



Application: 20240813

**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
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To: **Mr Mehmet Celik**
C/O Mr Roger Ward, Roger Ward Associates Limited
The Hoo Wrotham Road
Meopham
DA13 0HP

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:

38 Windmill Street
Gravesend
Kent
DA12 1BA

and being **Change of use from a funeral directors with maisonette above to an eight bedroom House of Multiple Occupation (HMO) including internal and external alterations.**

Your application dated 1st November 2024 is refused on the following grounds:-

1. The proposed change of use of the building to a House of Multiple Occupation would result in the loss of the commercial use at ground and basement levels and the proposal would therefore fail to safeguard the vitality of Gravesend Town Centre Opportunity Area as a local centre, where the primary focus for the ground floor of units is commercial uses with residential uses on upper floors. As such the proposed change of use would be inappropriate in this location and therefore contrary to Policy CS05 of the Gravesham Local Plan Core Strategy (2014).
2. The proposal by virtue of insufficient information on the noise and air quality mitigation, the proposed plastic circular brown vent grilles in the elevations of the building and the double glazed window in the ground floor rear elevation would not protect the architectural and historic interest of this grade II listed building and would not preserve the character and appearance of the Upper Windmill Street Conservation Area but would cause harm. As such the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) and saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994).
3. The proposal by virtue of insufficient details of the proposed noise and air quality mitigation, inadequate washing facilities and undersized kitchen and living room, no natural light to bedroom 3, lack of privacy between bedrooms 3 and 4 due to high level window, potential cooking odour impact to several bedrooms from the kitchen extract would result in unacceptable living conditions for future occupiers which would be harmful to their amenity. As such the proposal is contrary to Policy CS19 (LPCS) of the Gravesham Local Plan Core Strategy (2014).

4. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 193 and 194 of the National Planning Policy Framework (2024).

INFORMATIVES:-

1 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

- o Application form;
- o Drawing no. 1124.WD.01B - Existing Ground/Site, First and Location Plans;
- o Drawing no. 1124.WD.02B - Existing First, Second Floor and Block Plans;
- o Drawing no. 1124.WD.03 - Existing Photos Basement Floor;
- o Drawing no. 1124.WD.04 - Existing Photos Ground Floor Part I;
- o Drawing no. 1124.WD.05 - Existing Photos Ground Floor - Part 2;
- o Drawing no. 1124.WD.06 - Existing Photos First Floor;
- o Drawing no. 1124.WD.07 - Existing Photos Second Floor Generally;
- o Drawing no. 1124.WD.10B - Proposed Ground/Site and First Floor Plans;
- o Drawing no. 1124.WD.11 - Proposed First and Second Floor Plans;
- o Drawing no. 1124.WD.12A - Existing and Proposed Rear Elevations;
- o Planning, Design and Access Statement;
- o Brink Air for Life Installation regulations Sonair
- o Technical Data Sheet Envirograf Product Number: 42 HW01;
- o Sonair 3 Acoustic (sound attenuating) filtered air supply units);
- o Drawing no. 1124.WD.08 - Existing Photos External Part I;
- o Drawing no. 1124.WD.09 - Existing Photos External Part 2; and
- o Drawing no. 1124.WD.13 - Proposed Works Specifications.

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 39 of the National Planning Policy Framework (NPPF) 2024, 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.

Dated: 6 February 2025

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

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

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.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- 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:

- 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
- 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 –

- an application for change of use;
- 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.