



**Application: 20240395**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015 (AS AMENDED)**

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| <b>NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND</b> |
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To: **Mr Chukwuma Okoruwe  
C/O Mr A Martin, Lyondale  
Crown House  
Home Gardens  
Dartford  
Kent  
DA1 1DZ**

**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:

**Ebbsfleet Rainbow Centre  
Rose Street  
Northfleet  
Gravesend  
Kent  
DA11 9EQ**

and being **Change of use of upper floor only from F2(b) Community Hall to F2(a) Retail Shop (retrospective) and insertion of window in front elevation.** Your application dated 4th June 2024 is permitted subject to the following:-

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

- Application form;
- Drawing no. Y1987/2024/00 Rev. 00 - Site Location and Block Plans;
- Drawing no. Y1987/2024/01 Rev. 01 - Pre-Existing Ground Floor Plan;
- Drawing no. Y1987/2024/02 Rev. 02 - Pre-Existing First Floor Plans;
- Drawing no. Y1987/2024/03 Rev. 03 - Pre-Existing Elevations;
- Drawing no. Y1987/2024/04 Rev. 01 - Pre-Existing Elevations;
- Drawing no. Y1987/2024/05 Rev. 01 - Existing Ground Floor Plan;
- Drawing no. Y1987/2024/06 Rev. 01 - Existing First Floor Plans;
- Drawing no. Y1987/2024/07 Rev. 02 - Existing Elevations;
- Drawing no. Y1987/2024/08 Rev. 00 - Existing Elevations;
- Drawing no. Y1987/2024/09 Rev. 02 - Existing Site Location;
- Drawing no. Y1987/2024/10 Rev. 01 - Proposed Ground Floor Plan;
- Drawing no. Y1987/2024/11 Rev. 01 - Proposed First Floor Plans;
- Drawing no. Y1987/2024/12 Rev. 02 - Proposed Elevations;
- Drawing no. Y1987/2024/13 Rev. 00 - Proposed Elevations; and
- Drawing no. Y1987/2024/14 Rev. 02 - Proposed Site Location Plan.

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

2. Within 3 months of the date of this permission details of the location and appearance of any plant and equipment together with a noise impact assessment which shall be carried out by a suitably qualified acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority.

The report shall take into account the days/times of operation and the details and impact of any plant or equipment. The report must demonstrate how the proposed development will comply with the following:

The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014.

The plant and equipment shall be carried out in accordance with the approved details within two months of their approval and shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant and equipment, no new plant or ducting shall be installed without the written consent of the Local Planning Authority.

**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).

3. The shop shall only operate between the hours of 08:00 - 22:00 Monday to Sunday including Bank Holidays. 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).

4. Deliveries and collections to and from the site shall only be undertaken between the hours of 08:00 - 19:00 Monday to Fridays, 08:00 - 13:00 on Saturdays and not at any time on Sundays or Bank Holidays.

**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).

5. The upper floor (first floor) of the premises shall be used as a retail shop, within the meaning of Class F2(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order, with or without modification, and for no other purpose.

**Reason:** In order that any other proposed uses of the premises may be considered on their merits, in relation to Policies CS08, CS11 and CS19 of the Gravesham Local Plan Core Strategy (2014) and having regard to their impacts on the character of the area, residential amenity and highway safety.

6. No lighting shall be installed on the building in connection with the F2(a) shop hereby permitted without the prior permission in writing of the Local Planning Authority.

**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 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].

## **2 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.

## **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) 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.

## **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: 7 August 2024

Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU

*Shazad Ghani*  
MPhil, MA, BA (Hons)  
Head of Planning  
Planning Service

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**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:

- 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
- 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 –

- an application for change of use;
- 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.