



Delegated Report

Prior Approval Application

Planning Application No: 20211432

Location: 1B Queen Street Gravesend Kent DA12 2EQ

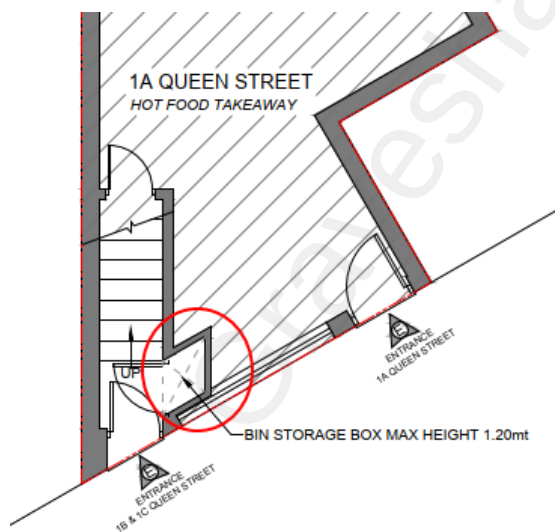
Description: Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of the first floor (Class E Commercial and Business Services) to 1 residential units (Class C3 (dwellinghouses))

Applicant: Mr Adnan Ali

Procedural Issues

In determining a prior approval application, the LPA is not granting a planning application; it is simply deciding whether its prior approval is required in respect of the specified matters only. Consequently, the LPA is not able to take into account other considerations that it would be able to consider were it determining a planning application e.g. amenity space.

It should be noted the existing plans show a bin store area but as the site visit photo (25.1.22) showed there is no 'bin storage area'



Proposal

The application is for prior approval for the proposed change of use of first floor (class E) to residential (C3) to form a one bed self-contained flat under Schedule 2, Part 3 and Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The following plans and documents have been submitted in support of this application:

- Application form;
- Environment Agency: Flood map for planning;
- Location Plan;
- Existing / Proposed Block Plan, plan no. A101 rev R0;
- Existing Floor Plans, plan no. A102 rev R0;
- Existing Floor Plans, plan no. A103 rev R0;
- Existing Floor Plans, plan no. A104 rev R0;
- Proposed Floor Plans, plan no. A105 rev R0;
- Existing and Proposed Elevations, plan no. A206 rev R0;
- Existing and Proposed Elevations, plan no. A207 rev R0;
- Existing and Proposed Elevations, plan no. A208 rev R0;
- Existing and Proposed Elevations, plan no. A209 rev R0;

This application does not constitute an application for a Lawful Development Certificate.

Relevant Planning History

Application Ref. No.	Description	Decision
20200410	Change of use from (B1) office to (C3) 1no. 2 bedroom self-contained flat.	Refused
20190913	Conversion of the first floor to a two bedroom self-contained flat.	Refused
20190305	Change of use of first floor into two B1(a) offices.	Approved
20180002	Application for approval of condition 3 attached to planning permission reference number 20170673 relating to the details of all external joinery including that to the shop front and all new windows and doors.	Approval of details
20170673	Installation of a new shopfront on the front elevation.	Approved
20170671	Construction of new facade at first and second floor levels on the front elevation and erection of a two storey rear extension at first and second floor levels and change of use of first and second floor to B1(a) use.	Approved
20151092	Prior Notification of the change of use of the first and second floor office use (Use Class B1[a]) fronting King Street into two flats (Use Class C3) including retention of the first and second floor office use fronting Queen Street.	Prior Approval not required
20130149	Application for approval of condition 5 attached to planning permission reference number 20100792 relating to the ventilation extraction system	Refusal of details
20100792	Change of use from A1 retail to A3 sandwich bar/cafe and installation of new aluminium shopfront.	Approved

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comment

KCC Heritage

No objection.

Neighbouring properties

A site notice has been posted and the consultation date expired on 07 January 2022.

Officer's Analysis

When planning permission 20190305 was granted condition 3 stated the following:

3. *The first floor shall be used only for purposes within Class B1(a) (offices) of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any provision equivalent to that Class in any Statutory Instrument replacing, revoking or re-enacting that Order, with or without modification) and for no other purpose.*

Reason

In order that any other alternative use of the first floor of the premise may be the subject of a separate planning application to be determined on its merits having particular regard to residential amenity and in order to comply with adopted Gravesham Local Plan Core Strategy Policy CS07 (Economy, Employment and Skills).

In terms of the approved 20190305 application, this has been implemented at the site, the extracts and photos below demonstrate this;

Application form:

5. Description of Proposed Works, Impacts and Risks

Please describe the proposed development including details of the flat(s) and other works proposed:

Change of use from Commercial Class E to Residential C3.

EXISTING:

The existing first floor building of the subject application is Class E (meeting room, bathroom and storage) this sub-divided in two areas one related to 1A Queen Street and the other related 19-20 King Street.

Both 1B and 1C Queen Str, same for 1A Queen Str and 19/20 King Str are from the same owner (the applicant).

This entire building facing Queen & King Street was upgraded with new shop front according with the Conservation Area requirement related to the ground floor and the First floor maintained with the original provision.

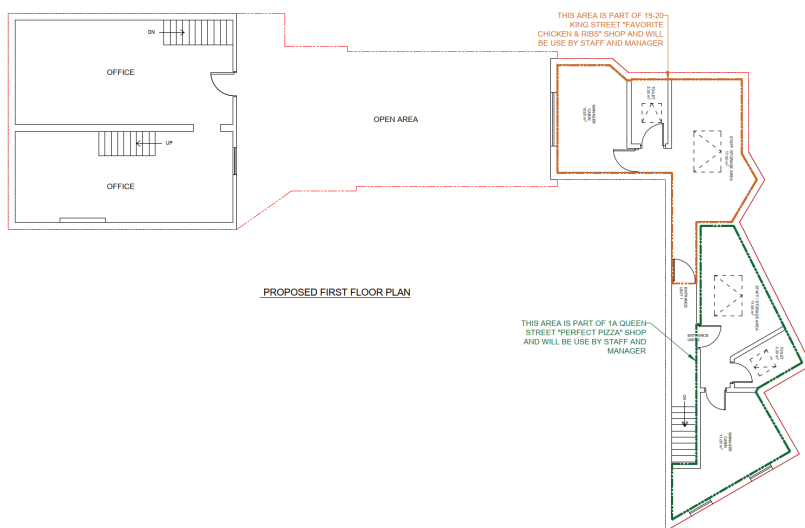
PROPOSED:

The provision of the first floor flat, 1B Queen Str (separate application will be submitted to cancel the number 1C) is a single Bedroom 2 person flat.

The work provide to remove the internal partition exclude the bathroom and change the rear window to bifold door to connect with amenity space (balcony) this set back from the boundary for privacy and screening / overlooking.

The internal layout provide 2 main spaces with open plans only consideration will be made for the bedroom side:

- Open plan kitchen, living room, dining area with bathroom according with the requirement set on the new London Plan related the internal spaces;
- Bedroom with en-suite separated with frosted glass partition to increase the mitigation of the natural light and avoid the sense of closure this granted also from the top skylight. The bedroom provide the change of the window, facing to the rear of the property, into bifold door to access the amenity space/balcony requested and set back from the boundary as per 45degree rule to preserve the privacy of the occupant and also prevent the overlooking related the adjoining commercial property.



Recent photos demonstrating the office use has been implemented





Article 3(4) of the GPDO states nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order.

A Gravesham appeal decision 3022038 (26 October 2015) attached as appendix 1 confirms this when an appellant appealed a refusal to make use of permitted development rights for a change of use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order from Class B1(a) offices. As there was a restrictive condition on the approval of the building in question the Inspector dismissed the appeal and stated:

I conclude that condition 4 of the original planning permission is effective in removing the permitted development rights under Schedule 2, Part 3, Class O of the GPDO. The proposal would be contrary to the GPDO under Article 3(4). The prior approval regime is therefore not available in this case and planning permission would be needed for the proposed change of use. For the above reasons I conclude that the appeal should be dismissed.

Condition 3 specifically states that the first floor shall only be used as a use falling in B1(a) implying that movement outside these uses class orders are not permitted. Notwithstanding the changes to the planning use classes (2020) classifications, the reason for this condition is stated that any alternative uses of the first floor units may be the subject of a separate planning application that may be considered on its individual merits having particular regard to residential amenity. When read as a whole permission this clearly indicates the importance of controlling the use of the first floor of the building in order to assess the loss of employment uses and ensure the first floor has acceptable uses due to the site being located within the Town Centre,

The Local Planning Authority is therefore of the opinion that the property would not benefit from Class MA of the GPDO 2015 (as amended) and planning permission would be required for this change of use.

Conclusion & Recommendation

Refusal

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

Case Officer:	Ms Genna Henry	Team Leader:	Richard Hart
Signed:	<i>G.Henry</i>	Signed:	<i>R Hart</i>
Dated:	25th January 2022	Dated:	26th January 2022