



Application: 20230924

**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: **Mr C Harding, Oaklands Property & Developments Limited
C/O Mr Jonathan Bolton
Synergy Planning & Property Consultants Ltd
The Office
16 The Larches
Higham
Rochester
Kent
ME3 7NQ**

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:

**3 Echo Square
Gravesend
Kent
DA12 1NP**

and being **change of use of the ground floor shop unit to restaurant and takeaway use and installation of flue to the rear**. Your application dated 7th September 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 Form
23/409/01 - Survey Drawing
23/409/02 Rev A - Proposed Plans and Elevations Drawing
GK-10080-002 Rev - Proposed Side Elevation Proposed Floor Plans
Covering Letter
Design and Access Statement
The Local Shop Report 2021
Filtration and Maintenance Assessment by Goya Works dated 10/08/2023 (Project no. G0096-1)
Noise Impact Assessment by Sound Licensing Ltd dated 15/08/2023 (Revision no. 1.0)
Odour Impact Assessment by Goya Works dated 10/08/2023 (Project no. G0096-1)
Ventilation Assessment by Goya Works dated 10/08/2023 (Project no. G0096-1)

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

3. Prior to the first operation of the development hereby approved, all equipment for the extraction and control of fumes and odours must be installed by competent persons in accordance with the submitted details and current guidance from DEFRA, the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems and any current best practice or statutory guidance. The submitted documents are:
- Proposed Extraction Layouts - Drawing Ref GK-10080-002
 - Proposed Plans and Elevations - Drawing Ref 23/409/02
 - Ventilation Assessment by Goya Works Ltd - Doc Ref G0096-1
 - Odour Impact Assessment by Goya Works Ltd - Doc Ref G0096-1.

Maintenance and routine cleaning shall be undertaken in accordance with the details contained in the following document:

- Filtration and Maintenance Assessment by Goys Works Ltd - Doc Ref G0096-1

A commissioning report shall be provided to the Local Planning Authority to verify the installation, ensuring minimum discharge rates are included. The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme. 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: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area.

4. Prior to the first operation of the development hereby approved, all equipment for the extraction system must be installed by competent persons in accordance with the details contained in the 'Noise Impact Assessment Report - Kitchen Extraction System' by Sound Licensing Ltd dated 15/08/2023 and the following documents:
- Proposed Extraction Layouts - Drawing Ref GK-10080-002
 - Proposed Plans and Elevations - Drawing Ref 23/409/02
 - Ventilation Assessment by Goya Works Ltd - Doc Ref G0096-1
 - Vibration Assessment by Goys Works Ltd - Doc Ref G0096-1

submitted details and current guidance from DEFRA, the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems and any current best practice or statutory guidance. The submitted documents are:

- Proposed Extraction Layouts - Drawing Ref GK-10080-002
- Proposed Plans and Elevations - Drawing Ref 23/409/02
- Ventilation Assessment by Goya Works Ltd - Doc Ref G0096-1
- Odour Impact Assessment by Goya Works Ltd - Doc Ref G0096-1.

Maintenance and routine cleaning shall be undertaken in accordance with the details contained in the following document:

- Filtration and Maintenance Assessment by Goys Works Ltd - Doc Ref G0096-1.

A commissioning report shall be provided to the Local Planning Authority to verify the installation, including post completion noise levels. The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met. 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: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area.

5. The hot food restaurant and takeaway hereby permitted shall only operate between the hours of 11:00 - 23:00 on any day. No works or ancillary operations associated with this use shall be audible at the site boundary, outside of these stated hours.

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

INFORMATIVES:-

1 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.

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 CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 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.

Dated: 7 December 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
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.