



Application: 20230317

**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 Martyn Smith
C/O Mark Selden, MSD Architects
1 Mount Pleasant
Paddock Wood
Tonbridge
TN12 6AH**

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:

**Land Adjacent To
33 Ivy Close
Gravesend
Kent
DA12 5NP**

and being **Erection of a new dwelling**. Your application dated 31st March 2023 is permitted subject to the following:-

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.

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

Application Form - dated 31/03/2023;
Supplementary Information - Planning Statement;
Drawing no. 1532-P1001B - Ordnance Survey Site Location Plans and
Drawing no. 1532-P1002B - Proposed Plans and Elevations

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

3. Prior to above ground works commencing, details and samples of all materials and finishes to be used in the external faces of the building (bricks, tiles, rainwater goods, windows and doors) have been submitted to and approved in writing by the Local Planning Authority; the development thereafter shall be carried out in accordance with the approved details.

Reason To ensure a satisfactory visually attractive development which preserves and enhances the character of the area in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

4. Prior to any above ground works commencing on site, details of the hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- o Pedestrian access and circulation areas,
- o Boundary and screening by means of fences, walls or other means
- o Lighting installations
- o Hard surfacing materials

The landscaping works, including the works to form and surface the vehicle parking areas, shall be completed in accordance with the approved details prior to first occupation of the development.

Reason In order to ensure an acceptable standard of development upon completion and ensure that any surface water run- off from the proposed car parking spaces does not adversely impact on the public highway, in accordance with Policies CS18 (Climate Change) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

5. Prior to the first occupation of the dwelling hereby approved being first occupied, details of a soft landscaping scheme for the front garden area of the host dwelling and front and northern side elevation of the proposed dwelling fronting onto Ivy Close shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. The approved scheme shall be carried out in full during the first available planting season following first occupation of the dwelling 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 treatment to the site frontage is in keeping with the existing landscape treatment found within Ivy Close and that it 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 (Development and Design Principles) of the Gravesham local Plan Core Strategy (2014).

6. Prior to any above ground works commencing on site, a vehicle parking layout shall be submitted to and approved in writing by the Local Planning Authority. The layout shall make provision for two vehicle parking spaces for the host dwelling and a single vehicle parking space for the proposed dwelling and shall include details of the surfacing and drainage of these spaces. The vehicle parking spaces shall be formed surfaced and drained in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

Reason That the development without the provision for adequate accommodation for the parking of a private motor car or cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity and in accordance with Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy (2014).

7. The vehicle parking areas approved, formed and surfaced pursuant to condition 6 shall be kept available at all times for such use, and no development whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any provision equivalent to that Order in any statutory instrument

revoking and re-enacting that Order with or without modification) shall be carried out on that area of land or in such a position as to preclude its use for vehicle parking.

Reason That the development without the provision for adequate accommodation for the parking of a private motor car or cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity and in accordance with Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy (2014).

8. Prior to the approved parking areas for the proposed dwelling and host dwelling first coming into use the applicant must provide a vehicle crossover to the full width of the proposed hardstanding to the requirements of Kent County Council Highways and Transportation.

Reason In order to adhere to the requirements of KCC Highways and Transportation in accordance with Policy CS11 (Transport) of Gravesham Local Plan Core Strategy (2014) and Gravesham's adopted parking standards SPG 4 (2006).

9. Any window serving a bathroom/wc/ensuite must be fitted with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) only at all times.

Reason To prevent undue overlooking of the adjoining residential property in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

10. The existing window in the northern flank elevation of the host dwelling no 33 Ivy Close shall be fitted with obscure glazing sufficient to prevent clear through views, and be non-opening up to a minimum height of 1.7 m above internal floor level and shall thereafter be retained in that form.

Reason In order to safeguard the privacy of the future occupants of the proposed dwelling in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

11. Notwithstanding the provisions of Class A of Part 1 of Schedule 2 the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no additional windows shall be installed at first floor level in the northern flank elevation of the host dwelling no 33 Ivy Close

Reason In order to safeguard the privacy of the garden areas for future occupiers of the proposed dwelling in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014).

12. Notwithstanding the provisions of Class A and Class E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling or the erection of buildings incidental to the enjoyment of the dwelling hereby permitted, shall be carried out.

Reason In order to ensure adequate private amenity space is maintained for the occupants of the proposed dwelling and the amenity of neighbouring properties in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

13. Notwithstanding the provisions of Class F of Part 1 and Class A of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order, with or without modification), no additional areas of hard surfacing incidental to the enjoyment of the proposed dwelling or fences, gates or walls or additional area of hard surfacing shall be formed or erected within the front garden of the proposed dwelling forward of the northern and eastern elevations of the proposed dwelling.

Reason Notwithstanding the provisions of Class F of Part 1 and Class A of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order, with or without modification), no additional areas of hard surfacing incidental to the enjoyment of the proposed dwelling or fences, gates or walls or additional area of hard surfacing shall be formed or erected within the front garden of the proposed dwelling forward of the northern and eastern elevations of the proposed dwelling.

14. A watching brief during construction in case any unexpected contamination is encountered during the groundwork phase. Workers on site during construction should be advised by the applicant that there is a possibility of finding contaminated material. If during development any contamination is found, the Local Planning Authority should be informed as soon as practical and development shall be suspended and a risk assessment carried out and submitted to the Local Planning Authority for written approval. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. Construction work shall not continue until written agreement is provided by the Local Planning Authority that appropriate measures to resolve the matter, including the measures in the remediation and verification schemes, have been completed.

Reason To safeguard human health and the natural environment, in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

15. Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans, submitted documents and application form, 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 approved refuse arrangements shall be provided prior to first occupation of the development and thereafter be retained for such purposes at all times.

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 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 SMOKE CONTROL AREA

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 DRAINAGE/SEWERAGE INFORMATIVE

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.

6 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.

7 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.

8 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: 16 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.