

Application: 20230645

**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 Ian Vince, Barnes Construction
C/O Mr John Collins, DHA Planning
Eclipse House Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN**

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:

**Ellenor
Coldharbour Road
Northfleet
Gravesend
Kent
DA11 7HQ**

and being **application for variation of conditions 2 of planning permission reference 20220633 to allow rear service yard and Service Store Outbuilding layout changes (including adjustments to room positions, room names, road position, kerbs, hardstanding, bollards and hard surfacing layout), Service Store Outbuilding roof eaves and rainwater goods material changes, Marks Square gates and boundary treatment alterations and rear entrance canopy amendments in terms of shape and position, alterations to path, relocated plant and changes to design of first floor dormer.** Your application dated 16th June 2023 is permitted subject to the following:-

1. Approved Plans and Particulars

The development hereby permitted shall be carried out only in precise accordance with the following approved details, plans and specifications:

Revised Documents;

Application Form;
EH001-RHP-ZZ-XX-DR-A- S2 P0299 1005 P9 Proposed Site Plan - Phase 1;
EH001-RHP-ZZ-XX-DR-A-2006 Rev P8 Service Stores and Workshop;
EH001-RHP-ZZ-XX-EL-A- S2 2101 P10 Proposed Elevations;
LLD2470-LAN-DWG-010 06 Landscape Masterplan - Phase 1;
Planning Statement; and
Amendment List.

20230633 Approved and Retained

Covering letter from David Hicken Associates dated 22 November 2021 (ref DHA/13537;

Covering letter from David Hicken Associates received 13.06.2022 (ref JAC/13537); and Drawing No P0299-RHP-ZZ-ZZ-DR-A-1000-S2-Location Plan-P4: Site Location Plan.

Existing Plans

Drawing No P0299-RHP-ZZ-ZZ-DR-A-1002 Rev P3: Existing Site Plan;
Drawing No P0299-RHP-ZZ-GF-DR-A-2000 Rev P3: Existing Ground Floor Plan;
Drawing No P0299-RHP-ZZ-01-DR-A-2001 Rev P3: Existing First Floor Plan;
Drawing No P0299-RHP-ZZ-XX-PL-A-2002 Rev P3: Existing Roof Plan; and
Drawing No P0299-RHP-ZZ-XX-DR-A-2100 Rev P3: Existing Elevations.

Revised Proposed Plans

Drawing No P0299-RHP-ZZ-ZZ-DR-A-1000-S2-Location Plan-P4;
Drawing No P0299-RHP-ZZ-ZZ-DR-A-1001-S2-Block Plan-P3;
Drawing No P0299-RHP-ZZ-XX-DR-PL-A-1003-S2-Proposed_Site_Plan-P13;
Drawing No P0299-RHP-ZZ-GF-DR-PL-A-2003-S2-Proposed_Ground_Floor_Plan-P9;
Drawing No P0299-RHP-ZZ-01-DR-PL-A-2004-S2-Proposed_First_Floor_Plan-P8;
Drawing No P0299-RHP-ZZ-XX-DR-PL-A-2005-S2-Proposed_Roof_Plan-P6;
Drawing No P0299-RHP-ZZ-XX-DR-SE-A-2201-S2-Proposed_Sections- P6;
Drawing No P0299-RHP-ZZ-XX-DR-A-2103-S2-Proposed_Street_Elevations-P; and
Drawing No P0299-RHP-ZZ-XX-MR-A-9200-S2-3D Views-P3 .

Supplementary Documents

Planning Statement from David Hicken Associates dated November 2021 (ref JAC/DRB/13537):
Arboricultural Impact Assessment, Method Statement and Tree Protection Plan ref 8414; Rev 05 dated 11 November 2021 by Phlorum Limited;
Drainage Strategy - Drawing No FAH-00-XX-DR-C-0010 P3 by Fairhurst;
Landscape Design and Ecology;
Preliminary Ecological Appraisal 8414 Rev 01 dated 25 October 2021 by Phlorum Limited and
Transport Statement Ref 7110A Rev D, September 2021 by GTA Civils & Transport.
Archaeological Desk-Based Assessment by SWAT Archaeology dated 18 June 2019;
Environmental Noise Survey by Cole Jarman (Report 18/0538/R1) November 2018;
Arboricultural Survey Report by Phlorum Limited February 2019;
Travel Plan Framework by GTA Civils (undated);
20220705 Approved (Condition 7 of 20230633);
Covering letter from David Hicken Associates, dated 27th June 2022; and
Specification for an archaeological watching brief by SWAT Archaeology.

20220796 (Condition 3 and 6 of 20230633)

Covering letter from David Hicken Associates, dated 15 July 2022;
Document No BC1953/SLP/001 Rev B and BCE4793/SLP/002 Rev A: Site Logistics;
Proposal by Barnes Construction;
Code of Construction Conduct by Barnes Construction;
Drawing No 128746-FAH-00-DR-DR-D-0502 Rev P4: Overall Drainage Layout;
Email from John Collins, David Hicken Associates, dated 30 August 2022 re amendments to Code of Construction Conduct;

and those approved pursuant to any conditions contained herein after and there shall be no deviation therefrom.

Reason: In order to ensure the development is implemented on the basis of the scheme as submitted and assessed in the interests of proper planning and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

2. Hours of Construction

No construction activities in connection with the development of the site including any preparatory earthworks shall take place on site except between the following times:

07.30 a.m. and 6.00 p.m. on weekdays

08.00 a.m. and 1.00 p.m. on Saturdays

No construction activities shall take place at any other time including Sundays, Bank or Public Holidays, without the prior approval of the Local Planning Authority having first been obtained.

Reason: In the interests of residential amenity and pursuant to Gravesham Local Plan Core Strategy Policy CS19 (Development and Design Principles).

3. Contamination

The applicant shall undertake a watching brief during construction in case any contamination is encountered during the groundwork phase. Workers on site during construction should be advised by the applicant that there is a possibility of finding contaminated material. 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: In order to ensure any potential contamination is suitably re-mediated in the interest of protecting groundwater and human health and safety and to ensure suitable material is imported to site and appropriate measures for disposal of site waste are employed and pursuant to Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

4. Materials

Notwithstanding the details shown in the application form, approved drawings or the Design and Access and Planning Statements the following details including, where appropriate, samples of the external facing materials and finishes for each individual building or works of surfacing, shall be submitted to and approved in writing by the Local Planning Authority before any building work above ground level is undertaken for the building to which the details relate, or prior to the laying of the hard surface to which the details relate, or prior to the erection of any fences or construction of any walls to which the details relate.

- (i) External facing materials and finishes including bricks, roof tiles and cladding
- (ii) Joinery details
- (iii) External rainwater goods
- (iv) Hard surface treatments and finishes to the vehicle parking areas, pedestrian accesses, pathways and gardens areas
- (v) Proposed boundary treatments and retaining structures

The development shall be carried out in complete accordance with the approved details prior to the first occupation of the part of the development to which the approved details relate.

Reason: To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

5. Lighting

Notwithstanding the details shown in the approved drawings full details of any new external lighting to the site, buildings and car park as amended, including details of the re-siting of any existing lighting for each building, shall be submitted for the approval of the Local Planning Authority before the commencement of any above ground works on the building to which they relate, or for external lighting that is freestanding, prior to the installation of any new lighting.

The lighting shall be implemented in accordance with the approved details for each building prior to the occupation of the building for which the details relate.

Reason: No such details have been submitted and in the interests of visual amenity and avoiding light pollution and pursuant to Gravesham Local Core Strategy Policy CS19: Development and Design Principles.

6. Car Parking Provision

Prior to the first occupation of any part of the development hereby permitted or in accordance with a timetable to be first agreed in writing by the Local Planning Authority, the area shown on the Proposed Site Plan (Drawing No P0299-RHP-ZZ-XX-DR-PL-A-1005-S2-Proposed_Site_Plan-Phase 1- P3) as enlarged and altered vehicle parking area and the associated access and turning areas shall be formed, surface drained and marked out, with any necessary resurfacing and draining undertaken, and thereafter shall be kept available at all times for such use, and no development whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any provision equivalent to that Class in any statutory instrument replacing, revoking or re-enacting that Order, with or without modification, shall be carried out on that area of land or in such a position as to preclude the use of or access to the reserved vehicle parking and turning area.

Reason: In the interests of the visual amenity of the site, to avoid indiscriminate car parking or to avoid hazards to highway safety by virtue of vehicles parked on the public highway and having regard to Gravesham Local Plan Core Strategy Policy CS11: Transport, the adopted vehicle parking standards (SPG 4 published in 2003 and adopted in 2006) and Gravesham Local Plan First Review saved policy P3.

7. Cycle Provision

Secure and covered cycle parking facilities shall be provided on the site for staff prior to the first occupation of any part of the development hereby permitted in accordance with the details shown in the approved drawings; and the approved facilities shall be retained at all times following implementation.

Reason: To encourage the use of a sustainable and environmentally acceptable mode of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, and CS19: Development and Design Principles and the adopted vehicle parking standards.

8. Travel Plan

Notwithstanding the details as set out in the Travel Plan Framework by GTA Civils Ltd accompanying the application and prior to the first occupation of any part of the development hereby permitted, the applicants shall prepare and submit for the approval of the Local Planning Authority a full Travel Plan for staff and visitors. The Travel Plan shall include, amongst other things, the appointment of a Travel Plan Co-ordinator and the plan shall be monitored at yearly intervals; the measures approved in the Travel Plan shall be implemented in accordance with the approved details or any changes subsequently made under its monitoring review process. The Travel Plan shall include details of measures and with targets designed to help and thereafter maintain a modal shift in favour of reduced reliance on private car usage for travel to and from the development.

Reason: In order to contribute towards the Borough Council's objective in reducing traffic generation by new development and the use of modes of transport other than the private car and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport.

9. **Electric Vehicle Provision**

The development hereby permitted shall include the provision of a minimum of 3 electric vehicle charging points within the altered and extended staff and visitor car park within the site; each charging point should be able to accommodate a useable supply of 7kW; such provision shall be implemented prior to the first occupation of any part of the development hereby permitted and therefore permanently retained and maintained.

Reason: To encourage the use of sustainable and more environmentally acceptable modes of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, Policy CS18: Climate Change and Policy CS19: Development and Design Principles.

10. **Ecology Mitigation**

The development hereby permitted shall be carried out in strict accordance with the precautionary measures, conclusions, recommendations, and mitigation works as detailed in the submitted Preliminary Ecological Appraisal (Phlorum, October 2021).

Reason: In the interests of protecting wildlife and encouraging biodiversity and pursuant to the requirements of Gravesham Local Plan Core Strategy Policy CS12: Green Infrastructure.

11. **Timing of Vegetation Clearance**

All vegetation clearance and/or works that may affect possible nesting sites shall be undertaken outside the bird breeding season, mid-March to August inclusive, or be supervised by a suitably qualified ecologist during the breeding period.

Reason: To safeguard the natural environment, in accordance with adopted Local Plan Core Strategy Policy CS12: Green Infrastructure.

12. **Soft Landscaping Scheme**

Notwithstanding the landscaping details accompanying the application as shown in the approved drawings or as set out in the Arboricultural Survey Report by Phlorum Limited February 2019 and Arboricultural Impact Assessment by Phlorum Limited November 2021 and prior to the first occupation of any part of the development hereby approved, full details of the proposed soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. The scheme shall demonstrate that native species and ecological enhancement features will be included within the site as detailed within Preliminary Ecological Appraisal (Phlorum, October 2021). Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following first occupation of any part of the development hereby approved. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with trees or plants of a similar size and species during the next available planting season.

Reason: To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented and maintained in the long term in the interests of

visual amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

13. Retention and Protection of Trees

For the duration of the construction of the development hereby permitted all remaining existing trees and other key existing landscaping features on the site shall be afforded full protection in accordance with the detailed Arboricultural Impact Assessment, Method Statement and Tree Protection Plan ref 8414 Rev 05 dated 11 November 2021 by Phlorum Limited.

Reason: To protect the retained trees and other vegetation from damage during construction and in recognition of the contribution which the retained trees give and will continue to give to the amenity of the area and in accordance with adopted Local Plan Core Strategy Policy CS19: Development and Design Principles.

14. Use of the Development - Offices

That part of the development as hereby permitted shown as offices and meeting/multi-purpose rooms shall be used for such purposes only in accordance with the use of the premises as a hospice and shall not be operated independently.

Reason: In order that any other uses of that part of the development may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to issues of amenity, traffic safety and the prevailing planning policies and notably Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

15. Use of the Development - Service Stores and Workshop

That part of the development as hereby permitted shown as service stores and workshop shall be used for such purposes only ancillary to the use of the premises as a hospice.

Reason: In order that any other uses of that part of the development may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to issues of amenity, traffic safety and the prevailing planning policies and notably Gravesham Local Plan Core Strategy Policy CS19: Development and Design Principles.

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 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].

3 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.

4 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

5 SOUTHERN WATER

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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.