



Application: 20211333

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

**APPROVAL OF A NON-MATERIAL AMENDMENT FOLLOWING A GRANT OF PLANNING
PERMISSION**

To: **Sue Kent**
C/O Howard Fairbairn MHK, Howard Fairbairn Project Service
Lambourn House
Redlands
Coulsdon

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Act 1990, **HAS APPROVED** detailed plan and particulars submitted on 26th October 2021 as a non-material amendment to the:

Notification of Grant of Planning Permission reference 20160092 to Develop Land dated 1 September 2017 in respect of:-

Demolition of existing dwelling and the erection of 3no. four bedroom houses and 8no. three bedroom houses, with associated amenities and parking; and

Notification of Grant of Planning Permission reference 20190687 to Develop Land dated 23 April 2020 in respect of:-

Application for the approval of conditions 3, 4, 6, 9, 10, 11, 12 and 13 attached to planning permission reference number 20160092 relating to details of the road serving the development from the carriageway of the existing highway network (Lower Higham Road), Code of Construction Practice, scheme for sustainable surface water drainage, additional details of all the external facing materials to be used in the construction of the building, a scheme detailing the proposed hard surface treatments and screening by walls, fences or other means, a scheme detailing the proposed soft landscaping, details of all proposed external lighting and details of the refuse storage containers

at **Former Bailiffs Cottage**
Lower Higham Road
Gravesend
Kent

and being non-material amendment to planning permission reference number 20160092 approved on 01.09.2017 and discharge of conditions planning permission 20190687 approved of on 23.04.2020, which included Condition 11 Landscaping, to allow; changes to the condition as Quercus Rubor trees can no longer be imported. 2no trees thus specified (north west and south east corners) have been amended for those already approved elsewhere on the site. Regarding the hard landscaping, the proposed pathway and inner road finishes are as shown on the accompanying drawing 6870-L101B.

Your attention is drawn to the following informatives:

INFORMATIVES:-

For the avoidance of doubt the approval hereby given is only for a non-material amendment to the development permitted under application reference 20160092 and does not amend any other part of the permission or discharge any of the planning conditions attached to that permission subject to those conditions still subsisting or capable of taking effect.

2 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

Non-material amendment application form;
Drawing no. 6780-L101C Landscaping detail; and
Drawing no. 6780-C-110 Proposed site plan.

3 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.

Dated: 23 November 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

Your attention is drawn to the following notes.

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### **NOTES:**

This permission is confined to permission under the Town and Country Planning Acts and the Town and Country Planning (Development Management Procedure) (England) Order 2015 and does not obviate the necessity of compliance with any other enactment, bye-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be requisite.

### **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.
- Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- 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.

### **COMPENSATION**

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.