



Application: 20221056

**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 Laurentiu Bogdan, Lamati Ltd**
18 Milton Road
Gravesend
Kent
DA12 2RF

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:

The Thai Food Supermarket
18 Milton Road
Gravesend
Kent
DA12 2RF

and being **Change of use to a takeaway and installation of a canopy hood with new extractor flue to the rear**. Your application dated 1st November 2022 is permitted subject to the following:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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 approved plans:
 - Planning Application Form;
 - Supplementary Information - Design & Access Statement / Heritage Statement; and
 - Drawing No. P02 Rev P1 - Existing and Proposed Floor Plans and Elevations.

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

3. Prior to the installation of the extraction and ventilation system, 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 LPA 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.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area, in accordance with CS19 of Gravesham's Local Plan Core Strategy (September 2014).

4. Prior to the installation of the extraction and ventilation system, 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.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area, in accordance with CS19 of Gravesham's Local Plan Core Strategy (September 2014).

5. Before the use of the commercial/business unit as hereby permitted is first commenced a Delivery Service Vehicle Management Plan (DSMP) shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall include the timing and control

of deliveries and parking arrangement for vehicles associated with delivering hot food to customers. Any measures described in the DSMP shall be implemented within the time period identified within the DSMP and maintained thereafter in accordance with the approved details.

Reason To safeguard the efficient and safe operation of areas intended for vehicular access, customer parking and circulation and the servicing and operation of the other businesses on the retail and business park and pursuant to Policy CS11 (Transport) of Gravesham's Local Plan Core Strategy (September 2014), saved Policy P3 (Policy for Vehicle Parking Standards) of Gravesham's Local Plan First Review (1994), and the adopted vehicle parking standards (SPG 4 published in 2003 and adopted in 2006).

6. Notwithstanding the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking and replacing that Order, the application site hereby permitted shall be used as a Hot Food Takeaway (Sui Generis) and for no other purpose.

Reason In order that any other proposed uses of the ground floor may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits having regard to issues of amenity, traffic safety and the prevailing planning policies.

7. The use shall open only between the hours of 11am and 11:30pm Monday to Saturday.

Reason In order to safeguard the living conditions of the occupants of adjoining dwellings and in accordance with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (September 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.

In this instance, pre-application advice was not sought prior to the submission of this application.

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 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.

4 FOR THE AVOIDANCE OF DOUBT (FRONTAGE)

This permission does not grant approval to any external alterations to the front of the property. The frontage of the property shall remain as existing in accordance with 'Supplementary Information - Design & Access Statement / Heritage Statement (received 26/10/2022)'. The applicant should seek planning approval from the Local Planning Authority for any alterations to the frontage.

5 FOR THE AVOIDANCE OF DOUBT (ADVERTISEMENT CONSENT)

This permission does not grant approval to any external alterations to the property or any changes to advertisement. The frontage of the property shall remain as existing in accordance with 'Supplementary Information - Design & Access Statement / Heritage Statement (received 26/10/2022)'. The applicant should apply for a separate advertisement consent from the Local Planning Authority for the display of adverts.

6 GBC REGULATORY SERVICES - COMMERCIAL COMMENTS

The applicants are advised of the following information:

Health and Safety

In these premises Gravesham Borough Council (GBC) Environmental Health will be the enforcing authority. The applicant must ensure that these premises comply fully with the Health and Safety at Work (etc.) Act 1974 and all relevant regulations made there under. For information and advice on health and safety matters check out the HSE website www.hse.gov.uk or contact the Environmental Health team on commercialhealth.admin@gravesham.gov.uk or 01474 337 000.

This workplace will be immediately subject to the requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. Particular attention should be made to the following requirements.

- o Regulation 6 requires that effective and suitable provision shall be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air.
- o Regulation 14 requires that every window or other transparent or translucent surface in a door or gate shall where necessary for reasons of safety be constructed of a safety material or be protected against breakage and also be appropriately marked.
- o Regulation 20 requires that suitable and sufficient sanitary conveniences shall be provided at readily accessible places. Where between 6 and 25 persons are employed a minimum of 2 water closets must be provided.

Food Safety Comments

It is a requirement under Article 6(2) of Regulation 852/2004 that food business operators must register their establishments with the appropriate competent authority (in this case GBC Environmental Health) at least 28 days before food operations commence. It is noted that this food business has already registered with the Council.

The applicant must ensure that the kitchen fully complies with current food safety legislation to the satisfaction of the Regulatory Services Manager. Structural and operational requirements are covered by the legislation notably EC Regulation 852/2004.

All internal structures to the kitchen must be impervious, non-absorbent and washable i.e. easy to clean and maintain in a clean condition.

Where inspection chambers become part of the internal structure of the kitchen they must be closed with a secure, sealed, airtight cover.

Ensure that any waste pipes which become part of the internal structure of the kitchen terminate externally at an appropriate height.

Any floor drains which become part of the internal structure of the kitchen must be fitted with a close-fitting grill which is easy to clean.

The kitchen should be pest proofed as far as possible i.e. gaps and holes to external doors, windows, pipes and drains etc. must be filled or covered with a solid, durable material in order to minimise pest entry points in to food preparation and storage areas.

Lavatories must not lead directly into rooms in which food is handled, stored or prepared. There should be an intervening ventilated space between toilets and food rooms. Food should not be stored in that space. It is noted currently the plan shows the WC leading out directly into an office space. If this office is to become a food room then an intervening, ventilated space must be provided.

The provision and location of sinks and wash hand basins is an important consideration in the design and planning of a kitchen. A minimum of 1 wash hand basin and a double sink unit suitably located in food preparation and serving areas must be installed. A dishwasher is also recommended. The current plans do not show sufficient sinks and wash hand basins. Ideally, you would need a wash hand basin in the serving area and the rear kitchen.

The layout and scale of the business operation is such that mechanical ventilation, with a balanced air intake and appropriate extract system, is likely to be required. This will need to achieve a minimum of 30 air changes per hour and a maximum ambient temperature of 25C within the working kitchen. I recommend that you contact a specialist contractor in this regard.

For further advice on starting a food business please visit the FSA website
<https://www.food.gov.uk/business-guidance>

7 SMOKE CONTROL

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions, and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

8 LIGHTING

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting (including any illuminated advertising signage) that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated). Illuminated advertising signage should comply with ILP Lighting Guide 05: The Brightness of Illuminated Advertisements.

9 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: 21 December 2022

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.
- **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/pes.**
- 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.