

Application: 20230796

**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
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To: **Mr Muzaffer Celik
C/O Mr James Barron, Barron Edwards Ltd
Whitehall Place
47 The Terrace
Gravesend
Kent
DA12 2DL**

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 7th August 2023 in accordance with conditions 4 and 5 of the Notification of Grant of Planning Permission reference 20220802 to Develop Land dated 28 November 2022 in respect of:-

Application for approval of condition 3, 4 and 5 attached to planning permission reference number 20210321 relating to full details of the materials, colour and fixings of the retractable roof and full details, including details/location of external ducting and noise attenuation measures.

at: **Barcode
1 Parrock Street
Gravesend
Kent
DA12 1EW**

and being **Application for the approval of conditions 4 and 5 attached to planning permission reference number 20210321 relating to details of the materials, colour and fixing of the retractable roof and ventilation extraction flue.**

And that the grounds for such refusal are:-

1. The submitted information does not include details of any noise attenuation measures for the extraction system or any justification of why these might not be needed. Without these details it is not possible to assess the impact of the extraction system. Condition 5 cannot be discharged and the proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) that seeks to protect amenity.

INFORMATIVES:-

1 DECISION PLANS

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

Application form;
Technical Specification;
Condition 4 details;
Drawing no. PS-A-P3 rev A (proposed plans); and
Drawing no. PS-A-P1 rev A (proposed block plan).

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.

3 ADVISORY FROM GBC ENVIRONMENTAL PROTECTION

NOISE

- a) A noise survey which should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties
- b) The survey must include details of an assessment of the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
- c) The survey must include details of the assessment of structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.
- d) The demonstration that the results of the noise survey have been incorporated in the design to ensure that the noise generated at the boundary of any noise sensitive property meets the requirements laid down in BS4142:2014 "Method for Rating and Assessing Industrial and Commercial Sound".

Dated: 28 September 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.