-

- o A strict control on the amount of material burnt at any one time.
- o 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.
- o All material shall be kept dry prior to being burnt.
- o 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".

2 MAINS DRAINAGE

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.

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 BUILDING REGULATIONS CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

5 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.

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.

Gravesham Borough Council