



Application: 20230754

**TOWN AND COUNTRY PLANNING, ENGLAND
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

NOTICE OF REFUSAL TO APPROVE DETAILED PLANS AND PARTICULARS
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To: **Mr Okkes Omalar
C/O Mr Yusuf Aydin, Neoliydia Design & Construction
6 Jamestown way
Flat 1 Wotton Court
London
E14 2DB
United Kingdom**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Act 1990, has **REFUSED TO APPROVE** detailed plans and particulars submitted on 8th January 2024 in accordance with conditions 5 and 6 of the Notification of Grant of Planning Permission reference 20221254 to Develop Land dated 28 February 2023 in respect of:-

Application for the variation of conditions 2, 5 and 6 attached to planning permission ref. no. 20200615 for change of use from former Use Class A1(shops), now within Class E (Commercial, Business and Service) to what was Use Class A5 (hot food takeaway), now a Sui Generis Use (Hot Food Takeaway), to allow changes to the approved drawings; changes the front signage display; changes to the odour extraction and ventilation systems; and change of use from pizza takeaway.

at: **I Love Pizza Ltd
147 Parrock Street
Gravesend
Kent
DA12 1EY**

and being **Application for the approval of conditions 5 and 6 attached to planning permission reference number 20221254 relating to odour and noise control of the extraction/ventilation system.**

And that the grounds for such refusal are:-

- 1 No details have been submitted in regards to the installation of the control equipment, minimum discharge rates of the extraction system or details of maintenance and servicing of the equipment. As such, insufficient details have been submitted in pursuance to Condition 5 (odour) and the proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).
- 2 No details have been submitted in regards to the equipment that has been installed or noise measurements of the system in operation. As such, insufficient details have been submitted in pursuance to Condition 6 (noise) and the proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

- 1 **DRAWINGS AND DOCUMENTS**

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Application Form - dated 24 November 2023;

Supplementary Information - Commissioning Report Fans by Ruck Ventilatoren - dated 15 May 2023;

Drawing no. 2022/33/01 - Site Location and Block Plans.

Dated: 27 February 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Ms Tava Walton
AD Planning

Your attention is drawn to the following notes

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 can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- 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.