



Application: 20240080

**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 Ali Rana
C/O Ms Hanan Hassan, Gill Sterling
Whitehall Place
47 The Terrace
Gravesend
DA12 2DL**

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:

**Former Room Forty Four
44 High Street
Gravesend
Kent
DA11 0AY**

and being **Change of use from sui generis public house to sui generis takeaway**. Your application dated 5th February 2024 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:

- Covering Letter;
- Application form;
- Drawing no. 001 Rev. A - Block Plan, Location Plan;
- Drawing no. 003 Rev. A - Proposed Elevations, Existing Elevations;
- Drawing no. 002 Rev. A - Existing Floor Plan, Proposed Ground Floor Plan;
- Heritage Statement.

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

3. Prior to any works commencing on site, the applicant shall:

A) Submit a scheme in writing to the Local Planning Authority for approval in relation to cooking odour/fume control. The extraction system must be designed and installed in

accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". Full details of proposed extraction system to deal with grease and odour control should include:

- i) Plans and details of all duct work (internal and external) and equipment.
- ii) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings.
- iii) Details of all grease filtration and odour control including the manufacturer's specification/data sheets. This includes the canopy.
- iv) Details, including manufacturer's specification/data sheets of the fan.
- v) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
- vi) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances to be used.

Where the end user is not yet known, the extraction system shall be designed for a 'very high' grease content, a 'very high' level of odour potential and a 'very high' smoke content (EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)).

B) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report 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 in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

4. Prior to any works commencing on site, the applicant shall:

A) Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:

- i) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
- ii) Assess structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.
- iii) Use the results of the noise survey to ensure that the noise generated at the boundary of any noise sensitive property meets the requirements laid down in BS4142:2014 "Method for Rating and Assessing Industrial and Commercial Sound".

B) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report 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 in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

5. Notwithstanding the approved plans and documents, prior to the first use of the premises as a hot food-takeaway (sui generis) use, as defined by the Town and Country Planning (Use Classes) Order 1987, as amended, full details of the colour finish to the external elements of the extraction flue and its ducting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the external elements of the extraction flue and its ducting shall only be installed in the colour finish hereby approved and the external elements of the extraction flue and its ducting shall be maintained in the approved colour thereafter.

Reason: In the interests of the visual amenities of the surrounding area and the streetscene in general in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

6. The hot food takeaway hereby permitted shall only operate between the hours of 12:00 - 22:00 Monday - Friday; 12:00 - 23:00 on Saturdays and 12:00 - 22:00 on Sundays and 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).

7. No external lighting shall be installed on the building without the prior permission in writing of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of the upper floors in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION(S)

In accordance with The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 28/03/2024, to the inclusion of the following pre-commencement conditions:

- o Conditions 3 & 4

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 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 INFORMATION FOR APPLICANT - ADVERTISEMENTS

Advertisement Consent would be required for any new illuminated signage and may be required for other types of signage. The applicant is advised to consult the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended, before installing any advertisements.

5 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: 28 March 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Ms Tava Walton
AD Planning

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.