

**Application: 20230199**

**TOWN AND COUNTRY PLANNING, ENGLAND  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015**

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| <b>NOTICE OF REFUSAL TO APPROVE DETAILED PLANS AND PARTICULARS</b> |
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To: **Ms Julia Santomauro  
C/O Tetlow King Planning  
32 High Street  
West Malling  
ME19 6QR  
United Kingdom**

**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 3rd March 2023 in accordance with conditions 2, 3 and 4 of the Notification of Grant of Planning Permission reference 20230097 to Develop Land dated 28 March 2023 in respect of:-

**Application for variation of condition 1 attached to appeal reference APP/K2230/W/22/3297812 for change of use of 12-14 High Street from A1 (retail) to A3 (restaurant) including the installation of a new shop front; to allow replacement of the following approved drawings, 3358:007 and 3358:009 rev A, with the submitted drawing 3358.007D Proposed Elevations.**

at: **12 - 14 High Street  
Gravesend  
Kent**

and being **Application for the approval of conditions 2, 3 and 4 attached to planning permission reference number 20230097 relating to (2) Refuse and Storage Collection, (3) Odour Mitigation and (4) Noise Mitigation.**

And that the grounds for such refusal are:-

- 1 The submitted report is clear that the mitigation measures recommended by the original assessment dated 24 February 2023 have not been installed and that the continued operation of the system in the format assessed would result in a significant adverse impact on surrounding receptors. None of the recommendations have been implemented other than non-acoustically certified attempts which appear ineffective. Condition 3 therefore cannot be discharged and the development conflicts with the objectives of Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2023.

**INFORMATIVES:-**

**1 DECISION PLANS**

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

Cover letter;

Application form;  
Drawing no. 230120-S-001 (site plan);  
Noise Assessment by inacoustic;  
Odour Assessment by inacoustic;  
Photos received 18 July 2023; and  
Acoustic Assessment by Able Acoustics received 6 October 2023.

## 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 38 of the National Planning Policy Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area. In this instance guidance was provided detailing what needed to be submitted to discharge the condition and this was not followed.

Dated: 26 October 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.