



PEFULZ

Application: 20220174

**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 Elliott Read, Revitalize
C/O Mr James Barron, Barron Edwards Ltd
Whitehall Place
47 The Terrace
Gravesend
DA12 2DL
Undefined**

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:

**Revitalize
168 Windmill Street
Gravesend
Kent
DA12 1AH**

and being **Application for the removal of Condition 2 attached to application reference 20190768 for variation of condition 2 attached to planning permission reference number 20170438 for continued use of the basement and ground floor from A4 to A1/D1 health and fitness clinic, alterations to the Stone Street frontage to replace the shop front and to install a new internal staircase leading to the existing first floor flat, new internal staircase between the basement and ground floor; to remove the requirement to provide a pavement light.** Your application dated 28th February 2022 is permitted subject to the following:-

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

Originally Approved Plans (ref. 20170438):

- Drawing No 17/199/01: Existing Floor Plans;
- Drawing No 17/199/02: Existing Elevations;
- Drawing No 17/199/03: Proposed Floor Plans; (except insofar as revised by Drawing no. 002 Rev. B below)
- Drawing No 17/199/04: Proposed Elevations (except insofar as revised by Drawing No. 001 Rev. B below);
- Drawing No 17/199/05: Proposed Second Plan;

Revised Plans Approved

- Application form;
- Drawing no. 001 Rev. B (West Elevation As Existing, As Approved & As Proposed & Site Plan);
- Drawing no. 002 Rev. B (Ground Floor Plan As Existing, As Approved & As

Proposed)

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

2. The use hereby permitted shall be restricted to an Osteopathic and Sports Injury Clinic only within the meaning of Use Class E (e) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, with ancillary Class E (a) retail sales and the basement and ground floor of the premises shall not be used for any other purpose including any other use within Class E of the said Order, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, unless a specific grant of planning permission has been given by the Local Planning Authority.

Reason To ensure that the premises are used for purposes appropriate to the town centre location in accordance with Policy CS05 of the Gravesham Local Plan Core Strategy (2014).

3. The E (e) use as hereby permitted shall operate only between the hours of 06:00 and 20:00 on Monday to Friday and 07:00 to 16:00 Saturday and the E (a) ancillary use shall operate only between the hours of 09:00 and 18:00 on Monday to Friday and 09:00 to 16:00 Saturday.

Reason To safeguard the interests of occupiers of adjoining and nearby residential properties 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.

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 PARTY WALL ACT 1996

Applicants are reminded of their responsibilities under the Party Wall Act 1996. This legislation is not taken into account when determining a planning application and independent advice should be taken in this regard. In the event of application of this legislation requiring change to the permitted scheme, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

5 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 remove condition 2 and amend the permission relating to the original grant of planning permission under reference 20170348 as amended by ref. 20190768 for variation of condition 2. This decision notice should be read in conjunction with both the original planning permission (20170348) and the variation of condition permission (20190768) and has the effect of removing condition 2 only. The approval 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.

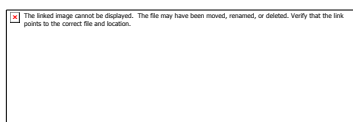
6 WORKS OF CONSTRUCTION

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: 5 July 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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.

- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: enquiries@pins.gsi.gov.uk or online at www.planningportal.gov.uk/pcs.**
- 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.