



PEDETZ

Application: 20220463

**TOWN AND COUNTRY PLANNING, ENGLAND
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

APPROVAL OF DETAILED PLANS AND PARTICULARS

To: **TH UK & Ireland Ltd
C/O Ms Christine Reeves, Williams Gallagher
Portman House
5-7 Temple Row West
Birmingham
B2 5NY**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Act 1990, has **APPROVED** detailed plans and particulars submitted on 29th April 2022 in accordance with conditions 8, 9 and 13 of the Notification of Grant of Planning Permission reference 20210185 to Develop Land dated 18 March 2022 in respect of:-

Change of use from Use Class A3 restaurant with ancillary takeaway to flexible Use Class E(b) (sale of food and drink for consumption (mostly) on the premises), coffee shop/restaurant or Sui Generis use consisting of a coffee shop/restaurant selling food and drink for consumption on and off the premises; installation of a drive thru facility including drive thru lane on east side, small infill extension and associated external alterations including reconfiguration of car park; and extension to the existing opening hours to operate on a 24 hour, 7 day a week basis.

at: **Unit J
Imperial Retail Park
Thames Way
Gravesend
Kent
DA11 0DQ**

and being **Application for approval of conditions 8, 9 and 13 attached to planning permission reference number 20210185 relating to details of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions (condition 8), details of all proposed external lighting of the site and building (condition 9), and a Delivery Service Vehicle Management Plan (DSMP) (condition 13).**

subject to the following Informatives:-

Your attention is drawn to the following informatives

INFORMATIVES:-

1 EXTENT OF THE APPROVAL

For the avoidance of doubt the approval hereby given relates to the details submitted pursuant to conditions 8, 9 and 13 attached to planning permission reference number 20210185 in respect of the details of the ventilation extraction system, particularly regarding odour elimination abilities, residence

time of the air within the filters and likely noise emissions (condition 8), details of all proposed external lighting of the site and building (condition 9), and a Delivery Service Vehicle Management Plan (DSMP) (condition 13).

It does not amend the permission or discharge any of the other planning conditions relating to that permission subject to those planning conditions still subsisting or capable of taking effect.

2 STATUS OF SUBMITTED PLANS AND DOCUMENTS

For the avoidance of doubt the following plans, details and particulars were submitted in support of this application for approval of details pursuant to planning conditions and were taken into account in making the decision:

Application Form

Condition 8 Odour / Fumes

AC Layout Plan (Ref: J0050-MEN-ZZ-00-DR-M-55101 Rev P02, Jan 2022)

Proposed Ventilation Layout Drawing (Ref: J0050-MEN-ZZ-00-DR-M-57101 P04, Jan 2022)

Specifications for Proposed Ventilation Equipment

Midea Heat Recovery Ventilator details

Email from Christine Reeves, Williams Gallagher, dated 19 July 2022 with details of catering equipment

Email from Christine Reeves, Williams Gallagher, dated 26 July 2022 with further details of catering equipment including Ultravent and rational ovens

Condition 9 Lighting

Lighting Plan prepared by Fagerhult Retail Rev 4 dated 10.06.2022

Technical Lighting Details by Fagerhult dated 26.05.2022

Revised Updated Lighting Report Rev 4 dated 13.06.2022 received 30.06.2022

Additional Lighting Information by Fagerhult UK Ltd dated 30.09.2019, received 30.06.2022

Condition 13 Delivery and Servicing Plan

Service Vehicle Management Plan prepared by Cameron Rose (Ref CRA Ref: 724-01/SVMP01 Rev A, dated 11 May 2022)

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.

In this instance, necessary revisions were identified and made to the proposal, at which point it was able to be given permission.

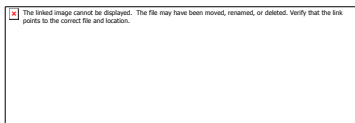
4 ODOUR AND/OR SMOKE/FUME NUISANCE AND LIGHTING NUISANCE

The applicants are advised that the discharge of condition 8 of planning permission 20210185 does not prevent action being taken against the business in the event that the Council's Environmental Protection Team confirms at a later date that an unreasonable odour and/or smoke/fume nuisance is caused to any residents or nearby businesses.

The applicants are further advised that the discharge of condition 9 of planning permission 20210185 does not prevent action being taken against the business in the event that the Council's Environmental Protection Team confirms at a later date that an unreasonable light nuisance is caused to any residents or nearby businesses.

Dated: 9 August 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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 or online at 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.