



Delegated Report

Discharge of Condition

Planning Application No: 20211152

Location: The Ruby Lounge 42 The Grove Gravesend Kent

Description: Application for approval of condition 3 attached to planning permission reference number 20210200 relating to details of all external facing materials, all new windows and screening to mitigate overlooking from the first floor play area.

Applicant: Mr Amrik Kahlon

Site Visit Date: 16 November 2021

Submitted Documents/Plans

Application for approval of details form;
Schedule of Materials received 10 December 2021;
Illustration of infill section; and
Email from the agent dated 10 December 2021

Procedural issue

Following discussions between the case officer, the GBC Conservation Officer and the applicant, the original details were amended to omit proposed railings with artificial hedging around the first floor play area. These were replaced with timber fencing, painted black with English Ivy planted in pots. As a result, the description of the proposal was amended to that shown above. For information, the original description was 'Application for approval of condition 3 attached to planning permission reference number 20210200 relating to details of all external facing materials, all new windows, the railings for the first floor play area and screening to mitigate overlooking from the first floor play area.'

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20210200	*REVISED* Change of use from Sui Generis use (night club) to Class E(f) use (day nursery), including partial demolition works, new fenestration and provision of external play areas.	Permitted	04.05.2021

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure

- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC3 – Development affecting conservation areas

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;

Other documents

- King Street Conservation Area Character Appraisal (2009)
- Harmer Street Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

Consultations, Publicity and Representations

GBC Conservation Officer

Initial comments:

The bricks are a bit too yellow (would prefer Smeed Dean London Stock) and the artificial slates could be more blue/grey and ideally natural. If artificial then with a riven and textured surface such as [Cedral](#).

Artificial hedge not specified - [Woodland?](#).

The railings and an artificial hedge could be acceptable but a natural hedge would be preferable or alternatively white or black painted feather edged weatherboarding.

Comments on revised details;

If the bricks match existing then they will have to be accepted. It may be preferable to paint the whole extension to avoid the patchwork appearance. If the slates match the existing then these too will have to be accepted.

The timber screen should be externally boarded with horizontal featheredge boards and painted/stained black. This will then tidy up its external appearance.

Final comments:

This takes on board our previous discussion and advice. No adverse comments

Officer's Analysis

Planning permission reference 20210200 was granted for the change of use of the application site from a night club to a day nursery, including partial demolition works, new fenestration and the provision of external play areas. This application seeks to discharge condition 3 of that permission.

Condition 3 reads as follows;

3. No development shall take place until details of all external facing materials, all new windows, the railings for the first floor play area and screening to mitigate overlooking from the first floor play area, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory standard of appearance upon the completion of the development in accordance with Local Plan: Core Strategy Policy CS19.

The requirement to provide details of the proposed railings for the first floor play area was because no such details had been provided as part of the original application and the requirement to provide screening around this area was to mitigate adverse overlooking impacts to residential occupiers located at the rear (west) of the application site.

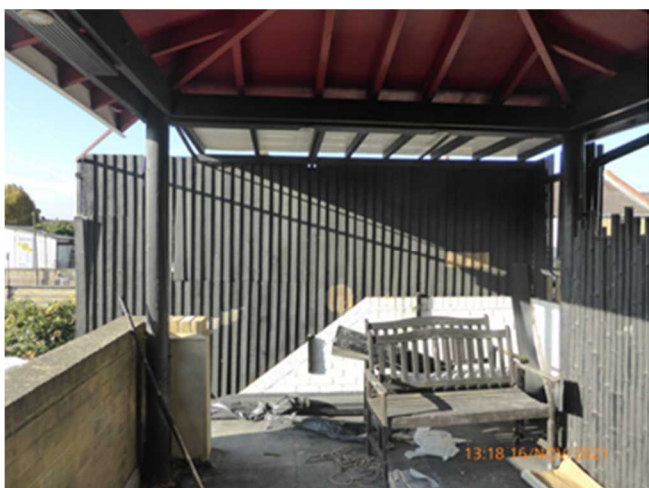
The submitted details show;

- Three different sizes of window in the southern side elevation, all to be white Rehau UPVC with Georgian Bars. The windows in the pitched roof would be white Velux centre pivot roof windows and the windows in the flat roof would be black Brett Martin fixed glass roof lights. The two doors in the southern side elevation would be white aluminium ALUK bi-folding doors.
- Instead of railings, the first floor play area would be surrounded by feather edged wooden fencing painted black with a height of 1.8 metres (above floor level). 20 English Ivy plants would be planted in pots to grow up the fencing.
- The proposed infill section would be constructed from Forterra Golden Bluff bricks, painted black and white to match existing walls and Cembrit jutland fibre cement black slates.

It should be noted that the infill section has already been constructed and that the first floor rear screening fencing is already in place. As the following images show;



The infill section has yellow brick in the image to the left.



The agent has confirmed that the rear of the existing screening fence would be externally boarded with horizontal featheredge boards and painted black and that the fencing as a whole would obscure overlooking and provide security for the play area.

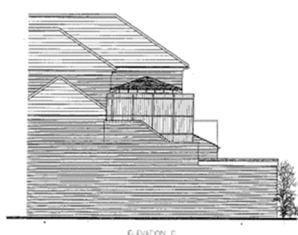
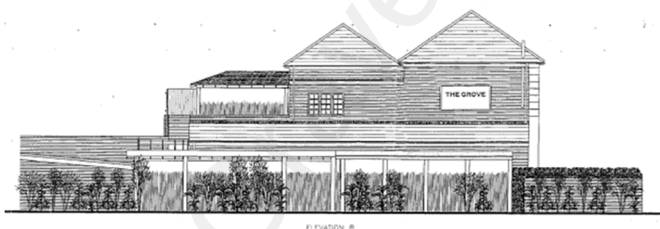
Design, Character and Appearance

The proposed windows in the southern side elevation would match with an existing first floor window and the proposed bi-folding doors would be of acceptable design. It is noted that the ground floor, southern side elevation of the building is screened from public view by an existing boundary treatment. The proposed roof lights would not be widely visible and would be in keeping with the materials of the existing building. The proposed infill section would also be in keeping with the materials of the existing building.

Following discussions between the case officer, the GBC Conservation Officer and the applicant, the original details were amended to omit railings with artificial hedging and to ensure that the infill section was painted to match the existing painted brickwork on the building. The GBC Conservation Officer has not raised an objection to the revised details and has acknowledged that the proposed materials would match with the existing extensions to the building.

The proposed screening fencing would be timber and painted black. Whilst these materials would not match with those of the existing building, they would not look out of place in the surrounding area (as the above image illustrates).

It is noted that under a previous planning permission at the application site (for the temporary retention of a first floor rear smoking shelter) under reference 20090415, the following privacy screen was approved;



The approved materials were feather edged timber boarding stained dark brown with a trellis with planters positioned below and planted with a climbing plant (Virginia creeper). The current rear fence would be very similar to the previously approved scheme.

Overall it is considered that the proposed external facing materials and window details would not be out of character with the existing building or the nearby Harmer Street and King Street Conservation Areas and would be in line with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC3 of the Gravesham Local Plan First Review 1994.

Neighbouring Amenity

The rear gardens of nos. 78 to 80 Edwin Street adjoin the application site to the west and their rear elevations are separated by some 14-16 metres from the proposed first floor play area. The proposed fencing would ensure that there would be no adverse overlooking impacts from the users of the first floor play area to these residential occupiers.

Residential properties fronting Saddington Street (located to the south of the application site) are a significant distance from the side elevation of the application property (some 34 metres). Therefore there is a sufficient privacy distance between the first floor play area and these properties. As such, the proposed fencing on the southern side elevation would not be required for privacy purposes.

Overall, it is considered that with the proposed screening in place, the proposed development would not be detrimental to the residential amenity of the adjoining residential occupiers to the west and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Conclusion & Recommendation

The Local Planning Authority is satisfied with the external facing materials details and the window and screening details submitted in relation to planning permission reference 20210200 and as such, condition 3 can be discharged.

For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	14th December 2021	Dated:	14 December 2021