

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20231015
Location	22 - 25 New Road Gravesend Kent
Proposal:	Application for a proposed Lawful Development Certificate in respect of a single storey rear extension to the commercial unit.
Applicant:	(Company name) Lownie Investments
Site Visit	N/A Desktop Assessment

Preliminary Matters

During the course of the application, it was noted that the development would include the construction of a raised platform/steps, greater than 0.30m. This would have failed to comply with A.1 (f) of Schedule 2, Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, on 27.11.23, the agent was contacted and given the opportunity to amend the plans to remove the platform/steps. On 28.11.23, revised plans were received and accepted by the Local Planning Authority. It is noted that the door to the extension, located in the side elevation would be approximately 0.40m from the ground. In the event steps are subsequently installed, these should comply with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or an application can be submitted to the Local Planning Authority, if it falls outside the parameters of permitted development. This may also fall under other legislation outside of the planning remit, such as building control.

Plans & Documents

Application Form;
 Supplementary Information – Photo of Existing Shops;
 Supplementary Information – Planning Statement;
 Site Location Plan (received on 04.10.23);
 Drawing No. CGL-XX-00-DR-A-050115 – Ground Floor Plan – Existing;
 Drawing No. CGL-XX-00-DR-A-050215 – P2 - REVISED Ground Floor Site Plan - Proposed;
 Drawing No. CGL-XX-EL-DR-A-050123 – Side Elevations – Existing;
 Drawing No. CGL-XX-EL-DR-A-050124 – Rear Elevation – Existing;
 Drawing No. CGL-XX-EL-DR-A-050223 – P2 – REVISED Side Elevation – Proposed; and
 Drawing No. CGL-XX-EL-DR-A-050224 – P2– REVISED Rear Elevation – Proposed.

Superseded Plans and Documents

~~Drawing No. CGL-XX-00-DR-A-050215 – Ground Floor Site Plan – Proposed;~~
~~Drawing No. CGL-XX-EL-DR-A-050223 – Side Elevation – Proposed; and~~
~~Drawing No. CGL-XX-EL-DR-A-050224 – Rear Elevation – Proposed.~~

Proposal

This is an application for a proposed Lawful Development Certificate in respect of a single storey rear extension to the commercial unit.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant Planning History

Reference	Description	Decision	Decision Date
20220953	Subdivision of the existing residential unit that is located across the 1st - 3rd floors of the property into 6 residential studio flats.	Permitted	07.11.2022
20220456	Change of Use from Retail Use (E(a)) to an Adult Gaming Centre (Sui Generis)	Permitted	28.07.2022
20220162	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 existing Class E (Previously Office (B1 Use Class) and Dentists Office (D1 Use Class) at the first - fourth floors to residential (C3) to create 8 residential apartments.	Prior Approval Granted	17.05.2022
19890110	Use of the first, second and third floors as offices.	Permitted	05.09.1989

Officer Assessment

This application seeks confirmation whether the proposed development is lawful under Schedule 2, Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N/A

PART 7

Non-domestic extensions, alterations etc

Class A – extensions etc of commercial, business or service premises

Permitted Development

A. The extension or alteration of a commercial, business or service establishment

A.1	Development is not permitted by Class A if –	Y/N
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(a)	(a) the gross floor space of the original building would be exceeded by more than— (i) in respect of an original building or a development on— (aa) article 2(3) land, or (bb) a site of special scientific interest, 25% or 50 square metres (whichever is the lesser); (ii) in any other case, 50% or 100 square metres (whichever is the lesser);	N/A N Extension falls under both values. Existing is approx. 131.00 sqm and Proposed is approx 51.02sqm
(b)	the height of the building as extended would exceed 4 metres;	N 4.00m
(c)	any part of the development (other than an alteration)— (i) is on land which— (aa) adjoins other premises which are used for a purpose falling within any of the classes in Part C (residential premises or institutions) of Schedule 1 to the Use Classes Order, (bb) is article 2(3) land, or (cc) is a site of special scientific interest, and (ii) is within 2 metres of any boundary of the curtilage of the premises;	N/A
(d)	the development would be within the curtilage of a listed building;	N/A
(e)	any alteration would be on article 2(3) land;	N/A
(f)	the development would consist of or include the construction or provision of a verandah, balcony or raised platform;	N
(g)	any part of the development would extend beyond the front of any existing building ;	N
(h)	the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front; or	N
(i)	the development would involve the installation or replacement of a security grill or shutter on a shop front.	N
A.2	Development is permitted by Class A subject to the following conditions—	Y/N
(a)	any alteration is at ground floor level only;	Y
(b)	any extension is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended; and	N/A

		However, similar materials shall be used
(c)	any extension or alteration is only to be used as part of, or for a purpose incidental to, the use of the commercial, business or service establishment.	Y As per planning statement
A.3	Interpretation of Class A For the purposes of Class A—	
	raised platform” means a platform with a height greater than 0.3 metres, and	
	“commercial, business or service premises” means a building, or part of a building, used for any purpose within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended;	
	and where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.	

Conclusion

The proposed development complies with Schedule 2, Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Lawful Development Certificate is Granted.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	28th November 2023	Dated:	29th November 2023