

Application: 20230225

**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 T Raif
C/O Mr Simon McKay, SJM Planning Limited
Unit 4, The Old Granary
Strettit Farm
Snoll Hatch Road
East Peckham
TN12 5EE**

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:

**Westwood
38 Rhododendron Avenue
Meopham
Gravesend
Kent
DA13 0TT**

and being **Demolition of existing dwelling and erection of replacement dwelling**. Your application dated 14th March 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 for planning permission form;
Drawing no. 2021-022v1-Location Red line site boundary plan;
Drawing no. 2021-022.P01 Proposed ground and first floor layouts;
Drawing no. 2021-022.P02 B Proposed roof plan;
Drawing no. 2021-022.P03 Proposed front and side elevations;
Drawing no. 2021-022.P04 Proposed rear and side elevations;
Drawing no. 2021-022.P05 A Existing block plan;
Drawing no. 2021-022.P06 Proposed block plan;
Drawing no. 2021-022.P07 Existing ground floor layout and roof plans;
Drawing no. 2021-022.P08 Existing elevations;
Planning statement; and
Appeal decision.

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

3. Within three months of the date of this permission, details of all materials and finishes to be used in the external faces of the building (bricks, tiles, rainwater goods, windows and doors) shall be submitted to and approved in writing by the Local Planning Authority; the development thereafter shall be carried out 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 September 2014.

4. Prior to the first occupation of the dwelling hereby approved, a scheme detailing the proposed hard and 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) measures to promote biodiversity enhancement to include the planting of native and wildlife attracting species;
- (iii) a timetable for implementation;
- (iv) details of initial aftercare, long term maintenance and details for monitoring and remedial measures; and
- (v) the materials for all areas of hardstanding and retaining walls.

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: To ensure an acceptable standard of development upon completion through provision and long term management of soft landscaping and to enhance local provisions for wildlife and biodiversity, in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

5. Prior to the first occupation of the dwelling hereby approved, details of secure and weather proof cycle storage (for four cycles) shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be provided prior to the first occupation of the dwelling and thereafter be retained for such purposes at all times.

Reason: To ensure adequate cycle storage at the application site and in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

6. 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 properties in accordance with Policy CS19 of the Local Plan Core Strategy 2014.

7. Notwithstanding the provisions of Article 3, Part 1, 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 statutory instrument revoking and re-enacting that Order, with or without modification, no window, door or other form of opening shall be formed at first floor level in the southern flank elevation of the dwelling 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).

8. Notwithstanding the provisions of Article 3, Part 1, Classes A, AA, B, C and D 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, with or without modification, no enlargement, improvement or other alteration (including construction of any additional storeys, dormers, rooflights or other roof alterations and any porch constructed or erected outside any external door) shall be carried out, other than expressly authorised by this permission.

Reason To safeguard against the future extension of the dwelling that would be inappropriate on this site, in accordance with Policies CS02 and CS19 of the Gravesham 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) 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.

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 PUBLIC RIGHTS OF WAY

Public Right of Way reference NS295 may be affected by the application. The applicants are advised that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

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: 9 May 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.