

Application: 20221251

**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 Max Paddick, Frontier Estates (BB) Ltd
C/O Ms Laura Grimason, Gillings Planning
2 Wessex Business Park
Colden Common
Winchester
SO21 1WP**

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:

**Former Site Of Battle Of Britain
Coldharbour Road
Northfleet
Gravesend
Kent**

and being **Construction of a care home (within Class C2) associated parking, access, drainage, boundary treatments, landscape and other associated works.** Your application dated 28th November 2022 is permitted subject to the following:-

1. Time Limit

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.

2. Approved Plans

The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans:

Drawing no. 0101 rev. P3 (Location Plan);
Drawing no. 0102 rev. P10 (Proposed Site Plan);
Drawing no. 0201 rev. P5 (Proposed Ground Floor Plan);
Drawing no. 0211 rev. P4 (Proposed First Floor Plan);
Drawing no. 0221 rev P4 (Proposed Second Floor Plan);
Drawing no. 0301 rev. P3 (Proposed Elevations);
Drawing no. 0302 rev. P4. (Proposed Elevations);
Drawing no. 0303 rev. P2 (Proposed Elevations);
Drawing no. 0304 rev. P1 (Proposed Street Elevations);

Drawing no. 3172-CGI_01;;
 Drawing no. 3172-CGI_02;
 Drawing no. 3172-CGI_03;
 Drawing no. 102C (Landscape Proposals);
 Drawing no. 0001 rev. P04 (Site Access Arrangement and Visibility Splay dated 15/11/22);
 Drawing no. 0051 rev. P04 (Vehicle Swept Path Analysis - 7.7M Fire Tender) dated 15/11/22);
 Drawing no. 0052 rev. P04 (Vehicle Swept Path Analysis - 7.5T Box Van dated 15/11/22);
 Drawing no. 0053 rev. P04 (Vehicle Swept Path Analysis - Large Car dated 15/11/22);
 Drawing no. 0050 rev. P04 (Vehicle Swept Path Analysis - 11.2M Refuse Vehicle dated 15/11/22);
 Drawing no. 3172-HIA-ZZ-XX-DR-A-0103 - Site Levels Plan; and.
 Drawing no. 144828/2000 rev. P02 (Proposed Drainage Strategy)

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

Pre-commencement Condition(s)

3. Code of Construction Practice/Construction Management Plan

No development approved by this permission shall be commenced until a comprehensive Code of Construction Practice/Construction Management Plan covering all environmental impacts of this development is submitted to, and approved in writing by the Local Planning Authority.

The Code of Construction Practice/Construction Management Plan shall include details, where relevant, of the following, including 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:
 - a. Details of numbers and routeing of construction and delivery vehicles to / from site
 - b. Timing of deliveries
 - c. Parking and turning areas for construction and delivery vehicles and site personnel
 - d. Type and location of wheel washing and chassis cleaning facilities
 - e. Temporary traffic management / signage
- (d) Details of the location of the proposed construction compound and location of the parking for construction workers.
- (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
- (l) Details of temporary construction or security lighting; and
- (m) Monitoring and review provisions with the Local Planning Authority
- (o) Details of hours of construction.

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 construction of the development does not result in avoidable congestion on the local highway network, and to protect the amenity of local residents and businesses and protected species and to mitigate the risks to groundwater, in accordance with Policy CS11 (Transport), CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan: Core Strategy (2014).

4. Sustainable Surface Water Drainage Scheme and Infiltration

No development approved by this permission shall be commenced until a detailed sustainable surface water drainage scheme for the site is submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and 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 within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonably practical then any surface water leaving site shall be limited to rates as close to greenfield as feasibly possible. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The development shall be carried out 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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development and pursuant to the requirements of paragraph 169 of the National Planning Policy Framework (NPPF), 2021.

5. Tree Protection and Tree Works/Removal

No development approved by this permission shall be commenced until details of tree protection measures during construction, is submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

No vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s). Upon completion of the construction works and before the first occupation of the development on the site the trees shall be inspected by a competent tree surgeon and any necessary works to tidy the trees and maintain their health shall be undertaken.

Reason To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (2014).

Prior to above ground works

6. Approved Materials

Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence, additional details (and samples where requested by the Local Planning Authority) of all the external facing materials, colours and finishes to be used in the construction of the development hereby

permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details and thereafter maintained.

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 (2014).

7. Contaminated Land - Desk Study Report

Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

- a) A desk study detailing the history of the site uses and proposed site investigation strategy.
- b) Details of Quality Assured Sampling and analysis methodology, with all site investigation including relevant soil, soil gas, surface and groundwater sampling conducted by a suitably qualified and accredited consultant/Contractor.
- c) A site investigation report detailing all investigative works and sampling on site, together with results of analysis and risk assessment to any receptors.
- d) A remediation strategy to be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- e) Prior to occupation, a closure report shall be submitted and approved by the Local Planning Authority, including details of the proposed remediation works and the quality assurance certificates, details of any post remediation sampling and analysis and details of waste materials removed from site.

The development shall thereafter be carried out in full accordance with the approved details and thereafter maintained.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (2021) and to accord with Policy CS19 of the Gravesham Local Plan: Core Strategy (2014).

8. Boundary Treatments

Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence, full details of all boundary treatments, including their design, height and materials, and the access thereto including similar details of any vehicular or pedestrian gates to the access and communal areas of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the dwellings hereby permitted are first occupied and thereafter maintained.

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 (2014) and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF), 2021.

9. Details of Plant and Equipment

Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence full details of the installation of any external plant and servicing equipment on the building including roof top plant, lift

overruns, solar PV or solar thermal equipment and kitchen extraction equipment or other ventilation have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include the siting, external appearance and any proposed screening. Those works shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building and thereafter maintained

Reason In the interest of the amenities of residential properties and the area generally and in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (2014) and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF), 2021.

10. Noise Control

Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence, a suitable noise impact assessment demonstrating compliance with the following requirements, including details of the glazing and ventilation strategy and their respective noise reduction values, shall be submitted to and approved by the Local Planning Authority:

- a) The internal ambient noise levels in all habitable rooms of the residential dwellings shall not exceed the guideline LAeq values in Table 4 of BS 8233:2014
- b) The maximum internal noise levels in all habitable rooms should not normally exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- c) External areas shall be designed and located to ensure that amenity areas do not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.
- d) Where relevant, the rating noise from fixed building services/mechanical plant/equipment associated with/in the vicinity of the development (e.g. the air conditioning unit or similar) shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings, traffic) when measured and assessed in accordance with BS4142:2014+A1:2019.

Any mitigation measures recommended in the noise impact assessment shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building and thereafter maintained. Where compliance with the above criteria will rely on closed windows, the development must include sufficient and suitable ventilation to affected residential dwellings by means other than opening windows to ensure that the internal noise levels required by the above conditions can be retained all year round.

Reason In order to safeguard the living conditions of the future occupants of the residential units and pursuant to Policy CS19 of the Gravesham Local Plan: Core Strategy (2014) and paragraph 185 of the National Planning Policy Framework (NPPF), 2021.

Prior to first use

11. Sustainable Surface Water Drainage Scheme and Infiltration

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to, and approved in writing 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. The development shall thereafter be carried out in full accordance with the approved details and thereafter maintained.

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 169 of the National Planning Policy Framework.

12. Submission of Details of Ground Levels and Floor Levels

The proposed earthworks and changes to ground levels on the site shall accord with the Approved Site Levels Plan (ref. 3172-HIA-ZZ-XX-DR-A-0103). The development shall be carried out in accordance with the approved details and be maintained thereafter.

Reason To ensure the development contributes to local character and local visual amenity and protects the privacy and amenity of adjoining premises and pursuant to Policy CS19 of the Gravesham Local Plan: Core Strategy (2014) and section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF).

13. Parking Provision

Before the development as hereby permitted is brought into use and occupied, the vehicle parking and turning areas, shall be formed, surfaced, drained and marked out in accordance with the details as shown in drawing no 3172-HIA-ZZ-XX-DR-A-0102 rev. P10; and the associated Transport Statement thereafter, and notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to it in any statutory instrument revoking and re-enacting that Order, with or without modification, no development shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking and turning areas. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason To ensure sufficient off-street car parking provision is available to serve the development, in accordance with Policy CS11 of the Gravesham Local Plan: Core Strategy (2014), saved Policy P3 of Gravesham Local Plan First Review (1994) and the adopted vehicle parking standards (SPG 4).

14. Cycle Parking Provision and Retention

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, full details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The storage facilities should be secure and weatherproof and well-lit, and the details shall show that there is adequate provision for staff to shower, change and suitably store wet clothes. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason To encourage the use of a sustainable and environmentally acceptable mode of transport, and in accordance with Policy CS11 and CS19 of the Gravesham Local Plan: Core Strategy (2014) and the adopted vehicle parking standards (SPG 4).

15. Electric Vehicle (EV) Charging Points

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and

occupied details shall be provided of the Electric Vehicle (EV) charging points and passive provision and shall ensure that at least 10% of the parking spaces are provided with Electric Vehicle (EV) charging points and a further 10% are provided with passive provision i.e., cabling / ducting. Each charging point should be able to accommodate a useable supply of 11KW or 22KW. Such provision shall be implemented prior to the first occupation of the development hereby permitted, and thereafter permanently retained and maintained.

Reason To encourage the use of sustainable and more environmentally acceptable modes of transport, and in accordance with Policy CS11 and Policy CS19 of the Gravesham Local Plan: Core Strategy (2014).

16. Travel Plan

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, until a full and final workplace Travel Plan, detailing the measures 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, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, amongst other things, the appointment of a Travel Plan Co-ordinator, objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason To encourage the use of sustainable and more environmentally acceptable modes of transport, and in accordance with Policy CS11 of the Gravesham Local Plan: Core Strategy (2014) and Section 9: Promoting Sustainable Transport of the National Planning Policy Framework (NPPF).

17. Access and Visibility

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, the vehicle visibility splays to the new vehicular access to the site from New House Lane as shown in the Proposed Site Plan (Ref. 0102 rev. P10), drawing no. PC3574-RHD-GE-SW-DR-R-0001, rev. P04. and the Swept Path Analysis Plans accompanying the Transport Statement of 39 metres (west) x 2.4 metres x 79 metres (east) shall be provided and maintained thereafter and cleared of all obstructions over 1.05m above the level of the adjoining highway, including the reduction in level of the land if necessary. Nothing over that height shall be permitted to remain, be placed, built, planted or grown within the approved vehicle and pedestrian visibility splays at any time.

For the avoidance of doubt the existing vehicular access from Coldharbour Road shall be permanently closed to vehicular traffic before the care home hereby permitted is first brought into use. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason To ensure the safety of pedestrian and highway users in accordance with Policy CS11 of the Gravesham Local Plan: Core Strategy (2014) and saved policy T5: Access to the Identified Highway Network of the Gravesham Local Plan First Review (November 1994).

18. Soft Landscaping

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, full details of soft landscaping for the development 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.

Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following the first occupation of the development. 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 a species of a similar size and type during the next available planting season. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (2014).

19. Pedestrian Footway

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, a 2.0m wide footway on the south-eastern side of New House Lane between the site access and the existing bus stop to the east, as detailed in the Site Access Arrangement and Visibility Splay (Ref PC3574-RHD-GE-SW-DR-R-0001), shall be constructed via a Section 278 Agreement with the Local Highway Authority. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason To ensure the safety of pedestrian and highway users in accordance with Policy CS11 of the Gravesham Local Plan: Core Strategy (2014) and saved policy T5: Access to the Identified Highway Network of the Gravesham Local Plan First Review (November 1994).

20. External Lighting

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, full details of all proposed external lighting set out in a lighting management plan shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason In order to ensure the development does not cause harm to residential amenity by reason of the installation of intrusive lighting and in the interest of protecting wildlife and encouraging biodiversity pursuant to the requirements of Policy CS12 and CS19 of the Gravesham Local Plan: Core Strategy (2014).

21. Hard Landscaping

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall include the following:

- delivery /drop off areas;
- hard surface finishes to the vehicle parking area,
- pedestrian accesses, footpaths and amenity areas;
- Internal courtyard and;
- Roof terraces/gardens

The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

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 and CS20 of the Gravesham Local Plan: Core Strategy (2014).

22. Refuse Arrangements

Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, details of the refuse arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason In order to ensure the development is served by a suitable refuse storage area in the interest of amenity and in accordance with adopted Policy CS19 of the Gravesham Local Plan: Core Strategy (2014).

On-going Condition(s)

23. Watching Brief

If during construction/demolition works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to, and approved in writing by, Local Planning Authority. The closure report shall include:

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria, together with the necessary documentation detailing what waste materials have been removed from the site.

Any surface or fly-tipped waste materials should be removed to suitable permitted sites as part of any site clearance/preparation works.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (NPPF) and to ensure suitable material is imported to site and appropriate measures for disposal of site waste are employed and pursuant to Policy CS19 of the Gravesham Local Plan: Core Strategy (2014).

24. Restrictions on Use as C2 - Residential Institutions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order revoking and re-enacting that Order with or without modification, the development hereby approved shall only be used as a care home providing residential and nursing care for the elderly including individuals with dementia within Use Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

For the avoidance of doubt, it is expected that the nature of the occupancy is to provide residential and nursing care needs for the frail, elderly (those aged 55 and above) with complex physical and care needs daily, such that residents will not be active and will, under the terms of the management of the scheme, not be allowed to have or keep pets on the site or have access to or the use of motor vehicles or vehicle parking spaces on the site.

Reason In order that any other uses of the building hereby permitted may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to traffic generation and safety, parking demand, the amenity of the site, impacts on the Thames Estuary and Marshes Ramsar Site and Special Protection Area and the prevailing planning policies and in particular pursuant to policy CS02, CS11, CS12 and CS19 of the Gravesham Local Plan: Core Strategy (2014) and saved policies T1 (Impact of Development on the Highway Network), P3 (Vehicle Parking Standards) and T5 (New Accesses onto Highway Network) of the Gravesham Local Plan First Review (1994).

25. Prohibition on Gates

Notwithstanding the details shown on the approved plans, submitted documents and application form, or other boundary treatments approved by condition 8 of this decision, no gates shall be installed across the vehicular access to the site on to New House Lane or across the access drive serving the car parking area to the proposed care home, as hereby permitted, at any time.

Reason In the interests of highway safety and to avoid vehicles waiting in the road while gates are opened or closed and pursuant to Policy CS11 of the Gravesham Local Plan: Core Strategy (2014) and saved policy T5: Access to the Identified Highway Network of the Gravesham Local Plan First Review (November 1994).

26. Tree Protection - Methodology

The development shall be implemented in accordance with the Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement (Updated January 2023). In particular, the areas identified as pathway to be carried out in accordance with Guidance Note 12 on drawing no. 602D - Arboricultural Impact Assessment and Arboricultural Method Statement within this report, shall be constructed using a no-dig method with a cellular confinement system as detailed and shall be thereafter maintained.

Reason To safeguard trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (2014).

27. Tree Protection - Supervision Records

All works proposed within the root protection areas of the trees to be retained will be supervised in full, by a suitably qualified arboricultural consultant. Supervision records will be provided to the Local Planning Authority upon completion of works, prior to the approved care home being brought into use.

Reason To safeguard trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (2014).

28. Tree Protection - Protection Measures

No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection measures. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changes, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason To safeguard trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with Policy 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 Southern Water

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.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

3 KCC Flood and Water

At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019); the FSR dataset should not be used: http://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf

4 At the detailed design stage, it would expect to see detailed exceedance plans provided, indicating the extent of flooding with reference to actual proposed levels. It should be ensured that key access routes are not blocked and that no property flooding occurs in these areas. All exceedance must be contained within the site boundary to ensure that there is no increase in flood risk elsewhere. It is expected that optimisation could be made to the drainage networks to reduce exceedance volumes where it is necessary to do so. This can be confirmed as part of a detailed design submission for the discharge of planning conditions related to surface water management.

5 KCC Biodiversity

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

6 Environment Agency

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution, treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

7 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to: The Position statement on the Definition of Waste: Development Industry Code of Practice and The Environmental regulations page on GOV.UK

8 Environmental Protection

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

9 Kent Police Crime Prevention Design Advice

The applicants are encouraged to incorporate or address all the matters raised in the design advice from Kent Police with regard to Crime Prevention Through Environmental Design (CPTED) and are recommended to ensure the use of Secured by Design (SBD) Homes 2019.

10 KCC Highways

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

11 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 05/06/2023 to the inclusion of the following pre-commencement conditions.

Condition 3
Condition 4
Condition 5

Dated: 30 June 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.