



Application: 20231078

**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: **Box+III Gravesend Limited
C/O Mrs Lucy Turner, Montagu Evans LLP
70 St Mary Axe
London
EC3A 8BE**

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:

**Unit C
Imperial Retail Park
Thames Way
Gravesend
Kent
DA11 0DQ**

and being **change of use of ground floor from non-food retail to retail sale of food and ancillary non-food goods and installation of plant.** Your application dated 26th October 2023 is permitted subject to the following:-

1. The development hereby approved shall be begun not later than 3 years following the date of this decision.

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 schedule of approved plans:

Application for Planning Permission form;
Drawing no. IRP-UC-SLP-001 Site location plan;
Drawing no. IRP-UC-BP-001 Block plan;
Drawing no. URB UC [08] 00 04 Rev. D00 Ground floor layout as existing and proposed;
Drawing no. URB UC [08] 70 01 Rev. D00 Elevations as existing and proposed;
Heat pump specifications;
Noise Assessment 30 October 2023;
Travel Plan August 2023;
Flood Risk Assessment October 2023;
Transport Statement October 2023;
Planning and Retail Statement 17 October 2023;
Letter from the agent dated 17 October 2023; and
Email from the agent received 19 December 2023.

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

3. Within six months of the commencement of the development, details of secure, covered cycle parking facilities for a minimum of 10 cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be installed within six months of the details being agreed and thereafter be retained permanently.

Reason: To ensure adequate cycle storage provision at the application site and in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (2014).

4. Within six months of the commencement of the development, a completed Travel Plan (covering both staff and customers) shall be 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 and the plan shall be monitored at yearly intervals. The measures approved in the Travel Plan shall be implemented in accordance with the approved details or any changes subsequently made under its monitoring review process.

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).

5. The ground floor area (as shown on drawing number URB UC [08] 00 04 Rev. D00) shall be used for the sale of food retail goods with a total sales area of 928 square metres and for the sale of ancillary non-food goods and for no other purpose, including any other purpose within Class E(a) of Part A of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987, as amended, or any equivalent to that Class in any Order amending, revoking and re-enacting that Order, with or without modification.

Reason: In accordance with the details submitted and in order that any other use of the premises may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits, having regard to highway safety and impacts on the Imperial Retail Park and Gravesend town centre shopping area, taking into account Policies CS08 and CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy P5 of the Gravesham Local Plan First Review (1994).

6. The mezzanine floor area shall not be used for any food retail sales unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason: In accordance with the details submitted and in order that any other use of the premises may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits, with particular reference to highway safety impacts and in line with Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy P5 of the Gravesham Local Plan First Review (1994).

7. Notwithstanding the provisions of Article 3, Part 7, Classes A to C of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any Order amending, revoking and re-enacting that Order, with or without modification, and also notwithstanding Section 55(2)(a) of the Town and Country Planning Act 1990 as amended, no extension or enlargement, no mezzanine floor and no trolley store or click and collect facilities shall be constructed unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason: In order to ensure that any enlargement or alteration of the retail unit may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to highway safety and impacts on the Imperial Retail Park and Gravesend town centre shopping area, taking into account Policies CS08 and

8. Notwithstanding the provisions of Article 3, Part 3, Classes G and MA of Schedule 2 to 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 change of use to a mixed Class E use and flats or to a dwellinghouse shall be made unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason: In order to ensure that any change of use of the retail unit may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to highway safety and impacts on the Imperial Retail Park and Gravesend town centre shopping area, taking into account Policies CS08 and CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy P5 of the Gravesham Local Plan First Review (1994).

9. Notwithstanding the provisions of sections 55(2)(a) and (f) of the Town and Country Planning Act 1990, as amended, the premises, namely Unit C Imperial Retail Park, Thames Way Gravesend, shall not be subsequently subdivided to create smaller retail units unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason: In order to ensure that any subdivision of the retail unit may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to highway safety and impacts on the Imperial Retail Park and Gravesend town centre shopping area, taking into account Policies CS08 and CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy P5 of the Gravesham Local Plan First Review (1994).

10. The food retail use hereby permitted shall only be operated between the hours of 07.00 and 22.00 on Mondays to Saturdays and between the hours of 10.00 to 16.00 on Sundays and Bank Holidays.

Reason: In order to ensure that any intensification of the use of the premises may be the subject of a planning application which the Local Planning Authority would wish to determine on its merits and to protect residential amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

11. Prior to their installation, full details of all fixed building services/mechanical plant/equipment (to include technical specifications and location plans) shall be submitted to and approved in writing by the Local Planning Authority. All fixed building services/mechanical plant/equipment shall be installed in accordance with the specifications and locations set out in the approved plan and be maintained as such thereafter. No additional fixed building services/mechanical plant/equipment shall be installed.

Reason: In the interests of residential amenity, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

12. Prior to installation of any external lighting, a lighting design plan for residential amenity shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall show the type and locations of all lighting and the expected vertical and horizontal light spill in lux levels, to demonstrate that areas to be lit will not adversely impact amenity. All lighting shall be installed in accordance with the specifications and locations set out in the approved plan and be maintained as such thereafter. No additional external lighting shall be installed.

Reason: In the interests of residential amenity, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

13. The rating noise level from fixed building services/mechanical plant/equipment (operating cumulatively) 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.

Reason: In the interests of residential amenity, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

14. Servicing and deliveries/collections from the rear service yard shall only take place between 07:30 and 20:00 hours on Mondays to Saturdays and between 10.00 and 17.00 on Sundays and Bank Holidays. All refrigerated vehicles shall switch off their refrigeration units whilst in the rear service yard.

Reason: In the interests of residential amenity, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 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.

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 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.

5 INFORMATION FROM GBC COMMERCIAL TEAM (REGULATORY SERVICES)

The following comments are made for the information of the applicant.

Health and Safety:

In these premises Gravesham Borough Council (GBC) Environmental Health will be the enforcing authority. The applicant must ensure that these premises comply fully with the Health and Safety at Work (etc) Act 1974 and all relevant regulations made there under. For information and advice on health and safety matters check out the HSE website www.hse.gov.uk or contact the Environmental Health team on commercialhealth.admin@gravesham.gov.uk or 01474 337 000.

This workplace will be immediately subject to the requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. Particular attention should be made to the following requirements.

- Regulation 6 requires that effective and suitable provision shall be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air.
- Regulation 14 requires that every window or other transparent or translucent surface in a door or gate shall where necessary for reasons of safety be constructed of a safety material or be protected against breakage and also be appropriately marked.
- Regulation 20 requires that suitable and sufficient sanitary conveniences shall be provided at readily accessible places. Where between 6 and 25 persons are employed a minimum of 2 water closets must be provided.

Food Safety Comments:

It is a requirement under Article 6(2) of Regulation 852/2004 that food business operators must register their establishments with the appropriate competent authority (in this case GBC Environmental Health) at least 28 days before food operations commence. Registration is via the Gravesham Borough Council website www.gravesham.gov.uk/food-safety

The applicant must ensure that the food store fully complies with current food safety legislation to the satisfaction of the Regulatory Services Manager. Structural and operational requirements are covered by the legislation notably EC Regulation 852/2004.

Lavatories must not lead directly into rooms in which food is handled, stored or prepared. There should be an intervening ventilated space between toilets and food rooms. Food should not be stored in that space.

For further advice on starting a food business please visit the FSA website <https://www.food.gov.uk/business-guidance>

6 INFORMATION FROM KENT HIGHWAYS AND TRANSPORTATION

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

7 PEST CONTROL ISSUES

Local residents have raised concerns that the proposed development would exacerbate an existing vermin problem in the surrounding area. The applicant should note that all food businesses are required to ensure that their premises and refuse areas are in a good state of repair, pest proof and are kept clean to prevent access to rodents or other pests. This is something that is checked during their food hygiene inspections. It is recommended that food businesses have proactive pest control contracts.

Dated: 18 January 2024

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Head of 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.