



PEFULZ

Application: 20220233

**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: **Saucy Buns
C/O Mr Roger Vessey, Commercial Building Management
34 South Molton Street
London
WIL 5RG**

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:

**16 Windmill Street
Gravesend
Kent
DA12 1AS**

and being **Change of use from estate agents office to takeaway restaurant with existing first floor offices being retained**. Your application dated 23rd March 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:

- Application Form - dated 17/03/2022;
- Supplementary Information - Email from Agent confirming no changes to external elevations (received 13/06/2022);
- Ordnance Survey Site Location Plan (scale - 1:1250);
- Drawing no. EX. LAYOUT - Existing Floor Plan/Layout;
- Drawing no. JM12311-A100 - Rev. C - Proposed Catering Facilities;
- Drawing no. JM12311-F100 - Rev. C - Proposed Flooring.

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

3. 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.

4. The use shall open only between the hours of 7am and 11pm Monday to Friday.

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).

5. The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (2021) and to ensure suitable material is imported to site and appropriate measures for disposal of site waste are employed and pursuant to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (September 2014).

6. Before the development hereby permitted is first brought into use, details and plans of the ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions should be submitted to and approved, in writing by the Local Planning Authority, prior to determination or commencement. The approved scheme shall then be installed prior to operation in accordance with the approved details.

Reason In the interests of local amenity, the continued operation of other businesses and pursuant to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (September 2014).

7. Before the development hereby permitted is first brought into use, a post installation BS4142:2014 assessment shall be carried out and submitted to the Local Planning Authority for approval, for the approved extraction system, to demonstrate impact on the nearest Noise Sensitive Receptors. Any works identified as required to ensure the rating noise is at least 5dB below the LA90 background noise shall be carried out prior to the first commercial use of the extraction system.

Reason In the interests of local amenity, the continued operation of other businesses and pursuant to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (September 2014).

8. 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).

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 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 property. The frontage of the property shall remain as existing in accordance with 'Supplementary Information - Email from Agent confirming no changes to external elevations (received 13/06/2022)'. The applicant should seek planning approval from the Local Planning Authority for 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 - Email from Agent confirming no changes to external elevations (received 13/06/2022)'. The applicant should apply for a separate advertisement consent from the Local Planning Authority for the display of adverts.

6 FOR THE AVOIDANCE OF DOUBT (REDLINE PLAN ISSUE)

This permission does not include any external seating as shown in 'Drawing no. JM12311-A100 - Rev. C' as this area is not included within the redline plan. In any future application if an outdoor seating area is part of an application, the redline plan should include this space.

7 GBC REGULATORY SERVICES - COMMERCIAL COMMENTS

The applicants are advised of the following information:

Health and Safety Comments - 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. The plans do not currently show any sanitary provision. 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.

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. Registration is via the Gravesham Borough Council website www.gravesham.gov.uk/food-safety

The proposed kitchen appears to fully comply with current food safety legislation. Structural and operational requirements are covered by the legislation notably EC Regulation 852/2004.

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

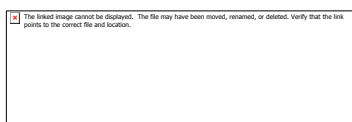
8 WORKS OF CONSTRUCTION

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: 8 July 2022

Civic Centre
Windmill Street
Gravesend
Kent



~~~~~

## 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](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.

Gravesham Borough Council