



Application: 20220628

**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: **Apostol
C/O Mr Serhan Senyurek, Se & Se Consultancy Ltd.
59A Turners Hill
Cheshunt
EN8 8NT**

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 14th July 2022 in accordance with conditions 6, 7, 8, 12 and 15 of the Notification of Grant of Planning Permission reference 20150923 to Develop Land dated 15 June 2016 in respect of:-

Change of use of the basement and ground floor from offices to a restaurant (Use Class A3) incorporating the erection of a single storey rear extension with terrace over, enlargement of the basement and conversion of the first floor and loft space into 1no. self-contained maisonette with access via 4-6 Darnley Road.

at: **7 Darnley Road
Gravesend
Kent
DA11 0RU**

and being **Application for approval of condition 6, 7, 8, 12 and 15 attached to planning permission reference number 20150923 relating to a detailed scheme for air quality mitigation (6), a scheme showing how noise/vibration created by the ductwork serving the air purification system (7), details of the ventilation extraction system for the restaurant (8), details of the precise location and form of domestic and commercial refuse storage (12) and details of a scheme or obligation to provide or contribute to mitigation measures to offset the potential impact of the recreational needs arising from the approved development on the integrity of the Thames Estuary and Marshes Special Protection Area (SPA) or Ramsar Site (15).**

And that the grounds for such refusal are:-

- 1 This application to discharge condition numbers 6, 7, 8, 12 and 15 of planning permission reference 20150923 has been accompanied by insufficient information in respect of the Air Quality Mitigation Scheme (Condition 6) and as such it has not been demonstrated that the amenity of future occupiers of the maisonette at first and second floor levels would be protected from poor air quality. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and paragraph 130(f) and section 15 of the National Planning Policy Framework (2021).

INFORMATIVES:-

- 1 **SUBMITTED DRAWINGS AND DOCUMENTS**

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

Condition 6

- o Air Quality mitigation Report by Kench Consultants dated 14/04/22;
- o Air Quality Table;
- o Air Quality Scheme Checklist;
- o MVHR Ventilation Layout;
- o E-mail from agent dated 17 March with details of installer; and
- o Ventilation Calculations.

Condition 7

- o Noise Impact Assessment dated 16 March 2022 Issue 01 by DAA Group.

Condition 8

- o Noise Impact Assessment dated 16 March 2022 Issue 01 by DAA Group;
- o 7 Darnley Road Information & Specification;
- o DR-2611-PFFP 4/11 Proposed First Floor Plan dated 26/11/21;
- o DR-2611-PRE 9/11 Proposed Rear Elevation dated 26/11/21;
- o DR-2611-ELSE 10/11 Existing Left Side Elevation dated 26/11/21; and
- o DR-2611-ERSE 11/11 Existing Right-Side Elevation dated 26/11/21.

Condition 12

- o Drawing no. DR-2611-BP Sheet 1/1 Rev. V2 - Block Plan;
- o Drawing no. DR-2611-EGFP Sheet 2/11 Rev. V2 - Existing Ground Floor Plan;
- o Drawing no. DR-2611-PRE Sheet 9/11 Rev. V2 - Proposed Rear Elevation;
- o Drawing no. DR-2611-ELSE Sheet 10/11 Rev. V2 - Existing Left Side Elevation; and
- o Drawing no. DR-2611-ERSE Sheet 11/11 Rev. V2 - Existing Right Side Elevation.

Condition 15

- o Strategic Access Management and Monitoring Strategy (SAMMS) Contribution Agreement and top up fee.

2 STATEMENT OF POSITIVE AND PROACTIVE

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 manner. In this instance, the application is not in accordance with the Development Plan for the area and cannot be supported.

The Council has gone back to the agent three times in the course of this application setting out what was required in order to discharge the conditions but despite these opportunities and the additional/revised information that has been submitted on each of these separate occasions it has remained the case that insufficient information has been submitted in pursuance to condition 6. There have also been two previous applications where the applicant has applied to discharge condition 6, amongst other conditions (references 20160951 & 20190539) and was provided with opportunities and advice in how to submit the information required for condition 6 but insufficient information was submitted in both those applications also. An informative was added to the last application ref. 20200753 that the applicant was strongly advised to submit a Pre-Application Enquiry with Gravesham Borough Council in order to seek advice on the discharge of the planning conditions attached to planning permission reference number 20150923 but a Pre-Application Enquiry was not submitted by the applicant.

3 ADVICE FOR THE APPLICANT REGARDING CONDITION 6

The applicant is strongly advised to read the Delegated Report for this application, as it fully explains why sufficient information has still not been submitted to discharge condition no. 6 of planning permission reference 20150923 and why as a whole this application for discharge of condition nos. 6, 7, 8, 12 and 15 could not be supported.

Dated: 19 May 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (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.