



Delegated Report

Prior Approval Application

Planning Application No: 20220567

Location: 57 Sun Lane Gravesend Kent DA12 5HQ

Description: Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of the ground floor unit (Class E Commercial and Business Services) to a single 4 bedroom dwelling incorporating the existing first floor flat.

Applicant: Mr Gurdev Benning, Aberforth Limited

Site Visit Date: Desktop assessment

Submitted Documents/Plans

Application form

Drawing no. (01)001 (Location / Site Plan)

Drawing no. (01)200 (Elevations – As Existing)

Drawing no. 01(200) (General Arrangement Plans – As Existing)

Drawing no. (01)201 (General Arrangement Plans – Proposed Single Residence)

Relevant Planning History

Reference	Description	Decision	Decision Date
19890761	Change of use of the ground floor from retail to a hot food takeaway, installation of a new shop front and construction of an external duct on the rear elevation.	Refused	25.10.1989

Development Plan

Gravesham Local Plan Core Strategy (September 2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards

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)

- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – nationally described space standard (2015)
- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

The application has been advertised on site. The consultation period expired on 24 June 2022.

Internal Consultees

GBC Highways

There is no reason to object. Balancing a shop against a couple of extra bedrooms will result in a comparable requirement.

GBC Environmental Protection

The following should be considered: Please apply code of practice on construction and demolition, smoke control informative and electric vehicle charging facilities.

Officer's Analysis

Proposal

This application seeks determination pursuant to Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of the ground floor unit (Class E Commercial and Business Services) to a single 4 bedroom dwelling incorporating the existing first floor flat.

The existing property comprises a currently unoccupied 3 story mid-terrace dating from 1868 of standard brick construction with a pitched roof. It is part of a terrace of 4 properties, two of which have existing commercial uses on the ground floor with residential above, and two which are dwellings. No. 59 was granted permission to convert the ground floor shop to a residential dwelling under application 20030866. No. 61 was also granted permission to convert the property into a dwelling under application 20030805.

The ground floor has until recently been used as a hairdresser with direct access from Sun Lane, with a two

bedroom flat over the first and second floors, with a staircase up to it accessed directly from the shop and also from an external steel staircase located at the rear of the property, reached via a side passage.

The proposal involves the conversion of the ground floor to residential, with some internal alterations. There will be no external changes. The accommodation will comprise a living room, kitchen/dining room and utility on the ground floor, two bedrooms and a bathroom on the first floor, and two further bedrooms on the second floor.

The application form states the property has the potential for 1 off-street parking space directly outside on the forecourt but this would require the installation of a dropped kerb.

Assessment

Class MA of Part 3 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 as amended permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order. Class MA was inserted by SI 2021 No. 428.

Paragraph MA.1. states that development is not permitted by Class MA:

- (a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;
- (b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
- (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;
- (d) if land covered by, or within the curtilage of, the building—
 - (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or
 - (v) is or forms part of a military explosives storage area;
- (e) if the building is within—
 - (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site;
- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
- (g) before 1 August 2022, if—
 - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
 - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

The following points assess the submitted application against the above criteria:

- (a) The building has been vacant for more than 3 months prior to the date of the application. There are Facebook posts relating to the previous hairdressing business, The Hair Studios, closing in January 2019.
- (b) Google Maps Street Views show The Hair Studios business operated at the site back in 2008. This business falls within one of the classes in sub-paragraph 2 (Class A1 (shops)).

- (c) The total floor area of the building is 99.39m².
- (d) The site is not part of a site of special scientific interest; a listed building; a scheduled monument; a safety hazard area; or a military explosives area.
- (e) The building is not within: area of outstanding natural beauty; specified for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; the Broads; a National Park; or a World Heritage Site.
- (f) The site is not occupied under an agricultural tenancy.
- (g) The proposal does not fall within Class O (offices to dwellinghouses).

Development under Class MA is permitted subject to the following conditions set out in paragraph MA.2:

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost.

(a) Transport impacts of the development

The site lies to the south of the Town Centre within the urban area of Gravesend. It is in a sustainable location with good access to public transport links and public car parking.

The property has a forecourt which has existing space for formal parking provision (1 space). The adjacent properties have similar forecourts that are used for parking, with dropped kerbs. Sun Lane is not a classified road.

The parking and access requirements for a shop with residential and a single dwelling are comparable, particularly in such a sustainable location and where there is similar adjacent provision at neighbouring properties, and there is therefore no reason to raise an objection on this basis. A formal application for a dropped kerb would have to be applied for separately. An informative can be added to the decision notice to advise the applicant of this.

Prior approval is granted in terms of the transport and access aspects of the proposed development under paragraph 111 of the NPPF 2021, Policy CS11 of the Core Strategy 2014 and Policies T1 and P3 of the Local Plan 1994.

(b) Contamination

The application involves the conversion of an existing building involving internal alterations only. There would be a low environmental risk from such a proposal. Therefore, no contamination issues should arise as a result of the development and prior approval is granted in terms of the contamination risks in relation to the building under Policy CS19 of the Core Strategy 2014 and paragraph 185 of the NPPF 2021.

(c) Flooding

The development is in flood zone 1. This means it has a low probability of flooding from rivers and the sea. Therefore, no flood issues should arise as a result of the development and prior approval is granted in terms of the flood risks in relation to the building under Policy CS18 of the Core Strategy 2014 and paragraph 168 of the NPPF 2021.

(d) Noise

The application site is within a largely residential area. The one commercial site nearby is the adjoining property at No. 55 Sun Lane, which is a shop that sells and repairs scales (The Kent Scale Company). This shop has been operating for many years and is open between 9am and 4pm Mon-Fri. The nature of this use is such that it is unlikely to have a significant impact on the future occupiers of the application property in terms of noise disturbance. Therefore, prior approval is granted in terms of the impacts of noise from commercial premises on the intended occupiers of the development under Policy CS19 of the Core Strategy 2014 and paragraph 174 of the NPPF 2021.

(e) Conservation

The building is not in a Conservation Area. Prior approval would not be required in this regard.

(f) Natural light

As can be seen on the accompanying floorplans, the proposed dwelling will benefit from windows that will serve all habitable rooms and mean that future occupiers will receive a good provision of natural light. Prior approval is therefore granted in terms of the provision of adequate light for the development under paragraph 130 of the NPPF 2021 and Policy CS19 of the Core Strategy 2014.

(g) Industrial area

The site is not in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses, and therefore there would be no adverse impact on the intended occupiers of the development with the introduction of a residential use. Prior approval would not be required in this regard.

(h) Loss of services

As the premises comprise a (now unoccupied) hairdresser with a flat above, the development does not involve the loss of services provided by a registered nursery or a health centre, and therefore there would be no impact or loss on the local provision of such services. Prior approval would not be required in this regard.

Other Matters

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff:

The application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites. However, there are no additional dwellings created as a result of this proposal and therefore a SAMMS tariff is not required.

Conclusion and Recommendation

The application meets the criteria as set out in Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and in considering that criteria, the proposal is considered acceptable with regard to transport impacts, contamination risks, flooding risks, noise impacts, and provision of adequate light. On this basis, no objection is raised under Paragraphs 111, 130, 168, 174 and 185 of the NPPF 2021 and Policies CS02, CS11, CS18, and CS19 of

the Core Strategy 2014, saved Policies T1 and P3 of the Local Plan 1994, and prior approval is granted subject to the time limit and restricted use conditions set out at (5) and (6) of paragraph MA.2.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	20th July 2022	Dated:	20th July 2022