



Application: 20240621

**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: **Cleardon Developments
C/O J Bowman
85-87 Bayham Street
London
NW1 0AG
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 11th July 2024 in accordance with conditions 5 and 6 of the Notification of Grant of Planning Permission reference 20210023 to Develop Land dated 18 May 2021 in respect of:-

Conversion of existing public house to provide 4 no. one bedroom and 1 no. two bedroom flats including the construction of a new mansard roof and first floor rear extension and erection of 3 no. two bedroomed dwelling houses with private rear garden areas.

at: **Call Boy
Harmer Street
Gravesend
Kent
DA12 2AX**

and being **Application for the approval of conditions 5 and 6 attached to planning permission reference number 20210023 relating to the scheme of air quality mitigation and the commissioning report.**

And that the grounds for such refusal are:-

- 1 The submitted information does not meet the requirements of conditions 5 and 6. The proposed ventilation system that has been installed and tested has not been adequately demonstrated that all requirements of the Air Quality Checklist have been complied with and the conditions require that the system be positively pressurised, and this has not been demonstrated. Furthermore, Condition 6 also requires a post commissioning visit by the LPA, which has not been undertaken. Therefore, Conditions 5 and 6 of 20210023 cannot be discharged.

As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2024) and Section 12 of the National Planning Policy Framework (NPPF) 2023.

INFORMATIVES:-

1 STATUS OF SUBMITTED PLANS AND DOCUMENTS

For the avoidance of doubt the following plans, details and particulars were submitted in support of this application for approval of details pursuant to planning conditions and were taken into account in making the decision:

Planning Application Form;
Drawing No. ENV-08664 1 of 3 Rev A - Ground Floor;
Drawing No. ENV-08664 2 of 3 Rev A - First Floor;
Drawing No. ENV-08664 3 of 3 Rev A - Second Floor;
Ventilation Condition Letter - Refrigeration & Air Conditioning Services; and
Product Details Sheet.

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) 2023, 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 insufficient information was submitted to satisfy the wording of Conditions 5 and 6 of planning application 20210023.

Dated: 27 August 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

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.