

Application: 20241008

**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: **Sian, Sian Formwork Group Ltd
C/O Mr Derek Evans, W.D.Evans Building Services
45 Galleon Way
Upnor
Rochester
ME2 4GX**

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:

**32 Milton Road
Gravesend
Kent
DA12 2RF**

and being **Change of use of existing restaurant to provide 3no self contained flats.**

Your application dated 19th November 2024 is refused on the following grounds:-

1. The proposed change of use from a restaurant to 3 x residential units fails to safeguard the vitality of the Town Centre Opportunity Area as a local centre, where the primary focus at ground floor is predominantly focused on retail and restaurant use. As such the proposed change of use would be considered inappropriate in this location and contrary to Policy CS05 and CS14 of the Local Plan Core Strategy (2014), saved policy H5 and AP7 of Gravesham's Local Plan First Review (LPFR) (1994) and Section 2 and 12 of the NPPF (2024).
2. The proposal fails to enhance or preserve the character of the conservation area by virtue of the loss of the ground floor commercial use. It would appear incongruous and out of character in this highly visible and prominent location, on a building which is identified as a focal and key unlisted building within the Milton Place Conservation Area and its visible change of use would not correlate with the expected commercial and service function of the town centre, contrary to Policies CS20 of the Local Plan Core Strategy, saved Policy TC3 of the Local Plan First Review and Sections 12 and 16 of the NPPF (2024).
3. The proposal fails to safeguard the amenity of future occupants due to the location of site within a designated AQMA (Gravesend A226 One Way System) with no air quality report or mitigation measurements submitted as part of the application. The application is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the NPPF (2024).

4. The proposal fails to safeguard the amenity of future occupants due to the location of site within a heavily trafficked, commercial area with a vibrant late-night economy, with a clear lack of defensible space, with no noise impact assessment or mitigation measurements submitted as part of the application. The application is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the NPPF (2024).
5. The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 192 and 195) of the NPPF (2024) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

INFORMATIVES:-

1 DRAWINGS/DOCUMENTS

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

Application Form

TR/1605/100 - Site Location Plan - Existing

TR/1605/103 - Block Plan - Existing

TR/1605/104 - Block Plan - Existing

BS/1109/105 - Existing Elevations

BS/1109/106 - Proposed Elevations

BS/1109/107 - Existing Ground Floor Plans

BS/1109/108 - Existing Ground Floor Plans - Incorrectly Labelled, shows proposed layout

BS/1109/109 - Existing and Proposed Basement Levels

Planning, Design and Access Statement

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 39 of the National Planning Policy Framework (NPPF) 2024, 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: 14 January 2025

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:

- 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.