

Application: 20211061

**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 Itayi Mandhiza**
C/O Ms Elise Colombel, Planning Direct
The Furnace
The Maltings
Princes Street
Ipswich
IP1 1SB

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:

Keen Fork Ltd
148 Parrock Street
Gravesend
Kent
DA12 1EY

and being **change of use of a shop (class E) to a hot food take away (Sui Generis) with installation of an extractor/vent system**. Your application dated 16th September 2021 is permitted subject to the following:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions 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 strict accordance with the following approved plans/drawings;
 - Application form;
 - Drawing no. 01 Rev. 1 - Location Plan;
 - Drawing no. 02 Rev. 1 - Site Plan;
 - Drawing no. 3 Rev. 1 - Proposed Floor Plan;
 - Drawing no. 04 Rev. 2 - Front Elevations;
 - Drawing no. 05 Rev. 1 - Rear Elevations;
 - Drawing no. 06 Rev. - Existing Floor Plan;
 - Planning, Design & Access Statement;
 - Site Plan;
 - Detail of the Proposed Extraction System;
 - Noise Impact Assessment by Venta Acoustics; and
 - Copy of Delegated Report Reference 20210175.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

3. Prior to the use hereby permitted coming into use the recommendations as set out in the Noise Impact Assessment by Venta Acoustics ref. VA3730.210818.NIA1.1 shall be carried out in their entirety and evidence of their implementation provided to the Local Planning Authority prior to first use of the takeaway.

Reason: In the interest of protecting residential amenity in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

4. Notwithstanding the approved plans and details, prior to installation of the ventilation extraction system, details of the ventilation system including a detailed cross section showing the design of the entire extraction system intended to be installed, including details of the filtration system to be used, dimensions of ductwork, including height above roof level, and location of noise mitigation measures of the system as recommended in the Noise Impact Assessment by Venta Acoustics ref. VA3730.210818.NIA1.1 and details of the ductwork external finish shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed prior to the commencement of the use hereby permitted and shall thereafter be operated at all times during the operating hours of the relevant use and maintained in accordance with the manufacturer's instructions.

Reason: In the interest of protecting residential amenity, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

5. The premises shall only be open for trading as a hot food takeaway, and any associated home delivery service shall also only operate, between the hours of 07:00 to 10:30 and 12 noon to 22:00 Monday - Friday; 12 noon to 22:00 on Saturdays and 17:00 - 22:00 on Sundays and Bank Holidays.

Reason: In the interest of protecting residential amenity, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

INFORMATIVES:-

1 ENVIRONMENTAL PROTECTION COMMENTS

Smoke Control Area

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

Drainage/sewerage

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems.

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 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.

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: 12 January 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](mailto:enquiries@pins.gsi.gov.uk) or online at [www.planningportal.gov.uk/pcs](http://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:

- (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.

### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.