



Application: 20211582

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF REFUSAL OF PERMISSION TO DEVELOP LAND

To: **BRT Properties
C/O Mr Rob Ranson, Offset Architects
Nepicar House
London Road
Wrotham Heath
Sevenoaks
TN15 7RS**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED TO PERMIT** development of land situate at:

**BRT Properties Kent
Top Yard
Hardys Corner
2 Vale Road
Northfleet
Gravesend
Kent**

and being **Erection of a three storey building with rooms in the roof space to provide 14 x two bedroom self-contained flats, with associated access, car parking, cycle parking, refuse stores and amenity space.**

Your application dated 10th January 2022 is refused on the following grounds:-

1. The proposed block of flats, due to its height and bulk and increased amount of hardstanding for parking, together with substandard accommodation within some of the flats, will result in an overdevelopment of the site out of character with the surrounding area that is characterised by two storey Victorian terraces contrary to policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.
2. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.
3. In the absence of a completed legal agreement, the applicant has failed to secure the necessary infrastructure that would mitigate the impacts of the developments on the local area. The proposed development, without contributions towards the delivery of the community services of Kent County Council, will result in a detrimental impact on the economic, social and environmental conditions in the area by increasing the number of

residents which, in turn, will add pressure to public services. The proposal, which has shown to be viable with the contributions, therefore does not meet the objectives of Policy CS01 and para. 58 of the National Planning Policy Framework 2021.

INFORMATIVES:-

1 SUBMITTED DRAWINGS

For the avoidance of doubt the submitted drawings are:

Application form
Covering letter
Design and Access Statement
External Surfaces Materials Schedule
Vibration Assessment
Piling Risk Assessment
Noise Impact Assessment
Phase 1 Habitats Survey
Sustainability Statement for Planning
Remediation Strategy rev B
Supplementary Phase 2 Site Investigation
Desk Study Assessment Report - Phase 1 Desktop Study.
Geo-Environmental Assessment Report
Drawing no. 7985-PD-06 (proposed landscaping and exterior lighting)
Drawing no. 7985-PD-05 (refuse and cycle stores)
Drawing no. 7985-PD-04 (proposed elevations and sections)
Drawing no. 7985-PD-03 (proposed 2nd floor, 3rd floor and roof plans)
Drawing no. 7985-PD-02 (proposed ground and 1st floor plans)
Drawing no. 7985-PD-01 rev A (proposed site layout, street scene, site section and location plan)
Drawing no. 1530 rev P03 (typical drainage details)
Drawing no. 1540 rev P03 (typical construction details)
Drainage Operations and Maintenance Manual
Storm Sewer Design
100 year Storm Calculations
Drainage Strategy Appraisal Technical Note
Drawing no. 1510 rev P03 (drainage layout 1 of 2)
Drawing no. 1511 Rev P03 (drainage layout 2 of 2)
Drawing no. 1510 rev P01 (manhole schedule)
Drawing no. 1500 rev P03 (engineering layout 1 of 2)
Drawing no. 1501 rev P03 (engineering layout 2 of 2)

2 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.

Dated: 25 May 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

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**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.