

Application: 20230249

**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 Muzaffer Celik
C/O Ms Hanan Hassan, Barron Edwards Ltd
Barron Edwards, Whitehall Place
47 The Terrace
Gravesend
DA12 2DL**

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 **Conversion of the property into 2 x 1-bed and 1 x 2-bed residential flats.**

Your application dated 15th March 2023 is refused on the following grounds:-

1. The proposal would result in the loss of an existing Class E(g)(i) office use (previously Use Class B1(a)) and would not deliver at least an equivalent number of new jobs on site or elsewhere within the Borough; the applicant has not demonstrated that the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and that there is no demand for them through an appropriate marketing exercise carried out in accordance with Appendix 5 (Marketing Requirements in relation to loss of existing B Class employment premises, sites or commercial wharves); and the existing premises does not have an unacceptable environmental impact on the area within which it is situated. As such the principle of the loss of the existing Class E(g)(i) office use on the site cannot be justified. The proposal is therefore contrary to Policy CS07 of the Gravesham Local Plan Core Strategy (2014).
2. The proposal would result in the loss of historic fabric and an alteration to the plan form of the building all of which is very much part of the significance and character of this listed building. Furthermore, insufficient information has been submitted in respect of works that may be required under the Building Regulations and to mitigate poor air quality and noise impacts for occupiers; such works that would be required for those measures have the potential to cause further harm to this listed building and the Conservation Area. On the basis of the submitted information the proposal would cause harm to the architectural and historic interest of this grade II listed building and the character and appearance of the Upper Windmill Street Conservation Area contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2021).

3. The site is situated in the A226 One Way System Air Quality Management Area and on a busy road with high levels of traffic with possible other potential noise sources in the vicinity. No details have been submitted to demonstrate that future occupiers would not be impacted on from such poor quality and noise and disturbance. As such, it is considered that the proposal would provide a poor level of amenity and living conditions for future occupiers of the flats. The proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 130 (f) of the National Planning Policy Framework (2021).
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 180 and 181 of the National Planning Policy Framework (2021).

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. 001 Rev. A - Block Plan and Location Plan;
- o Drawing no. 002 Rev. B - Existing Floor Plans;
- o Drawing no. 002 Rev. A - Proposed Floor Plans;
- o Drawing no. 003 Rev. A - Existing Elevations;
- o Drawing no. 005 Rev. A - Proposed Elevations; and
- o Heritage Statement.

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.

Dated: 10 May 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (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.