



Application: 20221254

**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: **Mr Yusuf Samet Aydin
C/O Mr Yusuf Aydin
6 Jamestown Way
Flat 1 Wotton Court
London
E14 2DB**

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:

**I Love Pizza Ltd
147 Parrock Street
Gravesend
Kent
DA12 1EY**

and being **Application for the variation of conditions 2, 5 and 6 attached to planning permission ref. no. 20200615 for change of use from former Use Class A1(shops), now within Class E (Commercial, Business and Service) to what was Use Class A5 (hot food takeaway), now a Sui Generis Use (Hot Food Takeaway), to allow changes to the approved drawings; changes the front signage display; changes to the odour extraction and ventilation systems; and change of use from pizza takeaway.** Your application dated 4th January 2023 is permitted subject to the following:-

1. The development to which this permission relates must be begun no later than the 9th July 2023.

Reason In accordance with the provisions 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 strict accordance with the following approved plans/drawings;

Application Form - dated 04/01/2022;
Covering Letter - dated 11/11/2022;
Design and Access Statement - dated 11/11/2022;
Supplementary Information - Filtration Assessment (GOYA Works) - dated 15/11/2022;
Supplementary Information - Odour Report (GOYA Works) - dated 15/11/2022;
Supplementary Information - Ventilation Statement (GOYA Works) - dated 15/11/2022;
Supplementary Information - Vibration Assessment and Kits (GOYA Works) – dated 17/11/2022;
Supplementary Information - Noise Impact Assessment Report (GOYA Works) – dated 17/11/2022;

Supplementary Information - Email from Agent (24/02/2023) - confirming opening hours 11:00-23:00hrs;
Drawing no. 060100 - Existing Floor Plans;
Drawing no. 060101 - Proposed Floor Plans;
Drawing no. 060102 - Retrospective and Proposed Elevations and Proposed Section BB;
Drawing no. 060103 - Existing Elevations and Section BB;
Drawing no. 060105 - Retrospective Front Elevation and Section BB;
Drawing no. 060106 - Proposed Basement and Ground Floor Kitchen Equipment Plan;
Drawing no. 060107 - Fixing Details Plan;
Drawing no. 2022/33/01 - Site Location and Block Plans;
Un-numbered Block Plan (scale 1:200).

Reason In order to ensure the development is implemented on the basis of the scheme as submitted and assessed in the interests of proper planning and in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014).

3. The premises shall only be open for trading as a hot food takeaway, and any associated home delivery service shall also only operate, between the hours of 11:00 hours and 23:00 hours on any day.

Reason To protect residential amenities of occupiers of properties surrounding the site in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework.

4. The rating level of the noise emitted from plant/machinery/equipment installed at the premises, shall not exceed the existing background noise level by more than -10dB at the nearest noise sensitive premises when measured and assessed in accordance with BS4142:2014.

Reason To protect residential amenities of occupiers of properties surrounding the site in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2021).

5. The kitchen extraction/ventilation system shall be installed as set out within the 'Odour Report' dated 15/11/2022 by Goya Works, 'Ventilation Statement' dated 15/11/2022 by Goya Works and the proposed plans before the use as hereby permitted first commences. The extraction/ventilation system as installed must not be used outside the permitted operating hours of the premises. The system shall be maintained in accordance with the submitted reports and documents thereafter.

The installation and commissioning of the extract system must be undertaken using a competent ventilation engineer in accordance with approved details, and a commissioning report must be provided and approved in writing by the Local Planning Authority to verify the installation and ensure minimum discharge rates are included. The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme, with no new plant or ducting system to be used without the written consent of the Local Planning Authority.

Reason To protect residential amenities of occupiers of properties surrounding the site in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2021).

6. The kitchen extraction/ventilation system shall be installed in accordance with the details and specification as set out within the 'Noise Impact Assessment Report - Kitchen Extract System' dated 17/11/2022 by Sound Licensing Ltd, 'Ventilation Statement' dated 15/11/2022 by Goya Works, 'Vibration Assessment and Kits' dated 17/11/2022 by Goya Works and the proposed plans before the use hereby permitted first commences.

The installation and commissioning of the extract system must be undertaken using a competent ventilation engineer in accordance with approved details, and a commissioning report must be provided and approved in writing by the Local Planning Authority to verify the installation. This report must include post completion noise levels taken at the nearest independent noise sensitive premises in order to demonstrate that the rating level of the noise emitted as a result of the extraction equipment running does not exceed the existing background noise level by more than -10dB at the nearest independent noise sensitive premises when measured and assessed in accordance with BS4142:2014. If this level cannot be complied with, a scheme of further noise mitigation measures needed to achieve the required level must be submitted for approval. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason To protect residential amenities of occupiers of properties surrounding the site in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2021).

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 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.

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.

Dated: 28 February 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.