



Delegated Report

PRIOR APPROVAL - Part 20 Class AA Application

Application No:	20220799
Location:	Joynes House, New Road, Gravesend, Kent, DA11 0AJ
Description:	Application for prior approval under Part 20 Class AA of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for upward extension of existing commercial building through the construction of 2 additional storey to provide 24no. flats along with necessary ancillary works.
Applicant:	Mr Greg Kuzdenyi, Joynes House Development
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

Application Form - dated 15/07/2022;
Covering Letter - dated 15/07/2022;

Supplementary Information - Planning Statement;
Supplementary Information - Transport Statement;
Supplementary Information - Fire Statement (dated 13/09/2022);
Supplementary Information - Noise Impact Assessment;
Supplementary Information - Daylight and Sunlight Assessment;
Supplementary Information - Residential Space Standards Statement;
Supplementary Information - Design Code;
Supplementary Information - Townscape and Visual Appraisal;
Supplementary Information - Townscape Visualisations CGIs (1-3);

Drawing no. 002 - Rev. A - Proposed Elevations;
Drawing no. 003 - Rev. A - Proposed Elevation (without cladding above entrances);
Drawing no. 004 - Rev. A - Proposed Floor Plans;
Drawing no. 005 - Rev. A - Proposed Site Plan;
Drawing no. 006 - Rev. A - Section;
Drawing no. 009 - Rev. A - Existing South Elevation;
Drawing no. 010 - Rev. A - Existing North Elevation;
Drawing no. 011 - Rev. A - Existing East and West Elevations.

~~Supplementary Information - Fire Statement - SUPERSEDED.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20220393	Application for non-material amendment to planning permission reference number 20210973 to allow minor amendments to the internal layout.	PERMITTED NON-MATERIAL AMENDMENT	20.04.2022

20220392	Application for non-material amendment to planning permission reference number 20210962 to allow minor amendments to the internal layout.	PERMITTED NON MATERIAL AMENDMENT	20.04.2022
20220391	Application for non-material amendment to planning permission reference number 20210958 to allow minor amendments to the internal layout.	PERMITTED NON MATERIAL AMENDMENT	20.04.2022
20220390	Application for non-material amendment to planning permission reference number 20210974 to allow minor amendments to the internal layout.	PERMITTED NON MATERIAL AMENDMENT	20.04.2022
20210974	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O 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 Part Ground, First and Second Floors from Class E (previously Class B1(a)) (offices) to 26 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL IS REQUIRED AND APPROVED	16.09.2021
20210973	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O 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 Part First, Second and Fourth Floors from Class E (previously Class B1(a)) (offices) to 22 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL IS REQUIRED AND APPROVED	16.09.2021
20210962	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O 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 third floor from Class E (previously Class B1(a)) (offices) to 13 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL IS REQUIRED AND APPROVED	16.09.2021
20210958	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O 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 Part Ground Floor from Class E (previously Class B1(a)) (offices) to 4 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL IS REQUIRED AND APPROVED	16.09.2021

TH2/71/82B1	Detailed plans of office block.	APPROVED	24.01.1973
TH/2/71/82B	Detailed plans of office block.	APPROVED	12.10.1972
TH2/71/82A	Outline application for the erection of office block of 51,280 sq.ft. and erection of dwellings.	CONDITIONAL PERMISSION	31.05.1972
TH2/71/112	Outline application for the erection of an office block, flats and houses on sites of 1, 2, 3, 4 New Road, 2A St. James' Road, St. James' Church and Darnley Road.	PERMISSION	21.12.1971

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

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

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 2 - Achieving sustainable development
- 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

- SPG 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

External Consultees

Health And Safety Executive - Fire Safety And Planning -

Substantive response for the LPA

Thank you for consulting HSE about this application.

Scope of consultation - The above consultation relates to an application for prior approval under Part 20 Class AA of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for upward extension of existing commercial building through the construction of 2 additional storey to provide 24 flats.

Means of escape - Section 14 of the fire statement states 'The central core stair will also serve as the firefighting shaft serving all floors'. The adopted fire safety standard, BS9991, states that any staircase serving a dwelling within a mixed-use development should not communicate with any other occupancy. Design changes necessary to provide separated staircases serving the proposed dwellings, and commercial uses, will affect land use planning considerations such as layout and appearance of the development, and potentially the space available for and number of dwellings.

External walls - Section 6 of the fire statement states in relation to fire performance classifications of external wall systems: 'class A2-s1, d0 or better This applies to the EW systems of the proposed floors and is reported to refer to the existing external wall systems of Joynes House'. This is noted, however, drawings appear to show cladding systems of unknown material installed on the existing exterior walls of staircases. Any material used in the external walls of a relevant building must meet the minimum fire performance classification termed class A2-s1, d0. Any design changes necessary to ensure that only suitable materials are used in external walls may affect land use planning considerations such as the appearance of the development.

Fire service access - The proposed fifth and sixth floor plan drawings indicate distances of approximately 40m from the firefighting staircase door to the door of the remote flat. Fire safety guidance on control smoke in flats states:

'Whilst 30m might seem like an arbitrary figure to some, firefighting from long corridors can present exceptionally onerous conditions for firefighters. Essentially, the corridor itself can become the fire compartment once the flat front door is either breached by the fire, opened by escaping residents or by firefighters'; and

'...designers should be aware that single direction travel distances over 30m in length (measured from the staircase door to the furthest flat entrance door) in common escape routes are considered to present onerous conditions for fire fighters even if the flats are fitted with suppression systems'.

Design changes necessary to provide suitable firefighter travel distances will affect land use planning considerations such as the layout and appearance of the development.

Supplementary information for the applicant

The following points do not contribute to HSE's overall headline response and are intended only as advice for the applicant. These comments identify items that could usefully be considered now to reduce the risk of making changes to the design at a later stage, which could have planning implications.

Drawings show the firefighting lift is open to the firefighting staircases. A firefighting lift should not be sited within the enclosure of a firefighting staircase. The resolution of this matter will, however, not affect land

use planning considerations. Separation between the lifts and firefighting staircase will, however, be required.

Section 6 of the fire statement indicates that sprinklers will be installed. However, it is unclear whether sprinklers will be installed in the existing storeys of the new relevant building. Fire safety guidance provides blocks of flats with a top storey more than 11m above ground level should be fitted with a sprinkler system throughout the building.

It should also be noted that the Department for Levelling Up, Housing and Communities has published answers to frequently asked questions on 23/08/2022, about Approved Document B: Fire safety - frequently asked questions available online which states:

I am undertaking work on an existing building which is below 11m, and adding a new floor which will exceed 11m in height, do I need to sprinker the whole building or just the new floor?

Each case must be considered on its own merits, but it is likely that where additional storeys are added to an existing building, some work on the original part of the building will be necessary.

Applicants and building control bodies are reminded of the need to consider these new provisions sprinklers in relation to extensions as required by Regulation 4(1). New accommodation, formed by building work, should meet the relevant requirements having considered the guidance in the approved document. This means ensuring that the standard of fire protection for the occupants of the new accommodation is as would be provided for a new building under the approved document. In the majority of cases, therefore, sprinkler protection will be necessary in any newly formed accommodation that falls above the new 11m trigger height.

KCC - Dartford Group Fire Safety Office - Following my assessment of Fire and Rescue Service emergency access provisions for application number 20220799 I would like to make the following observation.

- Although it appears access to the building under the County of Kent Act 1981 is not adversely effected by the proposal; please confirm that once on site there is vehicle access for a pump appliance to within 45m of every point of the footprint of the proposed building measured along the route of the hose, or a fire mains fitted in accordance with paragraphs 13.5-6 of ADB Vol 1.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Natural England - Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority's appropriate assessment, Natural England indicates that it is likely to be satisfied that your appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Internal Consultees

GBC - STG Building Control Partnership - No comment received.

GBC - Environmental Protection (Regulatory Services) - No comment received.

GBC - Private Housing - We can confirm Private Sector Housing have no comments to relay in relation to our housing legislations and regulations. We believe the proposed scheme is currently out of our remit with Planning requirements and Building Regulations taking precedence.

GBC - Waste - I have reviewed the above planning application and have the following comments.

- I can support the location of the bin store, it is located and accessible from the public highway.
- The bin store would require the correct number of refuse and recycling bins. For this size development we would expect 4x1100 residual waste bins, 4 x 1100 recycling bins. For food waste specific 2 x 140ltr bins and a kitchen caddy for each flat.

Our standard guidance is:

- Flats are generally serviced by communal bin stores. Bin stores should be large enough to accommodate and manoeuvre sufficient 1,100 litre refuse and recycling Eurobins for the number of dwellings in each block.
- Developers are required to pay for the provision of all bins required for a development and these can be purchased through the Council. Developers are welcome to purchase their own 1,100 litre bins however the bins must be metal and comply with European Standard EN840.
- The immediate area outside the bin store should be level with the road, should not include an incline and the installation of a drop kerb where necessary is mandatory. Car parking spaces should not be allocated immediately in front of the access to the bin store.
- The maximum distance bins will be moved by collection crews should be no more than 15 metres.
- It is recommended that bin stores are fitted with a lock which is accessed via a key or a key code pad.
- Where there is a building of mixed use (i.e. flat above shop), then separate waste provision must be made for the domestic and commercial premises.

Collections from sites will not occur until containers are in place. It is the responsibility of the developer to collect and remove any waste at their cost until the Council is satisfied that all waste requirements have been met. All complaints in regard to non-collection due to the fault of the developer will be passed onto to the developer for response.

The Council should be informed at least two weeks prior to the waste collections by the council taking place.

GBC - Highways Officer - This is an edge of centre location and as such car parking for the new dwellings can be limited, on the evidence submitted the allocation of 10 spaces would be the absolute minimum and the 14 proposed are an improvement which is welcomed. Given a resident or visitor could be mobility impaired suitable provision should be made to accommodate them. With 14 spaces provided, it is suggested this is reduced to 13, with the lost space creating the area required to serve those people with mobility issues.

In terms of cycle parking, 24 secure spaces are appropriate given current guidance, but it is cycles and not bicycles so suitable provision should be made for adaptive cycles, a common approach currently seems to be that 5% of cycle parking should be capable of accommodating adaptive cycles, so one cycle in this instance. Consideration should also be given to the type of other cycles that may be owned by the residents, some may be expensive and should have independent secure storage provision, as should any electric cycles where the battery is buried in the frame and cannot be removed, a power supply would also need to be available in the store. In addition ideally some visitor cycle parking in the form of Sheffield stands or similar should be provided to encourage sustainable transport

The loss of commercial parking this is not an issue given the location of the town centre and its car parks and transport hub within a reasonable walking distance.

However, the applicant should consider how provision be made for parcel and other deliveries to the residents particularly groceries and hot food delivery services which will often operate outside the commercial operating hours of the office. Ideally, such vehicles should park off street without obstructing any parked car.

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site 28th July 2022.

In addition, sixty-two surrounding properties were consulted and two representations were received, both of which registered objection to the proposed development. The comments have been separated into material and non-material planning considerations.

Please note only the material planning considerations are relevant to this decision

Material Planning Considerations

- Loss of Light / Overshadowing (over and above the existing levels)

Non-Material Planning Considerations

- Problems Arising from Construction Period
- Personal Circumstances of Neighbour

The consultation period expired 19th August 2022.

Officer's Analysis

This application seeks determination pursuant to Article 3, Schedule 2, Part 20, Class AA 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 two storey upward extension of the existing mixed use building. This will create space for twenty-four additional flats within the building.

The additional floors will increase the buildings height by approx. 4.88m on the central roof, but will extend the western stairwell upward by 6.15m. The layout of the flats is symmetrical from the middle of the building. There will be 2no. two bedroom flats and 22no. one bedroom flats.

The flats will be accessed via central internal staircase and a western staircase, which will have the same width and depth as the existing western projection. There seems to be two internal lifts providing access up to the new 5th and 6th floors (7th and 8th storeys).

Assessment

Class AA of Part 20 of Schedule 2 of The Town and Country (General Permitted Development) (England) Order 2015 (as amended) permits development consisting of the construction of up to two additional storeys of new dwellinghouses on top of a detached building in commercial or mixed use.

Class AA - new dwellinghouses on detached buildings in commercial or mixed use

Permitted development

AA. — (1) Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building to which sub-paragraph (2) applies, together with any or all—

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

(2) This sub-paragraph applies to a building which is—

(a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the Use Classes Order, or as a betting office, pay day loan shop or launderette;

(b) in a mixed use combining—

(i) two or more uses within paragraph (a); or

(ii) a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, together with one or more uses within paragraph (a).

The building is currently in use as offices, but has Prior Approval applications granted for change of use of some office space into residential accommodation under Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. This application proposes the addition of two storeys to the building, with the only other works being to the stairwell at the west of the building to appropriate safe access/egress.

The GPDO continues in Part 20, Class AA to set out qualifying requirements that developments must meet to be considered permitted development, as set out below:

Development not permitted

AA.1. Development is not permitted by Class AA if—

(za) the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule;

(a) above ground level, the building is less than three storeys in height;

Complies - The building is five storeys in height

(b) the building was constructed before 1st July 1948 or after 5th March 2018;

Complies - The building was constructed in the 1970s.

(c) on 5th March 2018 the building was in a use other than—

(i) a use or mixed use within paragraph AA(2)(a) or (b); or

(ii) a use falling within Class C3 of the Schedule to the Use Classes Order;

Complies - The building was in use as an office on March 2018

(d) the additional storeys are constructed other than on the principal part of the building;

Complies – The additional storeys are constructed on the principal part of the building, the building is single height with a central extending core.

(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

Complies - The additional storeys floor to ceiling height measured internally would not exceed 3m (2.68m), nor the floor to ceiling height of any storey of the principal part of the existing building (2.77m).

(f) the new dwellinghouses are not flats;

Complies - The properties provided development consist of one bedroom and two bedroom flats.

(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);

Complies - (g) The height of the highest part of the roof of the extended building would not exceed the height of the highest part of the roof of the existing building by more than 7 metres (4.877m).

(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;

Complies - (h) The height of the highest part of the roof of the extended building (not including plant) would not be greater than 30m (24m).

(i) development under Class AA(1)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

Complies - The development would not include the provision of visible support structures on or attached to the exterior of the building upon completion.

(j) development under Class AA(1)(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

Complies - The development does not propose any visible support structures.

(k) in the case of Class AA(1)(b) development there is no existing plant on the building;

Complies - The existing building does not contain plant on the roof and nor will the proposed development.

(l) in the case of Class AA(1)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

Complies - The existing building does not contain plant on the roof and nor will the proposed development.

(m) development under Class AA(1)(c) would extend beyond the curtilage of the existing building;

Complies - All works to improve the access and egress from the building will be within its existing curtilage.

(n) development under Class AA(1)(d) would—

- (i) extend beyond the curtilage of the existing building;
- (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
- (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or

Complies - There is no ancillary development proposed.

(o) the land or site on which the building is located, is or forms part of—

- (i) article 2(3) land;
- (ii) a site of special scientific interest;
- (iii) a listed building or land within its curtilage;
- (iv) a scheduled monument or land within its curtilage;
- (v) a safety hazard area;
- (vi) a military explosives storage area; or
- (vii) land within 3 kilometres of the perimeter of an aerodrome

Complies - The site is not and does not form part of article 2(3) land; a site of special scientific interest; a listed building or scheduled monument or land within its curtilage; a safety hazard area; a military explosives storage area; or land within 3 kilometres of the perimeter of an aerodrome.

Should the development meet the requirements of AA.-(1) and AA.1, the following AA.2 conditions apply:

AA.2.—

(1) Where any development under Class AA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building, including—
 - (i) the design and architectural features of—
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) the impact of any works under sub-paragraph (1)(c) or (d) of Class AA;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- (j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012¹⁹⁰ issued by the Secretary of State, and
- (k) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) In sub-paragraph (1)(h), “commercial premises” means any premises in the building or the surrounding area which are normally used for the purpose of carrying on any trade or business, and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.

(3) Any development under Class AA is permitted subject to the condition that it must be completed within a

period of 3 years starting with the date prior approval is granted.

(4) Any development under Class AA is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(5) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(6) The notification referred to in sub-paragraph (5) must be in writing and must include—

- (a) the name of the developer;*
- (b) the address or location of the development; and*
- (c) the date of completion.*

(7) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

The assessment below will consider the matters for whether prior approval is required.

(a) Transport and highways impacts of the development

The site lies on the western edge of the town centre within the urban area of Gravesend. It is in a sustainable location with good access to public transport links.

The submitted transport statement highlights this sustainable location, with the building 180m from the train and bus stations, as well as the proximity to the Town Centre encouraging pedestrian travel. Nevertheless, the proposed development will provide 14 parking spaces for the new flats. Gravesham's Highways Officer commented that the provision of 14 spaces is welcomed for new residents and had no concern with the reduction in commercial parking given the location of the building.

However, the Highways Officer did provide considerations for accessible spaces to be provided and secure cycle storage. Secure and weatherproof bicycle parking should be provided at the rate of one bicycle per flat to be in accordance with Gravesham's adopted parking standards (SPG4) (2006); this should be conditioned. Electric vehicle charging points should also be provided.

(b) Contamination risks on the site

The application involves the upward extension of the existing building and internal alterations. Therefore, there is no change to the considerations given in the Prior Approval 'Class O' 2021 applications remains relevant:

The previous land use history of the area does not suggest that the site has previously been subject to contamination and the constraints associated with the site do not highlight any past land use such as industrial which may indicate contamination of the site. Given there are no proposed works that would result in excavation into previously undisturbed land, there would be limited risk. No objection is therefore raised in this regard, however the approval is subject to the following condition:

'The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.....'

Therefore, no contamination issues should arise as a result of the development and prior approval is granted in terms of the contamination aspects of the development under paragraph 183 of the NPPF 2021 and Policy CS19 of the Local Plan Core Strategy (2014), subject to a watching brief condition.

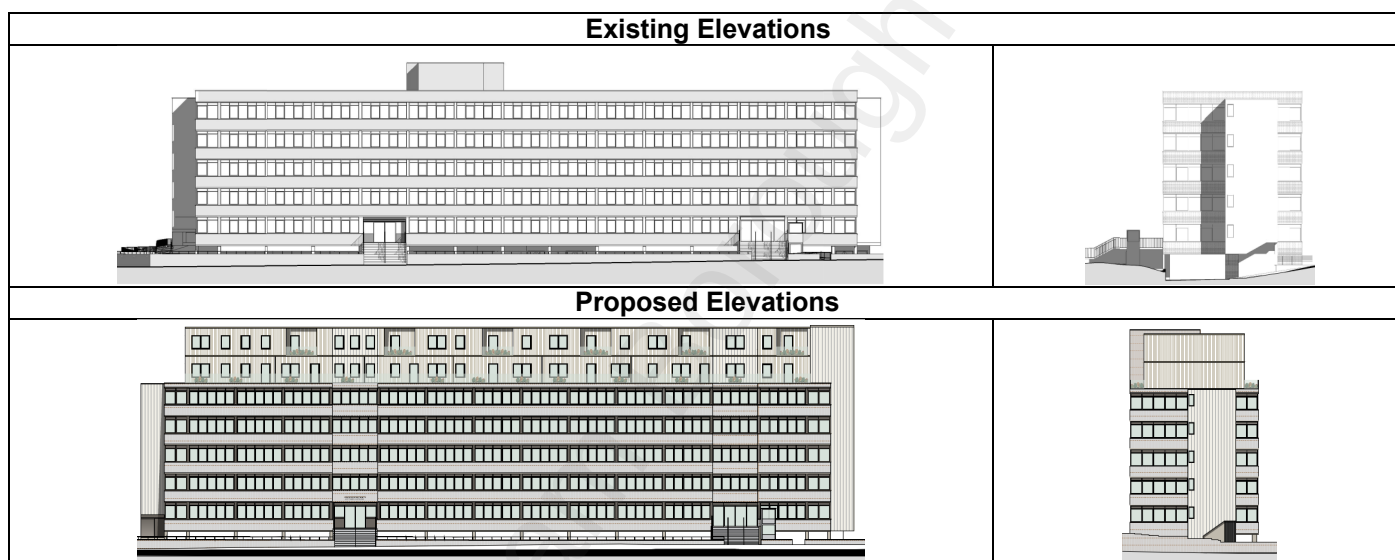
(c) Flooding risks on the site

According to the Gov.uk Flood Map for Planning the site lies within Flood Zone 1 and is therefore at low risk of flooding. As such, prior approval would not be required in relation to flood risk.

(d) The external appearance of the building

Class AA of the GPDO states that a design assessment for proposed development is limited to, “the external appearance of the building”.

The proposed two additional flats would be situated within the fourth floor either side of the existing central four storey element of the existing building. The comparative screenshots below demonstrate the proposed changes to the building:



The impact of the additional storeys is reduced by virtue of being set back and set in from the edges of the roof. They will be finished using different materials to the building (timber cladding), which serves to further reduce the perceived bulk and massing of the extended building. Whilst these changes create a distinction between the existing building and upward extension, the central core of the building helps to tie the two elements together.

The existing stairs on the western side of the property will be extended upwards and will be cladded.



Overall, the proposed upward extension is not considered to be excessive in the context of the size and appearance of the existing building, it is set back and set in from the building edge, finished with different

materials, all of which serve to break up the scale and bulk of the building to be visually proportionate. Therefore, prior approval is granted in respect of external appearance of the development under paragraphs 119, 124, 126 and 129 of the NPPF 2021 and Policy CS19 of the Local Plan Core Strategy (2014).

(e) Noise impacts from commercial premises

The previous prior approval 'Class O' application considered the commercial and industrial noise sources affecting potential new receivers similarly to Class AA, and does not include noise from sources such as traffic. Gravesham's Environmental Protection (Regulatory Services) provided comment on the identical noise assessment from the Class O application, stating that *"traffic noise... would be the main source of external noise to the new development and is significant being immediately adjacent a busy crossroads"*. Therefore, the source of noise from the commercial premises is not considered to cause any impact and as the primary source is noise from roads, prior approval is not required.

(f) Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light

In terms of neighbouring properties, the application site is 8.1m from properties to the west at Elizabeth Court. The properties to the north and east of the site (across New Road / Darnley Road) are predominantly retail/commercial uses, some of which have residential units above, these are 26.7m and 18.25m from the building respectively.

The new storey will come no closer than the existing building and therefore the levels of overlooking will remain the same.

The properties to the west at Elizabeth Court are within the minimum privacy distance of 21m as stated within Gravesham's Residential Layout Guidelines (2020). Although these properties are within the privacy distance the height difference between the proposal and Elizabeth Court means the angle for overlooking is oblique. Moreover, there are no flank windows proposed on the flank elevation and the planning statement sets out that the open balconies will be fitted with obscure glazed screens to mitigate overlooking.

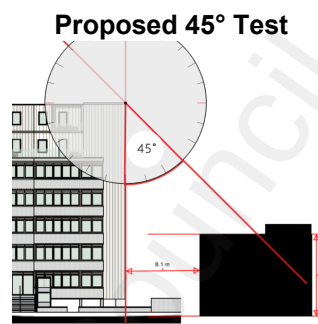
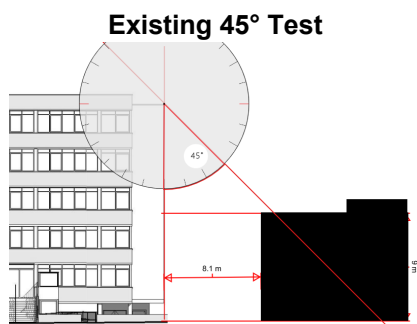


Google Street View (April 2021)

Similarly to the properties at Elizabeth Court, those to the east (across Darnley Street) are within the minimum 21m privacy distance. However, there are no flank windows facing these properties and the balconies towards the east will also be fitted with obscure glazed screens. The properties to the north (across New Road) are over 21m from the new units on Joynes House and complies with privacy distances within the RLG. Therefore, the new development will not result in overlooking.

In regards to overshadowing the Daylight and Sunlight Assessment submitted alongside this application has assessed the impacts of the proposed extension on properties at Elizabeth Court and the properties across New Road. The report concluded that all windows assessed at Elizabeth Court and New Road would retain at least 80% of daylight values, which aligns with the requirements set out in the BRE daylight/sunlight standards.

A representation was received from a neighbour living in Elizabeth Court, which expressed concern with the development resulting in a further loss of light and additional overshadowing, over and above the existing levels. The representation stated that Joynes House already causes overshadowing onto their property and the upward extension would result in a further loss of light. The assessment below is a 45° test to demonstrate the existing and proposed overshadowing levels onto Elizabeth Court.



This test shows that the existing building would cause overshadowing onto Elizabeth Court and that the proposed extension would similarly overshadow. This would corroborate with the findings within the Daylight and Sunlight Assessment whereby the data demonstrates that some units within the block have relatively low Vertical Sky Component, however these findings show that there is no significant loss of light above the existing levels as a result of the development. Therefore, the Local Planning Authority would not query the findings within the Daylight and Sunlight Assessment

However, the report failed to acknowledge the residential properties above Retail/Sui Generis units on Darnley Road. Due to the orientation of Joynes House in relation to these properties, facing slightly north-eastward (as shown in the images below - from the perspective on the properties on Darnley Road), the additional storeys will not significantly alter the daylight/sunlight received by these properties.



Therefore, the proposed development is considered to safeguard the amenity of adjoining properties and will not result in unacceptable overlooking or loss of light.

A code of practice on construction and demolition condition would be recommended to reduce the likelihood of a nuisance from demolition and construction works, especially as a development like this will have a significant impact on the residents immediately beneath the additional floor. This is covered by condition (3) of A.2 above.

Subject to conditions, prior approval would be granted in terms of the impact on amenity under paragraph 130 of the NPPF (2021) and Policy CS19 of the Local Plan Core Strategy (2014).

(g) The provision of adequate natural light in all habitable rooms of the new dwellinghouses:

As can be seen on the accompanying floorplans and supporting Daylight Assessment, the new units 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 Local Plan Core Strategy (2014).

(h) Impacts on trade, business of other uses of land

The building is already mixed-use and located within a mixed use area on the periphery of the town centre, where commercial and residential uses occupy buildings within close proximity and coexist. The development is not considered to impact on the function of any nearby trade or businesses. Therefore, prior approval is granted in regards to no impact on existing or prospective businesses.

(i) Impacts on protected views

The development will not impact on a protected view and therefore prior approval would not be required in respect of this matter.

(j) Protected Views

There are no protected views near the proposed development.

(k) Impact on fire safety

A Fire Statement has been submitted as part of this application, as required by the GPDO for any existing building with a height of 18 meters or more. The Fire Statement has been produced by a chartered engineer, or other competent professional, from Fire Safety South East Limited. A revised Fire Statement was produced 13/09/2022, that provided a more conclusive assessment of the fire safety condition of the existing wall construction. The Planning Statement concludes that there is "no reason to withhold prior approval on the basis of fire risk".

Notwithstanding the supporting documents, the Local Planning Authorities are required, under para. 018 of the Planning Policy Guidance (*Fire safety and high-rise residential buildings*), for Schedule 2, Part 20, Class AA developments that trigger the requirement of a fire statement, to consult the Health and Safety Executive (HSE). The HSE Fire Safety Assessor reviewed the application and highlighted shortcomings in the development relating to:

- Means of Escape
- External Walls
- Fire Service Access

The comments from HSE highlighted that changes are required to the internal layout and external materials to meet fire regulations. The fire regulations require separated staircases serving the commercial and residential uses, which is not achieved in this proposal. The fire report has assessed the external walls, but according to HSE has failed to refer to the unknown material installed on the exterior staircases, and therefore it cannot be confirmed if all existing walls conform to the performance classification termed class A2-s1, d0. Lastly, HSE highlighted that the distance from the firefighting staircase to the door of the most remote flat would be 40m, and exceeds the 30m distance given in Fire safety guidance on control smoke in flats.

The proposed development is contrary to AA.2 (k) of the GPDO, a full assessment of the existing external materials has not been completed and other parts of the development fail to accord with fire safety regulations. Therefore, the application has not met condition (k) relating to fire safety, and prior approval is required and refused.

Other Matters

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

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant

effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

In addition to the criteria of Class A, the development is subject to Regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (as amended) which requires the Authority to take into account whether it would either alone or in combination have likely significant effects on a European Site (SPA/SAC/Ramsar site). Regulation 73 (1) of the Habitat Regulations states: *"It is a condition of any planning permission granted by a general development order... that development which is likely to have a significant effect on a European site... (either alone or in combination with other plans or projects)... must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 75."*

The proposed development is considered to have likely in-combination effects due to its recreational impacts. Thus, any successful application would need to satisfy the requirements of the Habitat Regulations and would require a financial contribution of £275.88 per dwelling (total - £6,621.12).

An informative to this effect will be added to the decision notice which will state the following.

It is a condition of any permission granted by a general development order that, in those cases where a development is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the development must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 73, of the Conservation of Habitats and Species Regulations 2010, which is expressly saved by Schedule 7 of the Conservation of Habitats and Species Regulations 2017. Pursuant to Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, an application under Regulation 73 would therefore be required before development is begun.

Conclusion

The application fails to meet fire regulations and has failed to provide a full assessment of the existing external materials as required under Schedule 2, Part 20, Class AA.2 (k) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The Health and Safety Executive for Fire and Planning have highlighted issues with the proposed development regarding; means of escape, external walls and fire service access, and as such the application has not met the requirement of condition (k) of AA.2 and prior approval is required and refused.

Recommendation

Prior Approval is Required and Refused

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	23 rd September 2022	Dated:	23 September 2022