

Application: 20240700

**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 M Brown, BB Contacts Ltd
C/O Mr Jonathan Bolton
Synergy Planning & Property Consultants Ltd
The Office
The Larches
Higham
Rochester
Kent
ME3 7NQ**

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:

**Cheneys Farm Barns
Thong Lane
Shorne
Gravesend
Kent**

and being **Demolition of the southern barn and erection of a new steel frame barn with mezzanine floor used for an office space, pedestrian access doors to the east and vehicle access doors to the west. Landscaping to include hedges and tree to the front of the buildings with alterations to parking and hardstanding.** Your application dated 29th July 2024 is permitted subject to the following:-

1. The development hereby approved 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:

Planning application form;
Cover Letter;
Preliminary Ecological Appraisal by KB Ecology;
Transport Statement by Nick Culhane;
Biodiversity Gain Statement by Biodiversity Net Gain for Kent and Medway October 2024;
Small Sites BNG Metric;
HSE Information Sheet (Removing asbestos cement sheets, gutters etc and dismantling a small AC structure);

Planning, Design and Access Statement;
Drawing no. 23/422/03 rev A (proposed elevations);
Drawing no. 23/422/07 (proposed roof plan);
Drawing no. 23/422/06 (proposed first floor plan);
Drawing no. 23/422/05 (proposed elevations);
Drawing no. 23/422/04 (proposed block plan);
Drawing no. 23/422/02 (existing plans); and
Drawing no. 23/422/01 (existing elevations).

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

3. The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved biodiversity gain plan has been submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following components:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management strategy and measures to maintain the habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) Details of the monitoring methodology (including frequency of submitting reports to the Local Planning Authority) in respect to the created or enhanced habitat; and

The development shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

4. No development shall take place until a comprehensive 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) Noise management measures;
- (b) Details of vibration monitoring and mitigation during piling works;
- (c) Details of emergency access during any road closure;
- (d) Type and location of wheel washing facilities;
- (e) Measures to avoid adverse impacts on ecology and biodiversity; and
- (f) Details of temporary construction lighting;

Development shall be carried out in accordance with the approved document.

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 Local Plan Core Strategy Policies CS11, CS12 and CS19

5. Prior to the commencement of development the provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 0.9 metres above carriageway level within the splays shall be provided.

Reason: In the interests of public and highway safety and in accordance with Policy CS11 of the adopted Gravesham Local Plan Core Strategy (September 2014), saved Policy T5 of the Gravesham Local Plan First Review and paragraph 114 of the National Planning Policy Framework.

6. From commencement of works (including site clearance), methods for the protection of retained habitats and precautionary mitigation measures for nesting birds, Hedgehogs and foraging/commuting bats will be followed in accordance with the details contained in Section 4 of the Preliminary Ecological Appraisal associated with the planning application (KB Ecology, April 2024). Measures include:

- Vegetation clearance with the potential to disturb nesting birds should be carried out outside of the core nesting season (March through August inclusive) or under ecological supervision;
- A sensitive lighting strategy should be adhered to with reference to GN08: 'Bats and Artificial Lighting' published by the ILP and BCT; and
- Excavated areas should be backfilled, covered overnight, or ramps placed in to allow terrestrial mammals (e.g. hedgehogs) to escape should they become trapped.

Reason: To avoid a wildlife offence under Section 1 of the Wildlife and Countryside Act 1981 and to protect Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006.

7. All materials used externally shall match those listed in the submitted planning application form and shown on drawing number 23/422/03 rev A.

Reason: To ensure the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy CS19 of the Gravesham Local Core Strategy 2014.

8. No materials, plant or other equipment of any description shall be stored in the open parts of the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and surrounding Conservation Area in accordance with Policies CS19 and CS20 of the Core Strategy 2014.

9. The hard and soft landscaping shown on plan no. 23/422/04 rev C shall be carried out in full during the first available planting season following first occupation of the buildings hereby approved. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the soft landscaping scheme is implemented shall be replaced with a species of a similar size and species during the next available planting season.

Reason: To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development and the wider area, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

10. No goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the site outside of the hours 07:00 to 19:00 Monday to Saturday or at any time on Sunday or Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring properties in accordance with Policy CS19 of the Core Strategy 2014.

11. Full details of any exterior lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.

Reason: To protect conditions of amenity and ecology in accordance with Policies CS19 and CS12 of the Core Strategy 2014.

12. 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 safeguard conditions of amenity in accordance with Policy CS12 of the Core Strategy 2014 and paragraph 135 of the National Planning Policy Framework.

13. The access gates shown on the submitted plans shall be retained in a position of at least 10m back from the edge of the carriageway and shall open away from the highway.

Reason: In the interests of public and highway safety and in accordance with Policy CS11 of the adopted Gravesham Local Plan Core Strategy (September 2014), saved Policy T5 of the Gravesham Local Plan First Review and paragraph 114 of the National Planning Policy Framework.

14. The development hereby approved shall not be occupied until the car parking and turning areas shown on the approved drawings have been fully provided and made available for use. These facilities shall be retained for use at all times thereafter.

Reason: To prevent parking on highway inconvenient to other road users or elsewhere on the site in the interests of highway safety, in accordance Local Plan: Core Strategy Policies CS11 and CS19 and saved Policies P3 and T5 of the Local Plan First Review (1994).

15. Prior to the bringing into use of the office space within the building, details of secure, covered and accessible cycle storage facilities (comprising a minimum of 5 spaces) to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to first occupation of the development and shall be retained for such purposes at all times thereafter.

Reason: In order to encourage options for sustainable travel in accordance with Local Plan: Core Strategy Policy CS19.

INFORMATIVES:-

1 BIODIVERSITY NET GAIN CONDITION

The development hereby permitted is subject to the general condition of planning permission relating to biodiversity gain as per Schedule 7A 13(1) of the Town and Country Planning Act 1990. The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

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 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].

4 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is important to note that Local Planning Authority (LPA) 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 LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, 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 and near the highway 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 pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

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. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, 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.

Further 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 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.

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 6 November 2024 to the inclusion of pre-commencement conditions.

7 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: 8 November 2024

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DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of 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:

- 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
- 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 –

- an application for change of use;
- 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.