



Delegated Report

Planning Application

Planning Application No: 20221135

Location: Ebbsfleet Rainbow Centre Rose Street Northfleet Gravesend

Description: ***REVISED DESCRIPTION*** The ground floor to remain as F2(b) community hall and the change of use of upper ground floor into F2(a)-retail shop with part two storey part single storey side extension and alterations to fenestration.

Applicant: Mr Anthony Okoruwe

Site Visit Date: 17 March 2023

Submitted Documents/Plans

- Covering Letter;
- Application form;
- Drawing no. 4000 – Site Location Plan;
- Drawing no. 4010 – Proposed Elevations;
- Drawing no. 4005 – Existing Elevations;
- Drawing no. 4006 – Existing Elevations;
- Drawing no. 4001 – Existing Site Plan;
- Drawing no. 4011 – Proposed Roof Plan;
- Drawing no. 4007 – Proposed Ground Floor Plan;
- Drawing no. 4009 – Proposed Elevations;
- Drawing no. 4002 – Proposed Site Plan;
- Drawing no. 4004 – Existing First Floor Plan;
- Drawing no. 4008 – Proposed First Floor;
- Drawing no. 4003 – Existing Ground Floor Plan;
- Supporting Statement; and
- Photographs.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220600	Change of use of upper ground floor of e2(b) community hall (vacant) into e(a)-retail shop, lower ground floor which is class E and vacant will become a gym, with the erection of two storey rear extension.	Withdrawn	16.08.2022
19870392	Erection of single storey rear extension to form kitchen and toilet accommodation	Permitted	22.07.1987

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS03 – Northfleet Embankment and Swanscombe Peninsula East Opportunity Area
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS10 – Physical and Social Infrastructure
- CS11 – Transport
- 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
- 6 – Building a strong competitive economy
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change

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);

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

This application is complicated in that as presented there appears to be no link to the public highway and I repeat my comments associated with the previous application 20220600.



The national database FindMyStreet shows that the parking area immediately in front of the development site to be not adopted as it is not shown in either a red or blue line.

<https://www.findmystreet.co.uk/map>



Site location plan from application, which even excludes the ramp to the property.

I do not have access to the Highway Boundary Plans held by KCC. Looking at the images on Google Street View, the fact that the aisle in the car parking area is concrete block with concrete paved parking areas, the presence of road gullies at the junction with the obvious highway and the fact the waiting restrictions finish where the gullies are located, all suggest the car park is in private ownership. It is noted there appears to be a KCC lamp column adjacent to the property, but this is most likely there to serve the footpath serving the residential properties behind and may have been marked in error at some stage.

Given there do not appear to be any controls on the parking area, and the proximity of the Northfleet Railway Station, this would be a prime location for commuter parking to occur to the detriment of the occupiers of the application site.

As there is no apparent link to the highway, no control on the use of the car parking immediately adjacent to the site which would be detrimental to the highway safety, should overspill car parking occur my inclination is towards refusal, but the permitted use could generate a similar car parking demand.

GBC Environmental Protection

Having reviewed the application details, there is no objection to the ground floor continuing to be used for

community purposes. Although the premises is very close to residential properties, we have no history of any noise complaints related to the existing use.

The application form does not make any distinction between hours of use for the community hall and hours of use for the shop. This does need to be clarified with the applicants as extended hours for community hall involving parties, fitness classes, events (as detailed in the supporting statement) are likely to involve amplified music and later hours (ie beyond the proposed closing time of 10pm) could lead noise problems for local residents.

In terms of the shop, due to its size, although it's not anticipated that problem will occur. However, to be on the safe side, there should be no deliveries taking place outside of the shop opening hours. In addition, any plant (chillers, air conditioning, condenser units etc) must not be installed without an appropriate noise assessment being undertaken. Again, this is to avoid any noise problems to the nearby residential premises.

In respect of these and other matters, it is recommended that the following be considered and conditioned as necessary:

Noise:

Prior to the installation of any plant or equipment, a noise impact assessment shall be carried out by a suitably qualified acoustic consultant and submitted to the LPA for approval.

The report needs take into account the days/times of operation and the details and impact of any plant or equipment. The report must demonstrate how the proposed development will comply with the following:

- The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014

Code of Practice on Construction and Demolition

Please apply to prevent nuisance from noise and dust during demolition and construction occurring to nearby existing residential premises.
as appropriate

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Electric Vehicle Charging Points

This Service would wish to see the inclusion of suitable electric vehicle charging facilities in the customer carpark in support of the Council's commitment to become carbon neutral by 2030.

No response from:

- GBC Property Services (consulted by case officer)

Neighbouring properties

33 surrounding properties were consulted plus site notice – with an overall consultation expiry date of 28.03.2023 – no comments received.

Officer's Analysis

Procedural matters

The proposed block plan is inaccurate as it does not show the side extension which is shown in the proposed floor plans and elevations. Had permission been forthcoming the applicant would have been asked to amend this but given the application is being recommended for refusal this has not been asked for.

The application site consists of a two-storey detached building (a former Methodist Church) situated at the western end of Rose Street opposite the junction with Station Road. The building is set down at a lower level than the pavement and is accessed via a pedestrian bridge/ramp from Rose Street which leads to the front door which is at first floor level. This pedestrian bridge/ramp is not in the ownership of the applicant and is instead owned by Gravesham Borough Council. There is a car park in front of the building accessed from Station Road which is also not in the ownership of the application (and is also therefore not in the red line boundary). The building fronts onto Rose Street and this elevation has a projecting two storey gable element. There is a single storey lean-to extension on the western flank with a flat roofed single storey extension attached to it and an extension on the eastern flank forming the lobby area. To the east and south are residential dwellings, to the west is a green area and to the north is the car park. The site is currently vacant but was last used as a community hall - the Ebbsfleet Rainbow Centre. It has two levels, lower and upper

The site is located in the urban area of Northfleet, within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area and within an Area of Archaeological Potential.

The proposal is for change of use of the first floor into F2(a)-retail shop (the ground floor is to remain as F2(b) community hall) with erection of a part two storey part single storey side extension and alterations to the fenestration.

In the previous application ref. 20220600 this was to construct a two storey side extension, convert the ground floor to a gym and the first floor to a shop, along with changes to fenestration. The proposal was considered to be unacceptable in respect of the loss of a community facility, the proposed extension being harmful in respect of scale and design to the host building and the streetscene, impact on neighbouring properties and insufficient off-street parking provision and harm to highway safety. Furthermore the red line boundary did not include the access ramp to the building. Overall the application would have been refused, the applicant was advised to withdraw which they did.

Principle

This was a principle issue with the previous application ref. 20220600 (withdrawn).

The application site is a two storey building (former Methodist Church) set within a predominantly residential area with the current use of the site being a community centre (Use Class F2(b)), although the building is currently vacant. It is stated the building was sold at auction in 2021.

Paragraph 93 of the NPPF (2021) states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (amongst other things):

- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;

Policy CS10 (LPCS) states:

Support will be given to proposals and activities that protect, retain or enhance existing physical and social infrastructure, or lead to the provision of additional infrastructure that improves community well-being. Where there is the threat of loss of existing infrastructure, consideration will be given to viability and whether sufficient alternative provision is available.

In the previous application the proposal involved the loss the existing community facility as it was for change of use of the community hall to a gym and shop. In this case however, the F2(b) community hall would remain at ground floor level which it is said in the supporting statement would be used as a place for the community to gather for events, such as meetings, parties, cultural programmes, fitness classes, for tea, coffee and drinks and charity events. At first floor it is proposed to change this to an F2(a) shop (local community shop). The Use Classes Order (2015) as amended considers a shop to be a local community use if it is selling essential goods (including food), its floor area would not exceed 280 sq. m and there is no other facility within 1000 m. In this case it is stated in the supporting statement that the proposed shop would be a food shop that would focus on the procurements and distribution of fresh produce which will include fruits and vegetables, meat and poultry, pastries and bakery, some frozen goods, spices, confectionaries, drinks and toiletries. Its floor area would be 150 sq. m and there are other such facilities within 1000m. As such although the shop could be considered a local community use in terms of what it would sell and its size, the fact there are other facilities nearby would mean it would not. However, it is considered this has to be weighed with the fact that there is not an abundance of local community shops in the area. The fact the proposed shop would sell essential goods means it cannot be disputed that is a community type shop as opposed to one selling for example high end goods such as furniture. The proposed shop would serve the needs of the local community and there is not an abundance of such shops in the local area; had there been it could have been argued that the shop would not be a community use. Also, it is important to note that the upper part of the building is to remain as a community hall. Therefore, taking a rounded balanced view it is considered that as the shop would sell essential goods, its floor area would not exceed the maximum area given and that there is not an abundance of such shops in the locality it can be argued that the proposed shop could be considered more a community use than not, along with the retention of the F2(b) use.

Overall for the reasons explained above it is considered the shop could be considered an F2(a) shop and therefore the proposal would retain the community use of the building. As such the principle of the use is considered acceptable and the proposal would therefore be compliant with Policy CS19 (LPCS) and paragraph 93 of the NPPF (2021) and the issue of principle of development in the previous application has been resolved.

Design, Character and Appearance

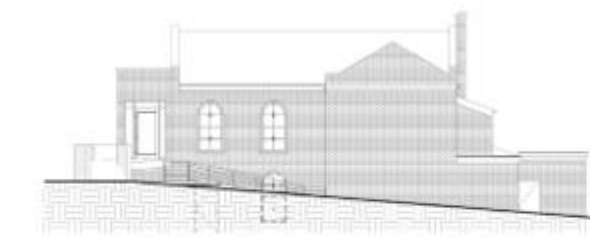
This was one of the areas of concern in previous application ref. 20220600 (withdrawn).

The existing building is a former Methodist church and has a simple plan form of the main gable with what was the frontage of the church facing east and with two gable features on the north and south elevations also.

In the previous application (ref. 20220600) the proposal was for a two storey extension on the western side which was 8.2m in width, full height in line with the existing highest ridgeline of the building and extended all the way to the main rear building line (not the southern rear gable wall) to a depth of 11.2m. Overall the extension was considered to not be subservient and was an extremely dominant addition which did not respect the scale or character of the original host building. The inappropriate flat roof parapet section was also unacceptable and not in keeping with the building. The building is extremely prominent being opposite the entrance to Station Road and its unacceptable scale, design and appearance would also have therefore been harmful to the streetscene.

For ease of reference the existing, the proposal under application ref. 20220600 and the proposal subject of the current application are shown below:

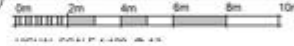
Existing



① FRONT ELEVATION - EXISTING



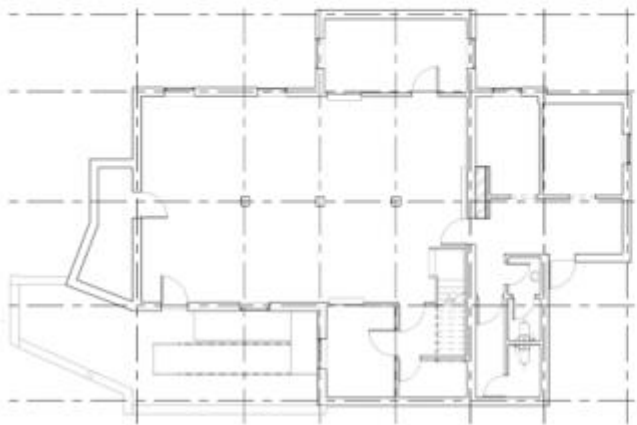
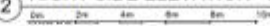
② REAR ELEVATION - EXISTING



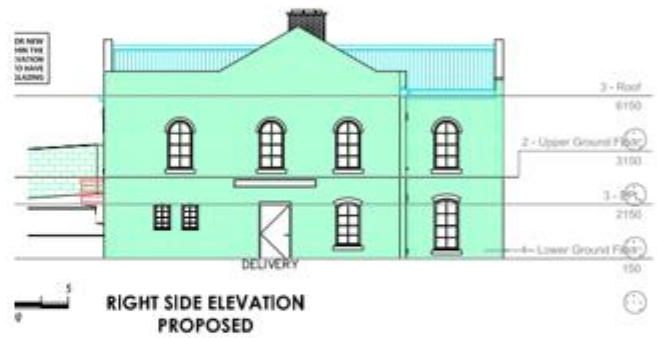
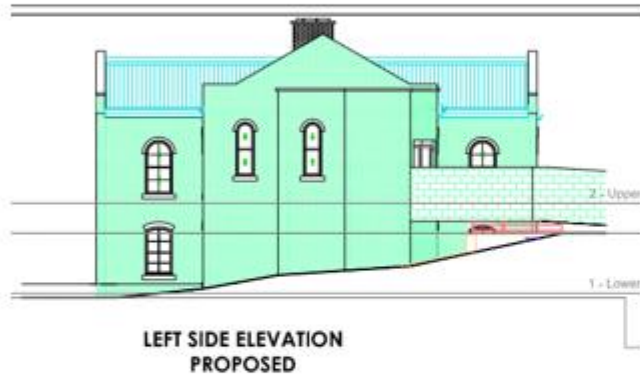
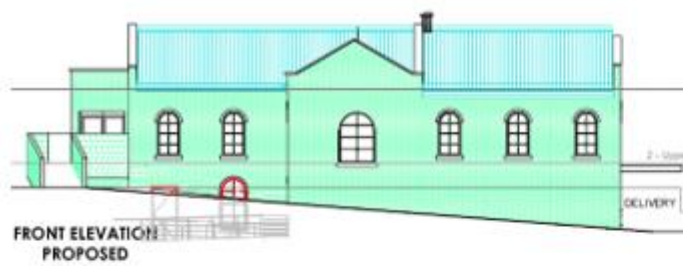
① LEFT ELEVATION - EXISTING



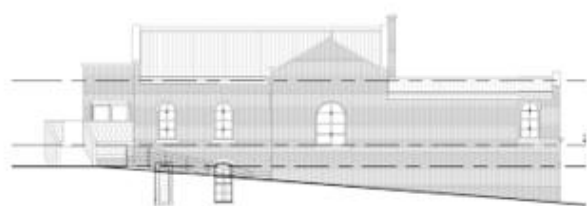
② RIGHT SIDE ELEVATION - EXISTING



Previous proposal – application ref. 20220600



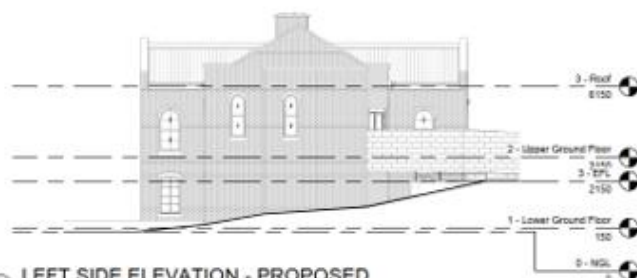
Current proposal – application ref. 20221135



1 FRONT ELEVATION - PROPOSED



2 REAR ELEVATION - PROPOSED



1 LEFT SIDE ELEVATION - PROPOSED



2 RIGHT SIDE ELEVATION - PROPOSED



The proposed part two, part single storey side extension has been reduced in size at first floor level and would now be set much more down from the ridgeline of the main building. Although smaller than previously proposed at first floor level the extension would still be a large addition to the building – the width is not a subservient width to the host building and the height now appears of odd proportions with the ridgeline of the extension being that the ridgeline would be in line with the eaves height of the main building rather than the eaves of both being in line with each other. The front elevation of the extension is blank and apart from one oddly positioned window in the top right hand corner. From the west side elevation at first floor level the extension would be blank with no windows. The application building is a former Methodist chapel and still retains its plan form of the nave, transepts and chancel. The proposed two storey extension off of the western flank elevation of the building would appear as an incongruous addition to this building and would not be in keeping with the scale or character of this former chapel. The application building is particularly visible in the streetscene being located in front of the entrance to Station Road from High Street, Northfleet. The proposal would therefore also not only impact on the host building but would also impact on the streetscene harmful to the character of the surrounding area.

In respect of design, character and appearance the proposal is therefore considered contrary to Policy CS19 (LPCS). As such the issues with design, character and appearance raised in the previous (withdrawn) application ref. 20220600 have not been resolved.

Neighbouring Amenity

This was one of the areas of concern in previous application ref. 20220600 (withdrawn).

There are residential properties immediately to the south of the site in Ebbsfleet Walk, the application building is set at a much higher level than these properties.

The ground floor element of the proposed part two, part single storey side extension hasn't been reduced in size. The single storey additions consist of an infill in the north-western corner along with extending out along the whole of the western flank elevation to a width of 2.7m. Although the land is at a higher level, given this scale it is considered the ground floor additions would not impact on the amenity of the properties to the south with regards overshadowing or loss of light.

At first floor level the extension has been reduced in size in comparison to the previous application as its depth has been reduced. Due to this reduction and the distance that the first floor element of the proposed extension would now be from the properties in Ebbsfleet Walk (some 18m) it is considered the first floor element of the extension would not impact on those properties in respect of overshadowing or loss of light.

There would be a window proposed in the rear elevation of the first floor extension which would serve the shop. As this would be 18m from the nearest windows in the Ebbsfleet Walk properties and would serve a non-habitable use (a shop) it is considered that there would be no overlooking issues to those properties.

The other new window proposed in the east elevation serving the shop would not cause any direct overlooking to any neighbouring properties.

GBC Environmental Protection raise no issues with the proposal in respect of noise or disturbance. They advise that subject to conditions regarding a noise impact assessment, hours of opening and no deliveries taking place outside of opening hours there would be no impact on any neighbouring properties.

Overall it is considered the proposal would not impact on the amenity of any neighbouring properties and in this regard the proposal would be compliant with Policy CS19 (LPCS) and the issues identified with neighbouring amenity with the previous application have been addressed.

Parking and Highway Safety

The application site provides no off-street parking; although there is a car park in front of the building accessed from Rose Street this car park is not owned by the applicant (and is not included in the red line boundary). There is cycle parking proposed.

The GBC Highways Officer raises concerns that as the car park in front of the site is not within the site or in the ownership of the applicant there is effectively no control over this car park but does note that the existing use could generate a similar car parking demand.

For this reason it is considered the proposal is acceptable in respect of parking – the site does not have its own off-street parking for the existing community hall use. The change of the first floor of the building from a community hall use to a shop whilst retaining the community hall use at ground floor level is considered to attract the same parking demand and therefore although the site does not have its own parking this is not considered a reason to object to the proposal and the impact would be no greater than the existing situation.

In respect of parking and highway safety the proposal is therefore considered compliant with saved Policy P3 (LPFR).

Any Other Material Planning Considerations

The pedestrian bridge/access ramp from Rose Street which leads to the front door is not in the ownership of the applicant and is instead owned by Gravesham Borough Council. The applicant has served notice on Gravesham Borough Council. GBC Property Services have been consulted on the application but no

comments received.

Conclusion & Recommendation

The proposal is considered acceptable in regards principle of development, neighbouring amenity, parking and highway safety and as such those areas of concern with the previous application ref. 20220600 have been resolved. The proposal is still considered unacceptable in respect of design, character and appearance however, and as such this area of concern with the previous application has not been resolved. As such the proposal is contrary to local and national planning policy.

Recommendation: Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	18th April 2023	Dated:	18 April 2023