

Delegated Report

Householder Planning Application

Planning Application No: 20211295

Location: Lomer Farm Wrotham Road Meopham Gravesend

Description: Application for the variation of conditions 4, 5 and 14 attached to planning permission reference number 20170999 for the conversion of existing commercial buildings and other existing buildings and stables to 10 no. commercial units in a flexible B1/B8 use and 4 no. residential dwellings with associated access and parking arrangements; to allow the existing consent to be protected, so the triggers for a material start can be made on site without excessive or abortive works.

Applicant: Mrs Laura Hicken, Hawkspare Ltd

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application form;
Covering Letter Dated 14th October 2021.

Procedural Issues

The application has been submitted as a section 73 application (to vary condition 5 and 14 - 20170999) and the Local Planning Authority has judged the principle of the development to be acceptable with the approval of 20170999

A copy of the 20170999 delegated report is attached as appendix 1.

For the purposes of this section 73 application only issues relating to the variation of condition 13 can be considered and no other matters pertaining to the original application (of 20170999) can be considered.

Paragraph 017 of the Planning Practice guidance states 'There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Relevant Planning History

20170999 - Conversion of existing commercial buildings and other existing buildings and stables to 10 no. commercial units in a flexible B1/B8 use and 4 no. residential dwellings with associated access and parking arrangements. **Permitted 22.02.2019**

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

Gravesham Local Plan: First Review (1994)

- 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)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- SPG 4 - KCC Parking Standards (2006)
- Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

KCC – Heritage

I have no comments to make with regards archaeological matters in respect of this application.

Meopham Parish Council

No objection

GBC Environmental Protection Team (Regulatory Services)

Our service has reviewed the proposed variations and determined no objection subject to approval by the Planning Department.

Neighbouring properties

44 surrounding properties were consulted and a site notice displayed on site with an overall expiry date of 30 November 2021. No comments were received.

Officer's Analysis

The application has been submitted as a section 73 application and the Local Planning Authority has judged the principle of the development (20170999 - Conversion of existing commercial buildings and other existing buildings and stables to 10 no. commercial units in a flexible B1/B8 use and 4 no. residential dwellings with associated access and parking arrangements. Permitted 22.02.2019) as acceptable.

For the purposes of this application no fresh issues can be introduced and only the issues relating to the

variation of condition 4, 5 and 14.

The reason for seeking the variation of these conditions is set out in the agent's covering letter where the variation of the trigger points is as set out as the following:

In order to keep the site functioning as a commercial enterprise, the redevelopment of the wider site was discussed and as such the application for the conversion of the stable building was withdrawn. Application 20170999 was instead submitted to provide a rationale and strategy for the redevelopment of the wider site as a more viable alternative. The application was accompanied by a comprehensive viability statement which demonstrated why it was essential for residential uses to come forward to cross-subsidise the significant upgrades that the rural business site required. This was permitted in February 2019 and provided additional B1/B8 floorspace above that currently existing on site, as well as 4 no. residential units.

However the current situation is that the landowner is still failing to attract prospective tenants to the site and that there may be distinct benefits in seeking new purpose built, modern business units (should the Council wish to retain the land as an employment generating use). For this reason, the applicant is using the Council's pre-app service to test the suitability of such an approach.

In the interim, the existing planning permission is due to expire in February 2022 and so it is necessary to discharge and vary the pre-commencement conditions so that a lawful start can be made on site to keep the existing permission extant, but without abortive work should an alternative consent be forthcoming.

The basis for seeking the variations is the protracted length of time for the Council to consider and respond on the pre-application submission. Given this context, we respectfully requested that variations be supported.

Condition 4

4. *Within two months of the commencement of the development a scheme of hard landscaping shall be submitted to the Local Planning Authority for its approval in writing. The landscaping works shall be completed in accordance with the approved details prior to the completion of the development or the first occupation of any of the residential units whichever is sooner. The scheme shall include:*

- *proposed boundary treatments;*
- *proposed finished levels and contours;*
- *hard surface finishes to the vehicle parking areas, pedestrian accesses, private gardens and amenity areas;*
- *details of any retaining walls, steps, railings, walls, fencing, gates or other supporting structures;*
- *details of the pedestrian access and circulation areas*
- *minor structures such as refuse storage units.*

Reason *To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).*

The applicant seeks to vary the trigger point of condition 4 by replacing '**Within two months of the commencement of the development**' with '**Prior to above ground works**'. The revised trigger point is deemed acceptable and will not undermine the purpose of the condition. No conflict with local or national planning policy.

Condition 5

5. *Within two months of the commencement of the development a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications, schedules of plants - noting species (which should be indigenous and wildlife friendly) planting sizes, growth rates and proposed density. All new planting, seeding, turfing and other works comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the*

development or occupation of the first residential unit whichever is the sooner. Following the implementation of the landscaping scheme any trees or plants which within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason *To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).*

The applicant seeks to vary the trigger point of condition 5 by replacing '**Within two months of the commencement of the development**' with '**Prior to above ground works**'. The revised trigger point is deemed acceptable and will not undermine the purpose of the condition. No conflict with local or national planning policy.

Condition 14

14. *Within one month of the commencement of the development hereby permitted a scheme for mitigating noise and disturbance between the approved flexible B1/B8 uses and the approved adjacent residential accommodation (laterally and vertically) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the approved residential units.*

Reason *In the interests of residential amenity in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).*

The applicant seeks to vary the trigger point of condition 14 by replacing '**Within one month of the commencement of the development**' with '**Prior to above ground works**'. The revised trigger point is deemed acceptable and will not undermine the purpose of the condition. No conflict with local or national planning policy.

Conclusion & Recommendation

No consultee objections to this scheme and the proposed changes to the trigger points are deemed acceptable.

No conflict with local or national planning policy and the 2021 NPPF revisions do not affect this application.

The proposal complies with local and national planning policy and permission is recommended.

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

Case Officer:	Mr Richard Hart	Team Leader:	Miss Faye Hobbs
Signed:	<i>R Hart</i>	Signed:	
Dated:	13th December 2021	Dated:	13 December 2021