

Application: 20240838

**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: **Mrs Navkiran Dhinsa
C/O Mr Michael Burden, JMD Property Services
28 Sirdar Strand
Riverview Park
Gravesend
Kent
DA12 4LP**

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:

**DEHA Mortgages
66 - 68 Singlewell Road
Gravesend
Kent
DA11 7PW**

and being **Application for variation of condition 2 attached to planning permission reference number 20240277 for application for variation of condition 6 attached to planning permission reference number 20200131 for works to refurbish and subdivide the existing ground floor A1 Unit, to form part Change of Use to A5 (Hot Food Takeaway) and remaining unit to A1/A2 accommodation including changes to the existing shop front and hard standing. To allow; opening of the premises between 08:00 to 21:00 Monday to Sunday; to allow for delivery services within the permitted operation hours as approved in the aforementioned planning application.**

Your application dated 16th September 2024 is refused on the following grounds:-

1. Due to the increase noise and activity resulting from a delivery service up to 21:00 Monday to Sunday, the proposal would result in an unacceptable impact on the amenities of local residents, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy, 2014 and paragraph 135(f) of the National Planning Policy Framework (2023).
2. The proposed site is located on a busy signalled road junction in an area where on street parking is a significant issue and there is a lack of public off street parking nearby. The proposal to include a delivery service with delivery vehicles/bikes being parked outside the property would be unacceptable and detrimental to highway safety and the free flow of traffic as the drivers will have to slow to exit the carriageway and potentially have to wait on street to avoid conflict with pedestrians. In view of this and given the site's proximity to the signalled junction of Singlewell Road and Cross Lane East/West, the lack of sufficient available car parking close to the premises during the evenings is likely to adversely impact on the safe and free flow of traffic to the detriment of highway safety, contrary to Policy CS11 of the Gravesham Local Plan Core Strategy, 2014, saved Policy P3 of the Gravesham Local Plan First Review (1994), and paragraphs 112 and 113 of the National Planning Policy Framework (2023).

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

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

Planning Application Form;
Planning Statement (JMD-1230-M-01-Planning Support Statement-Rev 2; and
Drawing No. JMD-1230-E-01Drawings-01 Rev P1 - Existing Layout / Areas.

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 manner.

In this instance the application is not in accordance with the Development Plan for the area and cannot be supported.

Dated: 8 November 2024

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:

- (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.