



Application: 20211109

**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

To: **BRT Properties Kent Ltd
C/O 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 Act 1990, has **REFUSED TO APPROVE** detailed plans and particulars submitted on 10th September 2021 in accordance with conditions 7, 8, 9, 10, 11 and 15 of the Notification of Grant of Planning Permission reference 20190727 to Develop Land dated 29 October 2019 in respect of:-

Erection of a two storey building with rooms in the roof space to provide 10 x two bedroom self-contained flats, with associated access, car parking and amenity space.

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

and being **Application for approval of conditions 7, 8, 9, 10, 11 and 15 attached to planning permission reference number 20190727 relating to air handling system (7), hard landscaping scheme (8), external lighting (9), cycle storage facilities (10), refuse arrangements (11) and soft landscaping scheme (15).**

And that the grounds for such refusal are:-

- 1 Condition 7 cannot be discharged. The applicant has not made reference to informative 9 on the decision notice 20190727 that advises the Council is contacted to obtain the checklist of information which must be submitted and, as a result of this, the information is insufficient. No details of the noise attenuation, the installer, supplier, passive vents, etc. have been provided and there are no drawings of the elevations or roof scape showing the location of the inlets and outlets etc. The details therefore do not comply with the objectives of Policy CS19 of the Core Strategy 2014 with regards to a satisfactory environment for future residents.
- 2 Condition 8 does not include full details of boundary treatment, such as appearance, materials and heights, particularly for front boundaries and gates within the site, and therefore cannot be assessed against the objectives of Policy CS19 of the Core Strategy 2014 and cannot be discharged.

- 3 Condition 15 does not clearly demonstrate where the areas of grass are to be located and where the areas of astroturf are to be located. This is important in order to understand how the use of these materials will impact on the character and appearance of the development and subsequently the proposal cannot be assessed against the objectives of Policy CS19 of the Core Strategy 2014 and cannot be discharged.

INFORMATIVES:-

1 SUBMITTED DRAWINGS

For the avoidance of doubt the submitted drawings are:

Application form received 9 September 2021.

Cover letter received 9 September 2021.

Drawing no. 6223-PD-23 (refuse and cycle stores proposed plans) received 9 September 2021.

Drawing no. 6223-PD-24 (proposed landscaping plan including exterior lighting) received 9 September 2021.

Drawing no. 10 (flat 10 - air handling system) received 10 September 2021.

Drawing no. 03 (flat 3 - air handling system) received 10 September 2021.

Drawing no. 06 (flat 6 - air handling system) received 10 September 2021.

Drawing no. 09 (flat 9 - air handling system) received 10 September 2021.

Drawing no. 01 (flat 1 - air handling system) received 10 September 2021.

Drawing no. 05 (flat 5 - air handling system) received 10 September 2021.

Drawing no. 07 (flat 7 - air handling system) received 10 September 2021.

Drawing no. 08 (flat 8 - air handling system) received 10 September 2021.

Drawing no. 04 (flat 4 - air handling system) received 10 September 2021.

Drawing no. 02 (flat 2 - air handling system) received 10 September 2021.

Dated: 21 October 2021

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.

COMPENSATION

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.