

Application: 20221328

**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: **McCarthy & Stone Retirement
C/O Mr Jonathan Buckwell, 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:

**Bowling Green
Church Walk
Gravesend
Kent
DA12 2QU**

and being **Demolition of existing bowls pavilion and erection of a 4-storey building to provide a 62-unit Use Class C2 retirement living complex, with a new access from Ellerslie, a new emergency access off Ellerslie, parking, landscaping and associated works.** Your application dated 19th December 2022 is permitted subject to the following:-

Conditions

TIME LIMIT

1. 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.

APPROVED PLANS

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

Application form
Contamination Desk Study
Covering letter
Design and Access Statement
Heritage Statement
Flood Risk Assessment
Transport Statement
Energy Statement

Drainage Strategy
 Air Quality Assessment
 Archaeological Desk-Based Assessment
 Biodiversity Net Gain Assessment
 Preliminary Ecological Appraisal by GreenLink Ecology Ltd
 Biodiversity Metric 3.1
 Extra Care Contributions Statement
 Transport Statement
 Tree Survey and Impact Assessment
 Statement of Community Involvement
 Planning Statement
 Image Production Document Issue C by Virtual Resolution
 Noise Impact Assessment
 Drawing no. LSE-2821-03-AC-0010 rev P13 (proposed site layout ground floor plan)
 Drawing no. LSE-2821-03-AC-1000 rev P9 (ground floor plan)
 Drawing no. LSE-2821-03-AC-1001 rev P7 (first floor plan)
 Drawing no. LSE-2821-03-AC-1002 rev P8 (second floor plan)
 Drawing no. LSE-2821-03-AC-1003 rev P8 (third floor plan)
 Drawing no. LSE-2821-03-AC-1004 rev P6 (roof plan)
 Drawing no. LSE-2821-03-2000 rev P3 (primary elevations)
 Drawing no. LSE-2821-03-AC-2001 rev P4 (secondary elevations)
 Drawing no. LSE-2821-03-AC-2005 rev P2 (proposed north elevation)
 Drawing no. LSE-2821-03-AC-11 rev E (proposed site layout)
 Drawing no. 04 rev P1 (existing sports pitch site plan)
 Drawing no. 05 rev P1 (proposed sports pitch site plan)
 Drawing no. LSE-2821-03-AC-0000 (site location plan)
 Drawing no. PP/4081/GRAVESEND/F1 (topographical survey - existing)
 Drawing no. PP/4081/GRAVESEND/F2 (existing floor plans and elevations)
 Drawing no. 1856-KC-XX-YTREE-TPP01Rev0 (tree protection plan)
 Drawing no. 1856-KC-XX-YTREE-TCP01Erev0 (tree constraints plan)
 Drawing no. MCD23935 10 (landscape strategy)
 Drawing no. LSE-2821-03-DE-103 rev c (proposed levels plan)
 Drawing no. LSE-2821-03-DE-102 rev c (drainage area plan)
 Drawing no. LSE-2821-03-DE-101 rev d (proposed drainage layout)

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

Pre-commencement Conditions

Provision of Sports Facilities

3. No development shall take place which results in the loss of any part of the northern rugby pitch, and in any event the development hereby permitted shall not be occupied until the rugby pitch sports lighting permitted pursuant to planning permission ref: 20221327 have first been installed and are operational and the northern rugby pitch has been reorientated in accordance with drawing no. 05 P1 dated February 2023 and made available for use.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory rugby provision which secures a continuity of use and to accord with Policy CS13 of the Gravesham Core Strategy 2014.

Code of Construction Practice/Construction Management Plan

4. 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).

Tree Protection and Tree Works/Removal

5. In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this

Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

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).

Archaeology

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Archaeological Recording

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

Sustainable Surface Water Drainage Scheme and Infiltration

8. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been 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 not exceed a discharge rate of 1.4l/s for all rainfall events. 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.

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 in accordance with policy CS18 of the Gravesham Core Strategy 2014.

Foul and Surface Water Sewerage Disposal

9. Notwithstanding the details shown on the approved plans, submitted documents and application form, before any above ground works commence details of the proposed means of foul and surface water sewerage disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal; to ensure that the development does not contribute to, or is not put at risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and to ensure ongoing efficacy of the drainage provisions, in accordance with policies CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Approved Materials

10. 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).

Contaminated Land Watching Brief

11. The applicant shall undertake a watching brief during construction in case any unexpected 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 human health and the natural environment, in accordance with adopted Local Plan Core Strategy Policy CS19 and paragraph 135 of the National Planning Policy Framework 2023.

Boundary Treatments

12. Notwithstanding the details shown on the approved plans, submitted documents and application form, and prior to the occupation of the building herein approved, 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), 2023.

Details of Plant and Equipment

13. Notwithstanding the details shown on the approved plans, submitted documents and application form, and prior to the occupation of the building herein approved, 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 including a maintenance schedule for the future operation of that equipment 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.

Noise from plant and equipment including extract ventilation shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property including penalties for noise characteristics and in accordance with BS4142:2014+A-2019 and by a competent person.

The scheme shall also be in accordance with current guidance from DEFRA, the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems and any current best practice or statutory guidance. The use hereby permitted shall not take place other than in accordance with these approved details and be installed by competent persons.

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 of the National Planning Policy Framework 2023.

Noise

14. A. Appropriate mitigation measures as referenced in the Noise Impact Assessment report by 24Acoustics (Technical Report: R9701-1 Rev 0) shall be incorporated into the development to ensure that:

- 1) The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- 2) The maximum internal noise levels in all habitable rooms should not exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- 3) Noise levels in external amenity areas shall not exceed the upper guideline value of 55 dB LAeq,16 hour in accordance with BS8233:2014
- 4) The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

B. A verification Report demonstrating compliance with the above shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the residential units.

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 191 of the National Planning Policy Framework (NPPF), 2023.

Prior to First Use

Parking Provision

15. 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 LSE-2821-03-AC-0010 rev P13; 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).

Cycle Parking Provision and Retention

16. 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 and change. 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).

Travel Plan

17. 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 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).

Access and Visibility

18. 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 Ellerslie as shown in the Proposed Site Layout Plan (LSE-2821-03-AC-0010 rev P13) and Proposed Visibility Splays Plan accompanying the Transport Statement 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. 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).

Soft Landscaping

19. 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).

Ecology and Biodiversity

20. Within three months of works commencing, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP will be based on the Landscape Strategy (ACD Environmental October 2022) and include the following:

Description and evaluation of features to be managed, including wildflower grassland, retention of felled wood and a native species-only planting schedule;

Ecological trends and constraints on site that might influence management;

Aims and objectives of management;

Appropriate management prescriptions for achieving aims and objectives;

Preparation of a work schedule (including an annual work plan);

Details of the body or organisation responsible for implementation of the plan, and;

Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard and enhance biodiversity value in accordance with policy CS12 of the Gravesham Core Strategy 2014 and Section 15 of the National Planning Policy Framework 2023.

External Lighting

21. Prior to the installation of any external lighting, a lighting design plan for biodiversity shall be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: To ensure the impact on bats and other nocturnal wildlife is limited in accordance with policy CS12 of the Gravesham Core Strategy 2014 and Section 15 of the National Planning Policy Framework 2023.

Hard Landscaping

22. 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;
- communal garden and;
- any private garden 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 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).

Refuse Arrangements

23. 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 Conditions

Restrictions on Use as C2 – Residential Institutions

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, the development hereby approved shall only be used as an Extra Care Home providing residential and personal care within Use Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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 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).

INFORMATIVES:-

1 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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 road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

2 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.

Please read their New Connections Services Charging Arrangements documents which has now been published and is available to read on their website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

3 DRAINAGE AND SEWERAGE

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

4 SMOKE CONTROL

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

5 ENVIRONMENT AGENCY

If you would like to receive site specific advice or discuss documents in further details with us, we are able to do so under our charged planning advice. Please contact us on kslplanning@environment-agency.gov.uk for further details.

6 KENT POLICE DESIGNING OUT CRIME

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 and are recommended to ensure the use of Secured by Design (SBD) Homes 2019.

7 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 27 November 2023 to the inclusion of the following pre-commencement conditions.

Condition 3 - Provision of Sports Facilities

Condition 4 - Code of Construction Practice/Construction Management Plan

Condition 6 - Archaeology

Condition 7 - Archaeological Recording

Condition 8 - Sustainable Surface Water Drainage Scheme and Infiltration

Condition 9 - Foul and Surface Water Sewerage Disposal

8 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.

9 NAMING & NUMBERING

As a result of the changes to this property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.gravesham.gov.uk/street-naming>. Please submit the application and the requisite fee in accordance with the guidance on the form.

10 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.

Dated: 12 January 2024

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.