

TOWN AND COUNTRY PLANNING ACTS

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Notification of Refusal of permission to Develop Land

To **Mr M A Rana**
c/o Architectural/Design Services
38A Cobham Street
Gravesend
Kent
DA11 0SA

TAKE NOTICE that The GRAVESHAM BOROUGH COUNCIL the district planning authority under the Town and Country Planning Acts, **HAS REFUSED TO PERMIT** development of land situate at

21 Darnley Road
Gravesend
Kent

and being **Change of use of ground floor shop with jewellery workshop into a restaurant with ancillary hot food take-away**

referred to in your application for permission for development dated 18 June 2002

and that the grounds for such refusal are -

- 1 The proposed change of use of the property into a restaurant with ancillary hot food take-away stands has the potential for exacerbating levels of disturbance experienced by local residents. The cumulative generation of noise and odour emissions would subsequently be detrimental to the amenity of local residents, therefore contrary to policy S7 of the adopted Gravesham Local Plan First Review and policy RS9 of the Gravesham Local Plan Second Review Deposit Version.
- 2 Darnley Road is a district distributor road used heavily in both directions. The junction to the south linking Pelham Road and Cobham Street to Darnley Road exacerbates traffic flows further. With no provision of off-street parking and double yellow lines for some distance in either direction a take-away in this location is likely to create further problems. This is again contrary to policy S7 of the adopted Gravesham Local Plan First Review.
- 3 The rear of the building is visible from Cobham Street and as such any ventilation ducting would subsequently be noticeable. This is contrary to policy S7 and TC3 of the adopted Gravesham Local Plan First Review and policy RS9, BE4 and BE5 of the Gravesham Local Plan Second Review Deposit Version.

Dated this 14 August 2002

Address **Cygnat House**
132 Windmill Street
Gravesend
Kent
DA12 1BQ

Signed



Planning Services Manager

Your attention is drawn to the note overleaf

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 for the Environment under Section 78 of the Town and Country Planning Act 1990
- * If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the **The Planning Inspectorate, Room 307 (Kite Wing), Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6NP** Tele:0117 3738813, Fax 0117 3728443
- * 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 it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order
- * In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him

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 can neither put the land to a reasonably beneficial use in its existing state nor can he 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

Ref-back