

Application: 20230757

**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: **Best Western Manor Hotel
C/O Mr Tim Cropper, Mialex
Work.Life
Core
Brown Street
MANCHESTER
M2 1DH**

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:

**Manor Hotel
Hever Court Road
Gravesend
Kent
DA12 5UQ**

and being **Redevelopment of the site for a residential development comprising 12 new houses with associated access, private amenity space, vehicle parking provision, refuse and cycle storage.**

Your application dated 20th September 2023 is refused on the following grounds:-

1. By virtue of the application site being bounded by the A2 trunk road to the south and the main Hever Court Road to the north, it is considered that the site is unsuitable for residential development due to the impact on the living conditions of future occupants being severely compromised by noise from the adjacent roads when using their private amenity space and the inability to open windows without noise and pollution having a detrimental impact. As such the principle of residential development on this site would be contrary to Policy CS19 (LPCS) and paragraph 130 of the NPPF (2023).
2. The design of the proposed properties have not taken features from the surrounding residential dwellings, or the adjacent hotels and are of a more contemporary design that would be at odds with the streetscene and the character of the area as a whole. In addition, the properties do not benefit from private parking or amenity spaces which is out of character with the existing built form considering the existing pattern of development and the character of the predominantly residential area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 130 of the National Planning Policy Framework (2023) which states 'developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the local character and history, including the

surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'.

3. The proposed properties fail to offer sufficient private amenity space to the detriment of future occupants and the enjoyment of these dwellings contrary to Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2023.
4. By virtue of the sites location in close proximity to the A2 trunk road and the main Hever Court Road, the living conditions of future occupants would be severely compromised by noise from the adjacent roads when using their private amenity space and the inability to open windows without noise having a detrimental impact. The development would therefore be contrary to Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2023.
5. The proposal 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, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 181 and 182) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES:-

1 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 pre-application advice was not sought and the proposal as submitted is contrary to local and national planning policy and cannot be supported.

2 DECISION PLANS

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

Planning Application Form;
Site Location Plan;
Drawing No. 22-1420-27 - As Proposed House Plans;
Drawing No. 22-1420-22H - As proposed Block Plan Ground;
Drawing No. 22-1420-28 - As Proposed House Plans;
Drawing No. 22-1420-25A - Elevations and Section;
Drawing No. 22-1420-23G - As Proposed Block Plan First Floor;
Drawing No. 22-1420-20B - As Existing Block Plan;
Drawing No. 22-1420-24G - As Proposed Block Plan Roof Level;
Drawing No. 22-1420-21J - As Proposed Block Plan;
Supporting Document - Air Quality Assessment (16th June 2023);
Supporting Document - Residential Noise Assessment;
Supporting Document - Preliminary Ecological Appraisal;
Supporting Document - Energy Strategy (April 2023);
Supporting Document - Surface Water Drainage Strategy (May 2023);
Supporting Document - Design and Access Statement;
Supporting Document - Planning Statement;

Dated: 19 December 2023

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.