



PEFULZ

Application: 20220226

**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

To: **Bellway Homes Limited (Thames Gateway)
C/O Mr Gregory Evans, Savills
33 Margaret Street
London
W1G 0JD**

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 Northfleet Cement Works
The Shore
Northfleet
Gravesend
Kent
DA11 9AN**

and being **Temporary Access and associated landscaping and parking for the sales suite at Northfleet Embankment West site** Your application dated 8th March 2022 is permitted subject to the following:-

1. The vehicular access from College Road, temporary roadway and all associated works including all temporary surface treatments, ground protection and tarmacking at the entrance, any passing bays, pedestrian pathways/routes and any temporary fencing as hereby permitted shall all be removed from the site within three years from the date of this permission, and the site shall be reinstated to amenity space as shown on Drawing No. 2956-SK-07 P3, including the reseeding of the ground and the reinstatement of the boundary fencing to its original position and the replacement of any trees, shrubs hedges or other vegetation that it is necessary to remove either along the frontage to College Road and Warwick Place or where the temporary roadway enters from College Road.

Reason: The development is only required for a temporary period to allow access to the associated marketing suite and associated parking area and its retention on a permanent basis would be contrary to adopted policy and harmful to the local visual amenity and to Policies CS02, CS11 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review.

2. The vehicular access from College Road and temporary roadway shall only be used to access the associated marketing suite and shall not be used as a construction route for construction traffic and construction workers in connection with the larger development, nor to provide general vehicular access to the wider development for future residents.

Reason: The development is only required for a temporary period to allow access to the associated marketing suite and associated parking area and its retention on a permanent

basis would be contrary to adopted policy and harmful to the local visual amenity and to Policies CS02, CS11 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review.

3. The parking area to the rear of the building set out on the approved plans shall be used for and kept available for parking in connection with the marketing/sales suite at all times.

Reason: The development is only required for a temporary period to allow access to the associated marketing suite and associated parking area and its retention on a permanent basis would be contrary to adopted policy and harmful to the local visual amenity and to Policies CS02, CS11 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review.

4. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans and details, unless alternative details are approved pursuant to the conditions imposed on this decision notice:

Planning Application Form;
Ecology Technical Note;
Arboricultural Implications Report;
Transport Statement;
Drawing No. EBR-BPTW-S01-00-DR-A-0101 C01 - Location Plan;
Drawing No. HV_1B_900 Rev T2 - Sales Plan;
Drawing No. 1803/05/1046 Rev D - College Road Sales Office Access Road;
Drawing No. 2959-SK-03 Rev A - Sales Area Entrance Road Concept Sketch; and
Drawing No. 2956-SK-07 Rev P3 - Indicative Restoration Plan.

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

5. Notwithstanding the details submitted with the application, no development shall take place until the following hard and soft landscape details have been submitted to and approved in writing by the local planning authority:-

- a. Full planting plans, including details of the final planting layout together with planting schedule providing sizes and total quantities of individual species;
- b. Details of tree planting including relationship to street lighting and where appropriate tree pit details including indicative irrigation / aeration pipes, drainage to the base of the tree pit and mulched area where planted within grass;
- c. Final layout and details of hard landscaping including the external finishes of all roads, footpaths and parking areas, together with specification of edging and kerbs;
- d. Final layout and details of boundaries including hoarding, fencing and gates access
- e. Final layout and details of street furniture including tree guards, bollard lighting, flagpoles and parking control signage

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

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 (September 2014).

6. Prior to the commencement of works (including site clearance), a non-native species removal plan will be submitted to, and approved in writing by, the local planning authority, detailing the containment, control and removal of the non-native, invasive species listed within the 'Ecology Technical Note' (AAe May 2022). The measures will be carried out in accordance with the approved details.

Reason: To ensure an acceptable standard of development upon completion through provision and long term management of soft landscaping and to enhance local provisions for

wildlife and biodiversity to mitigate habitat lost by development, in accordance with adopted Gravesham Local Plan Core Strategy Policies CS12 and CS19.

7. From commencement of works (including site clearance), all precautionary mitigation measures for reptiles will be carried out in accordance with the details within the 'Ecology Technical Note' (AAE May 2022).

Reason: In order to ensure the survival and protection of important species and those protected by legislation that could be affected by the development, in accordance with Local Plan: Core Strategy Policy CS12 and paragraph 174 of the National Planning Policy Framework, which seeks the protection of priority species.

8. No clearance works must be carried out on the site between 1 March and 31 August in any year.

Reason: To restrict building work to a specific season to protect breeding birds, and so protect the biodiversity of the environment, as set out in Wildlife and Countryside Act (as amended) 1981 and paragraph 180 of the National Planning Policy Framework (2021).

9. The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA 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 prevent harm to human health and pollution of the environment in accordance with Local Plan: Core Strategy Policy CS19 and paragraphs 120 and 121 of the National Planning Policy Framework (2021)

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

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

11. The development hereby approved shall not be brought into use until the visibility splays shown on the approved drawings have been fully provided with no obstructions over 1.05 metres above carriageway level within the splays. The splays shall be maintained at all times thereafter.

Reason: In the interests of highway safety, in accordance Local Plan: Core Strategy Policies CS11 and CS19 and saved policies P3 and T5 of the Local Plan First Review (1994).

12. The development hereby approved shall not be brought into use until 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access have been fully provided with no obstructions over 0.6m above footway level. The splays shall be maintained at all times thereafter.

Reason: In the interests of highway safety, in accordance Local Plan: Core Strategy Policies CS11 and CS19 and saved policies P3 and T5 of the Local Plan First Review (1994).

13. The development hereby approved shall not be brought into use until a scheme for providing bat roosting opportunities at the site, in line with the recommendations of the Ecology Technical Note (AAe May 2022) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development hereby approved being brought into use.

Reason: In order to enhance the biodiversity of the site in accordance with adopted Local Plan Core Strategy Policy CS12 of the Gravesham Local Plan: Core Strategy (September 2014).

14. No boundary wall, fence or other means of enclosure or obstruction exceed 600mm in height shall be erected or placed within the visibility splays either side of the temporary access hereby permitted as shown on the approved drawing.

Reason: In the interests of highway safety and pursuant to policies CS11 of the Gravesham Local Plan Core Strategy and saved policy T5 of the Gravesham Local Plan First Review.

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 DEVIATION FROM APPROVED PLANS

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

3 BUILDING REGULATIONS CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 CODE OF PRACTICE FOR CONSTRUCTION/DEMOLITION SITES WITHIN THE BOROUGH OF GRAVESHAM

This Code of Practice relates to all building sites in Gravesham and is given to ensure best practice is achieved equally throughout the borough. All aspects of the code apply to every building site and will only be altered on an individual basis if there are found to be special circumstances on that particular site. Any amendment made will be in writing by an authorised officer of the Environmental Health Department. The following circumstances are given where consideration will be given to a variation in the Code of Practice:-

- a) Where occupiers of noise sensitive properties are unlikely to be affected by the works.
- b) Where the work cannot be carried out during the hours specified because of the requirements of another authority such as the emergency services, utilities, traffic management authorities etc.
- c) Where the site location is isolated or where the works are in a mainly commercial/industrial area with few residential properties.

In all the above cases the onus will be on the applicants to provide written justification as to why the code should be varied. When making such a statement the applicant must include the following information where appropriate:-

- i) Location, nature and duration of works.
- ii) Measured/predicted noise levels and background levels.
- iii) Measured/predicted vibration levels.
- iv) Proximity and numbers of residential properties.
- v) Evidence of public consultation/information to persons likely to be affected.
- vi) Written evidence from the appropriate authority (in instances where b) above applies).

In order for adequate consideration to be given by this Council to a request for deviation from the Code of Practice, any proposal must be provided in writing to the Environmental Health Services Manager at least fifteen working days prior to the works starting.

On developments where construction/demolition is undertaken on contaminated land, work will be required to be carried out in a way which will be specified within conditions of the site's planning approval.

The requirements of this Code of Practice should prevent unnecessary disturbance to nearby residents. In the event of a nuisance being caused due to work not being carried out in an appropriate way, the council may take enforcement action to resolve the situation.

Please note compliance with Health and Safety requirements arising from construction/ demolition work shall be given priority over this Code of Practice.

BURNING OF MATERIAL

It is expected that no burning of materials shall take place on a construction or demolition site. Where the contractor is of the opinion that this is unavoidable he shall make representations to the council for consideration. No burning will be allowed to take place without written authority from a suitably authorised officer of the council. Any burning so authorised will be subject to strict controls which will include, amongst other matters, the following:-

- o A strict control on the amount of material burnt at any one time.
- o Burning is carried out under the direct and continuous supervision of the person responsible for the site or a person authorised to act on his behalf.
- o All material shall be kept dry prior to being burnt.
- o The wind shall be positively blowing away from nearby residential or other sensitive buildings. Where this is not possible burning shall take place in still weather.

NOISE AND VIBRATION

Where sensitive premises are likely to be affected by noise and/or vibration, all works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the council, shall be carried out only between the following hours (these to be known as normal working hours) : -

Monday - Friday 08:00 - 18:00

Saturdays 08:00 - 13:00

Sunday and Bank Holidays. No works audible at the site boundary or any other place agreed by the council.

In addition to the above times the contractor may use up to one hour before and up to one hour after normal working hours for start up and close down of activities. Examples of these activities would be:

- a) Day to day maintenance, checking, lubrication and cleaning/washing down of plant and machinery.
- b) Refuelling of plant and machinery (from on-site storage facilities only).
- c) Deliveries and unloading.

- d) Site inspections and safety checks, but excluding any works necessary to make the working zone and/or construction site safe (which are to be undertaken within normal working hours).
- e) Arrival and departure of workforce and staff at the construction site, but only in so far as the arrival and departure times provide for the minimum time necessary to undertake the tasks allowed by these start up/close down activities.
- f) Site meetings.
- g) Site clean up.

NB The start up and close down periods are not to be regarded as an extension to the normal working day.

Where the site boundary/entrance is located adjacent to noise sensitive areas it must be ensured as far as possible that vehicles do not arrive on site outside the times laid out above. Where this is found not to be possible, drivers of vehicles arriving at the site before it is open must not leave the vehicle's engine running or cause other excessive noise/pollution whilst they are waiting.

On the site itself, best practicable means as defined in section 72 of the Control of Pollution Act 1974 to reduce noise to a minimum shall be employed at all times.

Compliance with BS5228 Part 1:1997 'Noise control on Construction & Open sites' is expected as a minimum standard. This requires amongst other things that all plant and machinery in use shall be properly silenced, maintained and used in accordance with the manufacturer's instructions.

Criteria and procedures for vibration control are assessed using different parameters as follows:

- * Vibration Dose Values (VDVs) are used to protect the occupants and users of buildings from disturbance. (VDVs are defined in BS 6841 and their application is discussed in BS 6472).
- * Peak Component Particle Velocity is used to protect buildings from risk of physical damage. These are assessed in accordance with BS 7385.

Best Practicable means shall be used to control vibration levels so that the following Vibration Dose Values measured on a normally loaded floor in accordance with BS 6472:1994 are not routinely exceeded as a result of works.

Building Type	Period	VDV (ms ^{-1.75})
Residential Buildings, Educational Establishments, Offices and similar	Normal working hours	0.4
Commercial	Normal working hours	0.8

Best Practicable Means shall be used to control Peak Component Particle Velocity measured at the base of any building in accordance with BS 7385 does not routinely exceed a level of 10 mm/s.

In instances where complaints of vibration are received within any adjacent property then the contractor shall immediately take all measures necessary to demonstrate that the vibration levels are below the limits shown in the paragraphs above.

Where the results of any monitoring indicate non-compliance with the limits stated above, the contractor shall immediately change the method of working, and/or the plant being used. Prior to the work recommencing, the contractor shall satisfactorily demonstrate that the new arrangements satisfy the vibration limits.

DUST

Dust suppression techniques shall be used on site where significant quantities of spoil or fine aggregates are stored and/or where the site location is such that it is likely persons living in residential properties are going to be affected by wind blown dust.

Spoil temporarily placed on site shall be located as far away from sensitive properties as possible. The height of stored material shall be kept as low as is practical and water sprayed onto the surface of the piles shall be used as appropriate to keep the surface damp.

Where longer term storage of fine aggregates and other potentially dusty material is necessary, suitable storage facilities shall be used where practicable in order to screen these materials from the wind. This stored material shall be located so that it is as far away from sensitive properties as possible and measures to prevent wind blown dust shall be adopted. These shall include:-

- * keeping the height of stock piles as low as possible,
- * using water sprays as appropriate whilst minimising the production of excessive runoff,
- * minimising the re handling of dry construction materials and spoil,
- * keeping the loading drop heights to as low as possible,
- * where appropriate applying the surfaces of roads on site with water sprays as necessary and/or using wheel-washing facilities.
- * all materials transported to and from the site shall be conveyed by suitable vehicles in enclosed containers or using other adequate wind shielding measures such as sheeting.

The person responsible for the site shall keep on site a daily log book which will be available to visiting authorised officers and shall list the following:-

- * the conditions on site,
- * whether any wind blown dust was visibly coming off the site,
- * what control measures were carried out, and
- * what the results of these were.

COMMUNICATION

It shall be a matter of priority for a contact name and telephone number to be set up in order to enable ready two-way communication and contact with the council and local residents. In cases where work likely to cause a disturbance is to be carried on out of normal working hours, the phone line would be manned whilst the work is ongoing.

LIGHTING

Where security and/or site lighting is used, this shall be located and directed or screened so that it does not cause undue intrusion to adjacent occupied residential properties, or sensitive areas, or constitute a road hazard, and shall be chosen to limit light pollution effects such as "glow in the sky".

5 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.

6 BREEDING BIRDS

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

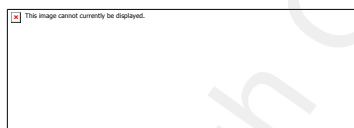
or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

7 REASON FOR IMPOSITION OF PRE-COMMENCEMENT CONDITIONS

Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of conditions 5, 6, 7 and 8 (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site. The reason for this is to ensure the survival and protection of important species and to enhance local provisions for wildlife and biodiversity to mitigate habitat lost by development. Due to the importance attached to these details, it is reasonable and necessary to seek full approval in advance of works commencing

Dated: 5 October 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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### 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.
- **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.