

Application: 20230097

**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: **Ms Julia Santomauro
C/O Trevor Wiltshire, John Finch Partnership
88 Broomfield Road
Chelmsford
CM1 1SS
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:

**12 - 14 High Street
Gravesend
Kent**

and being **Application for variation of condition 1 attached to appeal reference APP/K2230/W/22/3297812 for change of use of 12-14 High Street from A1 (retail) to A3 (restaurant) including the installation of a new shop front; to allow replacement of the following approved drawings, 3358:007 and 3358:009 rev A, with the submitted drawing 3358.007D Proposed Elevations.** Your application dated 7th February 2023 is permitted subject to the following:-

1. The development hereby permitted shall be retained in accordance with the following approved plans: 3358:01 Rev D, 3358:04, 3358:010, 3358.007 Rev D and 3358.LOC (site location plan).

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 of the Gravesham Local Plan Core Strategy (September 2014).

2. Unless within three months of the date of this decision a scheme for the refuse storage and collection arrangements ensuring adequate provision for non-recyclable waste, food waste and recyclable waste, is submitted in writing to the Local Planning Authority for approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease and all equipment and material brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the Local Planning Authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained and remain in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limited specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: In order to ensure the development is served by a suitable refuse storage area in the interests of amenity and in accordance with Local Plan: Core Strategy Policy CS19.

3. Unless within three months of the date of this decision a scheme for a extract ventilation system and odour control equipment particularly regarding odour elimination abilities and likely noise emissions, is submitted in writing to the Local Planning Authority for approval, the use of the site shall cease and all equipment and materials bought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease and all equipment and material bought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter remain in use and maintained in accordance with the manufacturer's instructions.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limited specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: In the interest of protecting residential amenity, in accordance with Local Plan: Core Strategy Policy CS19.

4. Unless within three months of the date of this decision a sound insulation assessment demonstrating the construction that separates the residential and commercial unit resists the transmission of airborne sound, is submitted in writing to the Local Planning Authority for approval, the use of the site shall cease and all equipment and materials bought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

In the event that it does not resist the transmission of airborne sound then the report shall provide suitable details of the substantially enhanced sound insulation performance of/sound reduction achieved by relevant floors/ceilings. If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease and all equipment and material bought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the Local Planning Authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limited specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Local Plan: Core Strategy Policy CS19.

5. The use hereby permitted shall only take place between 11:00 - 23:00 Mondays - Sundays.

Reason: In order to protect residential amenity and 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) 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.

Dated: 28 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.