



Application: 20221303

**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 Geevan Binning
24 Perry Street
Northfleet
GRAVESEND
Kent
DA11 8RE
United Kingdom**

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:

**Wicked Wings Ltd
24 Perry Street
Northfleet
Gravesend
Kent
DA11 8RE**

and being **Application for the variation of condition 4 attached to planning permission 20170013 relating to Change of use of sandwich bar (Class A1) to a mixed use of a hot food take-away (Class A5) and restaurant (Class A3); to allow trading on Sundays and Bank holidays.** Your application dated 5th January 2023 is permitted subject to the following:-

1. The development as carried out shall accord with the following approved plans:

- Application form;
- Drawing No: JMD-1191-B020 (Existing/Proposed Block Plan); and
- Drawing No: JMD-1191-B010 (Site Location Map).

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

2. The flues and vents and ventilation extraction system in relation to the cooking methods proposed, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions shall be in accordance with the details approved by 20171067.

Reason: To protect the amenities of occupiers of adjoining properties and in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

3. The premises hereby permitted shall only open for trading between the hours of:

- 10.30am to 23.00pm Mondays to Fridays;

- 10.30am to 23.00pm on Saturdays;
- 16:00pm to 22:00pm Sundays and Bank Holidays.

and no works or ancillary operations that are audible at the site boundary, or at any such other place as may be agreed with the Local Planning Authority, shall take place outside of the stated hours.

Reason: To protect the amenities of occupiers of adjoining properties and in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

4. The rating level of the noise emitted from any plant or equipment associated with this use shall not exceed existing background (LA90) measured 1m from the nearest noise sensitive façade. The measurements and assessments shall be made according to BS4142:2014.

Reason: To protect the amenities of occupiers of adjoining properties and in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

5. Storage facilities provided shall be of sufficient capacity having regard to the quantity of waste produced and the frequency of waste collection. All waste shall be removed from site on a regular basis by a licensed waste carrier and disposed of at a licensed waste disposal site.

Reason: In order to protect the environmental amenities of the immediate locality and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 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) 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 the proposal was acceptable and compliant with Local and National Planning Policy.

2 EXTENT OF THE PERMISSION

For the avoidance of doubt, this permission has been granted under section 73 of the Town and Country Planning Act 1990 to vary condition 4 and amend the permission relating to the notification of grant of planning permission reference 20170013 dated 19 May 2017.

It 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.

Either the amended planning permission or the original planning permission for the development or any other amended applications that may also have been granted permission may be implemented but the conditions on the permission chosen to be implemented must be fully complied with.

3 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: 1 March 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.