

planning
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Proposed change of use of two former commercial units into four residential apartments

Schedule 2, Part 3, Class MA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

October 2021

TS/14979



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1 Introduction

1.1 Overview

- 1.1.1 This report has been prepared to seek to confirm if the Prior Approval of Gravesham Borough Council (GBC) is required for the change of use of two former commercial units into four residential apartments at Warren Hastings Court, Gravesend in accordance with Schedule 2, Part 3, Class MA, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
- 1.1.2 This report has followed the GPDO 2015 Regulations and the Ministry of Housing, Communities and Local Government (MHCLG) web-based Planning Guidance: Permitted Development Rights, which provides guidance on the application of GPD rights in England.
- 1.1.3 This application comprises the following documents and plans:

Document:	Author:
Application Form	DHA Planning
GPDO Statement	DHA Planning
Air Quality Technical Note	SLR Consulting
Noise Assessment	MRL Acoustics
Transport Statement	DHA Transport
Daylight Assessment	Herrington Consulting Ltd
Site location plan	DHA Planning
Existing site layout plan	DHA Planning
Existing ground floor layout plan	DHA Planning
Existing building – north and east elevations	DHA Planning
Existing building – west and south elevations and building section	DHA Planning
Proposed site layout	DHA Planning
Proposed ground floor layout plan	DHA Planning
Proposed north and east elevations	DHA Planning
Proposed west and southern elevations and section X-X/Y-Y	DHA Planning

Table 1: Application documents

1.2 Case Details

- 1.2.1 The key details of the proposal subject to this request under the GPDO 2015 are set out in Table 2.

Site Address:	Warren Hastings Court, Clifton Marine Parade, Gravesend, Kent DA11 9NB
Brief Description of Development:	Proposed change of use of two former commercial units to four residential apartments

Table 2: Proposed Development

2 Site Description

2.1 Overview

- 2.1.1 Warren Hastings Court is situated on Clifton Marine Parade south of the River Thames east of and adjacent to Pier Road in Gravesend.



Figure 1: Aerial view of the site (red line indicative, see site location plan for definitive red line).

- 2.1.2 The ground floor of the property is currently vacant but was last in industrial/workshop use. The property is located on the edge of an industrial area. To the east of the property are a number of modern industrial, retail and leisure buildings including the Imperial Retail Park. However, the area immediately to the west and south of the property is primarily residential in character.
- 2.1.3 The upper two floors of the property are in residential use, comprising flats 1 to 8 of Warren Hastings Court. These apartments overlook Clifton Marine Parade but are accessed via a rear car park from Pier Road. The ground floor industrial use extends beneath this car park area. The existing site layout is shown on plan DHA/14980/02.
- 2.1.4 The existing layout of the workshops is shown on plan DHA/14980/03. It comprises two separate industrial/workshop units both with roller shutter loading doors. There are small ancillary offices and other rooms located towards the rear of the property, together with a rear fire escape. There are currently no other windows or openings.

- 2.1.5 The ground floor units are equivalent to around 1.5 storeys in height, and present a blank frontage to Clifton Marine Parade. The frontage has been vandalised with graffiti, the lack of active surveillance doing little to discourage fly tipping and other antisocial behaviour.



Figure 2: Photograph showing the front of Warren Hastings Court taken from Clifton Marine Parade.



Figure 3: Photograph showing the front of Warren Hastings Court taken from Clifton Marin Parade.

- 1.1.1 There is an on-street parking area directly in front of the units. This is currently subject to double yellow line restrictions (presumably in order to protect access to the industrial units) although the road markings also suggest a defined on-street parking area. It appears to be regularly used for parking in any event.

2.2 Planning History

- 1.1.2 Gravesham's online planning register records the following recent and/or relevant planning history for the site:

Application Ref.	Description	Decision
20080925	Continued use of part of the warehouse as retail shop.	Permitted 2008

Table 2.2: Planning history of the site

3 Description of Development

- 3.1.1 The following development is proposed under Schedule 2, Part 3, Class MA, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended:

‘Proposed change of use of two commercial units into four residential apartments.’

- 3.1.2 The industrial units are vacant and proving difficult to let. The enclosed plans show how this property could be converted to create four residential apartments (1 x 2-bed and 3 x 1-bed) and create an active frontage onto Clifton Marine Parade.
- 3.1.3 The industrial units do not at present have any windows and access is provided via two roller shutter doors. A separate planning application has been submitted for the installation of doors and windows that would facilitate the proposed change of use of the building. The proposed elevations the subject of that application are included in the proposed elevations drawings enclosed.
- 3.1.4 As shown on the proposed site layout plan DHA/14980/10 it is proposed to lift the parking restrictions in front of the property to allow parking for residents (four spaces). It would appear that the only reason for the existing restrictions has been to protect access to the industrial units. The road is wide enough for two cars to pass even when the parking spaces are fully occupied.
- 3.1.5 The existing parking courtyard to the rear of the property, accessed from Pier Road, would be reconfigured to provide 12 parking spaces. This represents an additional three spaces which would be used for visitors to the new flats. No physical works are required to facilitate this which will be achieved simply by adjusting the parking lines on the tarmac.
- 3.1.6 The proposed ground floor layout plan DHA/14980/11 shows the how the ground floor would be converted to residential use. The eastern most apartment would be a two-bedroom apartment making use of the return elevation where new window openings can be installed.
- 3.1.7 The other three apartments would be one-bedroom units in order to make use of the light from the Clifton Marine Parade frontage. The apartments themselves would be accessed from one of two internal lobbies which would also lead to cycle storage and refuse areas.
- 3.1.8 All of the proposed apartments would have large hobby/home storage areas in the rear part of the building. These areas could be used by residents in much the same way that people often use their garages, for example for storage, or as a home gym, home cinema or other type of hobbies room. Equally such a room could be used as a home office or for other forms of working from home arrangements such as an artist or photography studio.
- 3.1.9 The proposed development will result in an underused workshop building being converted to create for good quality, much-needed homes in a primarily residential area. This fully accords with the general thrust of recent national policy which has sought to convert underused commercial buildings to residential uses where it is appropriate to do so.

4 Development permitted under Part 6 Class A

- 4.1.1 Part 3 Class MA (commercial, business and service uses to dwelling houses) applies to the following development:

"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."

4.2 Class MA.1 – Development not permitted

- 4.2.1 Part 1 of Class MA lists a number of criteria where permitted development rights do not apply. These are addressed in turn below:

- **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;**

The building (the two commercial units) have been vacant for a continuous period in excess of 3 months (since February 2021) prior to this application.

- **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;**

With the exception of the period of vacancy identified above the building has been in continuous B1 and subsequently Class E use for a period in excess of 10 years prior to this application.

- **c) – if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;**

As shown on drawing DHA/14980/11 the cumulative floor space of the existing building changing use does not exceed 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;**

The site does not lie within or form part of an SSSI.

- ii. **is or forms part of a listed building or land within its curtilage;**

Grade II listed Rosherville Quay Walls, Steps and WWII Mine Watching Post lies 60m west of the site. Warren Hastings Court does not lie within its curtilage.

- iii. **is or forms part of a scheduled monument or land within its curtilage;**

The site does not lie within or form part of a scheduled monument or land within its curtilage.

iv. is or forms part of a safety hazard area; Or

The site does not lie within a safety hazard area.

v. is or forms part of a military explosives storage area;

The site does not lie within a military explosives storage area.

• e) if the building is within—

- I. an area of outstanding natural beauty;

The building is not within an AONB.

- II. an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3);

The building is not within an area specified under section 41(3).

- III. the Broads;

The building is not within the Broads.

- IV. a National Park;

The building is not within a National Park.

- V. a World Heritage Site;

The building is not within 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;

The site is not occupied under an agricultural tenancy.

• 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;

The proposed development is not of a description falling within Class O.

- 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 proposed development would not have been permitted under Class O.

4.3 Conclusion

- 4.3.1 The proposed development therefore complies with all elements of Part 1 of Class MA.

5 Matters that may require Prior Approval

- 5.1.1 Part 2 states that development under Class MA is permitted subject to the following conditions:

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;
- (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; and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

- 5.1.2 These matters are addressed in turn below.

5.2 Transport impacts of the development, particularly to ensure safe site access

- 5.2.1 A Transport Statement has been submitted in support of the application.
- 5.2.2 As shown on the proposed site layout plan DHA/14980/10 it is proposed to lift the parking restrictions in front of the property to allow parking for residents (four spaces). As noted, it would appear that the only reason for the existing restrictions

has been to protect access to the industrial units. The road is wide enough for two cars to pass even when the parking spaces are fully occupied.

- 5.2.3 The existing parking courtyard to the rear of the property, accessed from Pier Road, would be reconfigured to provide 12 parking spaces. This represents an additional three spaces which would be used for visitors to the new flats. The additional parking provision for the proposed residential use meets with KCC's maximum parking standards.
- 5.2.4 Safe and suitable access to the site is available and there would be no material highway capacity impacts.
- 5.2.5 A review of the latest three-year Personal Injury Collision (PIC) data for the local highway network confirms that there were no incidents recorded within the study area and that the proposed development will not exacerbate the local highway safety record.
- 5.2.6 Swept path analysis confirms that the proposed site access arrangement and internal layout are sufficient to meet the needs of the vehicles requiring access to the site.
- 5.2.7 A residual vehicle trip generation assessment has been completed, which has shown that the proposals would result in a net reduction of 45 vehicle trips over the 12-hour weekday period compared to a commercial use. This represents a reduction of just under four vehicle movements per hour on average.

5.3 Contamination risks in relation to the building

- 5.3.1 The proposed development involves the conversion of an existing building with a solid concrete floor and external brick walls. No groundworks are therefore required that would introduce a contamination pathway to future occupiers. Should the building contain asbestos this will be removed and disposed of in accordance with the Duty Care imposed by the Control of Asbestos Regulations 2012.

5.4 Flooding risks in relation to the building

- 5.4.1 A flood risk assessment has been provided in support of the application. The site lies entirely in flood zone 1 and is bound to the north by defended Flood Zone 3a associated with the River Thames.
- 5.4.2 Flood defences are inspected twice a year and are graded between 1 (very good) and 5 (very poor). The defences in the vicinity of the development have been classified as grade 2. The flood defences provide a 1 in 1000-year level of protection to the site.
- 5.4.3 In respect of a breach of the flood defences, the existing finished ground floor level of 6.91m AOD is between 0.38m and 0.68m above the breach levels for both the 1 in 200 and 1 in 1000-year events for year 2115 demonstrating the building is not at risk of flooding from the River Thames.

5.5 Impacts of noise from commercial premises on the intended occupiers of the development

- 5.5.1 A detailed noise study of the site has been carried out to establish existing noise levels the site. This has been submitted in support of this application.
- 5.5.2 The noise study demonstrates that suitable internal noise levels cannot be achieved without an appropriate glazing specification and the provision of a suitable method of ventilation provided for affected habitable rooms and bedrooms. Such measures are common for residential dwellings in urban areas affected by road traffic noise. There are currently no windows or openings, however an application to install ground floor windows has been submitted concurrently with this application. The glazing and ventilation pursuant to this would meet the requirements necessary for the residential change of use.
- 5.5.3 Subject to the above, internal noise levels will meet all relevant standards as set out in BS8233:2014 to safeguard the amenity of future residents.
- 5.5.4 The proposed development has therefore been demonstrated to be acceptable in amenity terms.

5.6 Impact on the conservation area

- 5.6.1 Warren Hastings Court lies adjacent to the Rosherville North and Lansdowne Square residential area. Imperial Business Estate lies immediately east of the building. It lies adjacent to the Lansdowne Square Conservation Area and lies within 60m of the grade II listed remains of the Rosherville Pier (Quay walls).
- 5.6.2 The proposed change of use of the ground floor of the property is not considered to result in any adverse effect on the Conservation Area and will actually improve the aesthetic appearance of the ground floor of the building and help preclude the existing anti-social behaviour and graffitiing that occurs.

5.7 Natural Light

- 5.7.1 The industrial units do not at present have any windows and access is provided via two roller shutter doors. A separate planning application has been submitted for the installation of doors and windows that would facilitate the proposed change of use of the building.
- 5.7.2 A daylight assessment has been completed to demonstrate that suitable natural light levels can be achieved to facilitate the proposed change of use subject to the approval of the planning application for the installation of the proposed windows and doors.
- 5.7.3 It is accepted that a condition would be required to ensure that the proposed windows and doors are installed prior to the change of use of the site.
- 5.7.4 A copy of the daylight assessment is submitted in support of this application.

5.8 Impact on the intended users

- 5.8.1 Matters relating to noise amenity for future residents is addressed above under 5.5.
- 5.8.2 Warren Hastings Court is immediately adjacent to the boundary of the Northfleet Industrial Air Quality Management Area. A thorough review of local monitoring results, GBC's LAQM reports, and previous Air Quality Assessments undertaken within the vicinity of the Proposed Development has been undertaken by SLR Consulting on behalf of the applicant. This demonstrates that the ambient air quality at the site is well below the air quality objectives. As such, air quality does not pose a material consideration or represent a constraint to the proposed development. An air handling system is not therefore required in respect of air quality for future residents.

5.9 Other matters

- 5.9.1 The proposed development will not result in the loss of a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 2006.
- 5.9.2 The proposed development does not meet the fire risk condition. Notwithstanding this, suitable fire safety measures and a fire escape are proposed as set out on the proposed floorplans.

5.10 Summary

- 5.10.1 It is not considered that the prior approval of the Council is necessary in respect of the conditions of Part 2 of Class MA.

6 Conclusion

- 6.1.1 This report has been prepared to seek to confirm if the Prior Approval of Gravesham Borough Council (GBC) is required for the change of use of two former commercial units into four residential apartments at Warren Hastings Court, Gravesend in accordance with Schedule 2, Part 3, Class MA, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
- 6.1.2 This report confirms that the proposed development meets the requirements of permitted development of this type as set out in Part 3 Class MA.
- 6.1.3 The conditions under part 2 of class MA proposed development have been demonstrated to have been adequately addressed and the proposed change of use is therefore considered appropriate with due regard to all planning considerations subject to the approval of the application for the installation of windows and doors into the property submitted concurrently with this application.
- 6.1.4 It is not considered that the Prior Approval of the Council is required for the proposed development and the change of use can proceed as permitted development.

6.2 Timescale

- 6.2.1 In accordance with Part A.2(2) a planning authority has 56 days from the receipt of an application to notify the applicant as to whether Prior Approval is required.