

Delegated Report

Prior Approval Application

Application no:	20230710
Location	5 Stonebridge Road Northfleet Gravesend Kent
Proposal:	Prior Approval application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) Change of use from business to residential use.
Applicant:	Mr & Mrs R Hawkes
Site Visit	N/A Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Planning Statement;
Drawing No. 23/411/01 – Existing Survey Drawing; and
Drawing No. 23/411/02 – Proposed Drawing.

Relevant Planning History

None.

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

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 and letters sent to two neighbouring properties with an overall consultation expiry date of 9th August 2023. No comments have been received.

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 from (Class E Commercial and Business Services) to a single 2 bedroom dwelling.

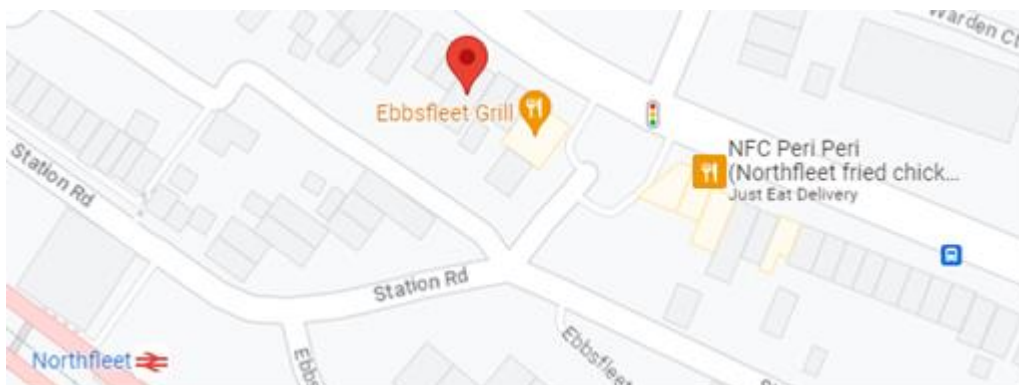
The existing property comprises a two storey mid-terrace of standard brick construction with a pitched roof. It is part of a long row of terrace properties, two of which have existing commercial uses on the ground floor with what appears to be residential above, and the rest are dwellings. There is no formal planning history on the application property, however the supporting planning statement states that *"the printing business operating from 6 Stonebridge Road purchased the application property in 1981 mainly in order to enable there to be separate male and female toilet facilities, a rest room and kitchen to be provided. No 6 Stonebridge Road having a ground floor bathroom and kitchen and side access which made the purchase of this property next to the existing printing works a sensible option to provide additional facilities. No printing operations were undertaken within No 5 Stonebridge Road, only administrative functions associated with the business. The use as administrative functions associated with the adjoining former printing and copying business ceased over 3 months ago."*



As such, the layout of the property has not altered and the existing floor plan consists of living room, dining room, kitchen, lobby and bathroom on the ground floor and two double bedrooms at first floor level, and there would be no internal works needed as part of the conversion. There will be no external changes. The proposed accommodation will comprise a living room, dining room, kitchen, lobby and bathroom on the ground floor and two double bedrooms at first floor level.

The supporting planning statement states that the applicant and their customers have parked on the forecourt to the front many years without there be any problems arising, however parking for the proposed residential use would be on neighbouring side roads including Station Road or Rose Street, with a resident's parking permit being required to park in Station Road. This would arrangement would be the same as the existing residential properties within the area.

The application site is also well served by public transport with Stonebridge Road being on a main bus route with Northfleet mainline train station within a 5 minute walk.



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 never formerly been used as a printing business and only the toilet facilities were utilised and for administration functions which ceased, this is evident from the lack of change to the internal floor plan. It would also appear from the supporting statement that associated printing business at No. 6 Stonebridge Road is not in operation with the owners looking to let the property as a commercial unit. Therefore without evidence to the contrary, the application property is not in use and has never been fully occupied as a commercial unit.
- (b) Google Maps Street Views show property frontage remaining as it currently is with no formal business operation or within any use classes specified in sub-paragraph (2).
- (c) The total floor area of the building is 58.3m².
- (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 west of Northfleet High Street within the urban area of Northfleet, 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 been used as parking for the applicant and customers, however this does not appear to be formalised. The adjacent properties do not benefit from off road parking, with side roads and surrounding parking areas being used, therefore the arrangement for the application property would be similar.

The parking and access requirements for a shop 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.

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 no internal or external alterations. 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 not within a flood zone, 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 printing commercial unit is the adjoining property at No. 6 Stonebridge Road, which ceased operation more than three months ago, with some interest in the premise as administration offices for the sale of electric vehicle chargers. The applicant may seek to convert this property into residential use, subject to the commercial viability. To the east of the site at No. 1 Stonebridge Road is a takeaway (Ebbsfleet Grill). This unit has been operating as a takeaway restaurant for in excess of 15 years and is open between 4pm and 10pm 7 days a week. The existing nature of this use and the predominately residential nature of the area, 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) an administration unit ancillary to the adjacent printer, 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:

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 £314.05 per dwelling.

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 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 Amanda Grout	Team Leader:	Richard Hart
Signed:	<i>A Grout</i>	Signed:	<i>R Hart</i>
Dated:	25 th August 2023	Dated:	29th August 2023