



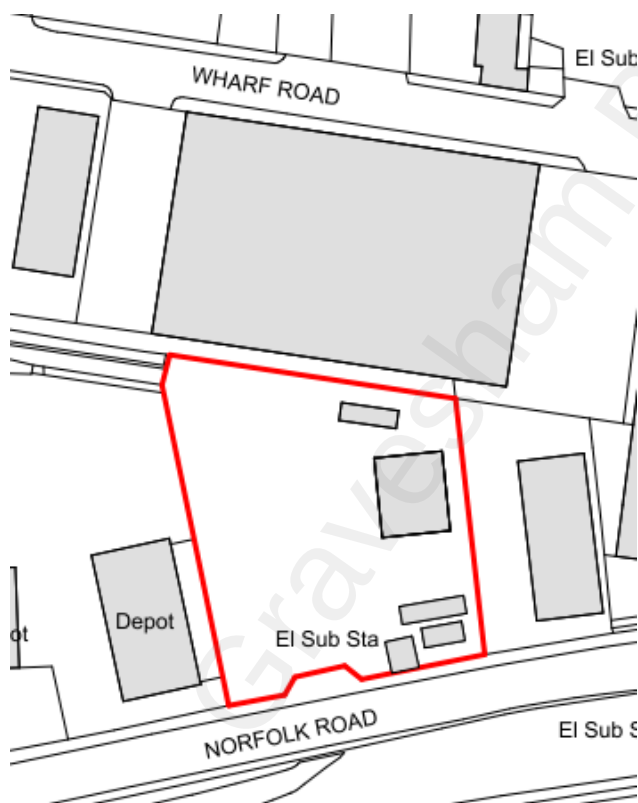
Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220603
Location:	Redwing Coaches Unit 8 Industrial Estate Norfolk Road Gravesend DA12 2PS
Description:	Application for a Lawful Development Certificate in respect of the proposed erection of a front extension and alteration to location of coach roller shutter access doors.
Applicant:	Mr Paul Hockley, REL Redwing Ltd
Site Visit Date:	14 July 2022

Site and Surroundings

The application site (Unit 8) is a commercial yard on the north side of Norfolk Road Gravesend on a large established industrial estate, east of the Gravesend town centre.



The application site is shown in the site plan across. It has a road frontage of 41m, a maximum depth of 55m and comprises a site area of approx. 0.2 hectares.

It is used as a coach depot and yard for Redwing Coaches, formerly for Reliance Coaches and originally for Auto Rep Coaches.

Within the site there is a tall concrete framed building with metal cladding and a brick base used as a garage/workshop and with double roller shutter doors in the south elevation and with a low-pitched roof. The existing building is 10.75m wide and 12.5m deep and 7m high to the ridge of the roof. The building has a number of floodlights on it at roof eaves level. To the south of the building there is a portacabin used as an office and next to this is a mobile home (caravan) next to the front boundary fence. There is a further portacabin building to the north of the workshop building next to the northern boundary of the site.

The yard is enclosed by a mix of palisade and chain link fencing and there are double palisade gates to the access into the site. There is an electricity substation within the site. Most of the yard is hard surfaced but not specifically marked out. There are a few low trees and with some ephemeral planting to the borders of the site.

To the west of the site is a roofing company (SIG Roofing) and to the east is DSD Tools wholesaler while to the rear is a large vacant commercial unit in Wharf Road. To the south of Norfolk Road is the North Kent railway line on an embankment.

Below is a Google earth aerial view of the application site dating from 2021.



Recent case officer photos of the site (July 2022) are shown below



Relevant Planning History

Ref No	Description and Site	Decision	Date
19740704	Erection of a single storey building for storage and repair of coaches and taxis and associated office.	Permission	29.05.1975
19820283	Erection of a building for use as a depot for the operation garaging parking maintenance and repair of public service vehicles and provision of a parking area	Permission	09.06.1982
20140303	Stationing of a touring caravan for residential use	Withdrawn	30.05.2014
20140535	Retention of residential caravan.	Temporary Permission for one year	27.10.2014

Proposal

The application is for a Lawful Development Certificate in respect of the proposed erection of a front extension and alteration to location of coach roller shutter access doors.

Plans & Documents

Application Form

Drawing No 22/272/103 Rev P2: Location Plan

Drawing No 22/272/100 Rev P2: Existing Site Plan

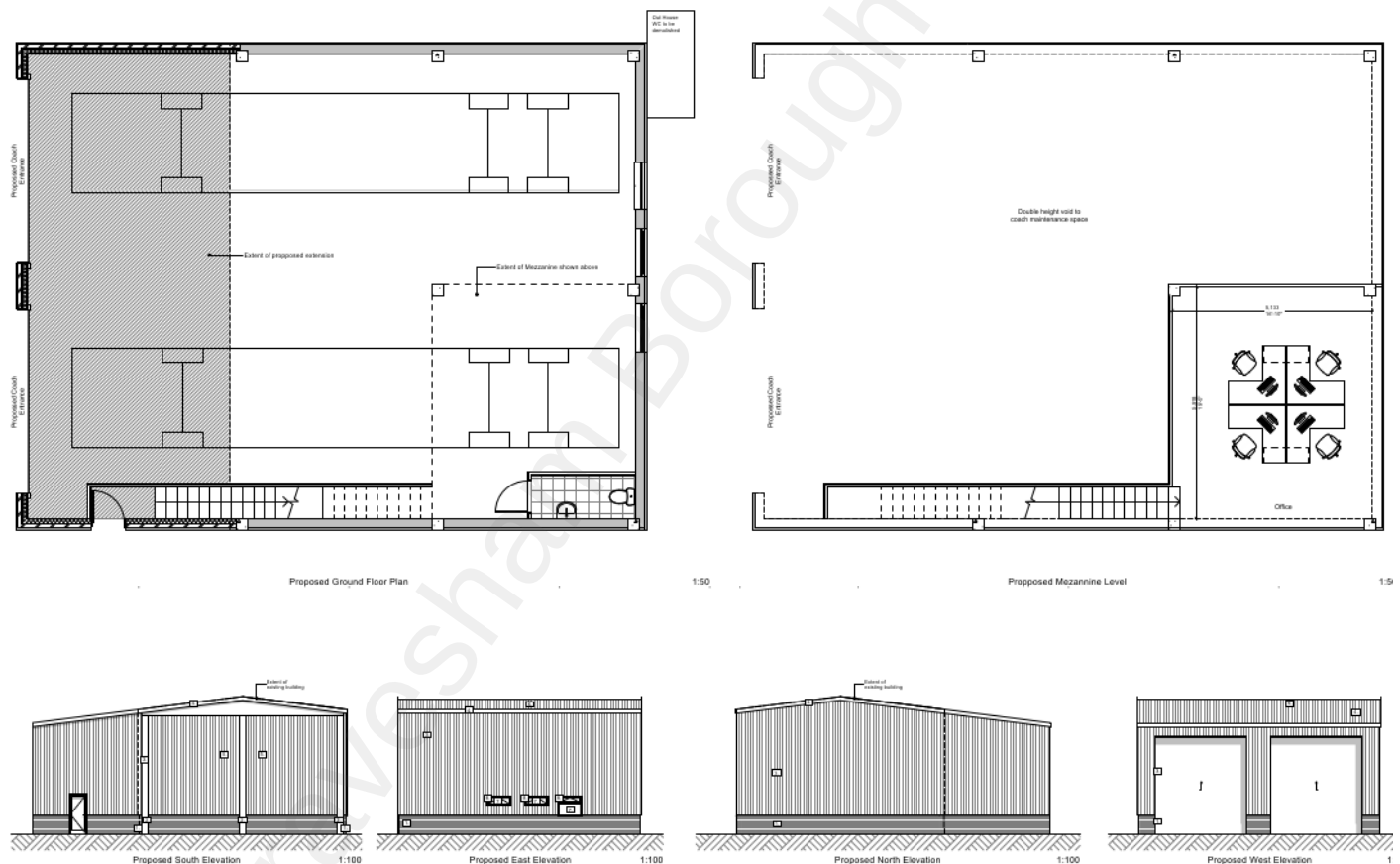
Drawing No 22/272/101 Rev P2: Proposed Site Plan

Drawing No 22/272/102 Rev P3: Existing and Proposed Plans and Elevations

Details of the Development

The proposal involves an extension to the workshop building on the west elevation extending from the eaves of the building and being 5.5m wide and 12.5m deep and 6.5m high. The garage doors would be relocated into the west side of the building within the extension and the existing doors in the south elevation reclad. There would also be a mezzanine floor of 5.13m by 5.9m within the building with a staircase internally and to be used as an office area.

The proposed floor plans and elevations are shown below



The application form states on the reason why a Lawful Development Certificate should be granted:

Any extension is over 10m away from any boundary and is no higher than the existing building. The extension is no more than 100m² in area.

Material Considerations

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended);
National Planning Practice Guidance <https://www.gov.uk/guidance/lawful-development-certificates>

Development Plan Policy and Other Material Planning Considerations

Note: Whilst an application for a Lawful Development Certificate is judged in relation to law rather than planning policy or planning merits the following text below provides the planning policy background although it should be recognised that not all the policies are necessarily relevant to the determination as to whether the change of use is material.

The Development Plan for Gravesham currently comprises: -

- The Gravesham Local Plan Core Strategy (September 2014)
- Remaining Saved Policies of the Local Plan First Review (1994), and
- The Kent Minerals and Waste Local Plan 2013 - 2030 (2016, revised 2020)

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

The application site is shown as being within an **urban area** (Policy CS02) and the **Gravesend East and North East Gravesend Opportunity Area** (Policy CS03 - sub-area 2.4) as defined in the Gravesham Local Plan Core Strategy Policies Map. Norfolk Road is a local distributor in the highway network (Saved Policies T1-T5)

Relevant policies:

Core Strategy Policy CS01: Sustainable Development
Core Strategy Policy CS02: Scale and Distribution of Development
Core Strategy Policy CS04: Gravesend East and North East Gravesend Opportunity Area
Core Strategy Policy CS07: Economy Employment and Skills
Core Strategy Policy CS11: Transport
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994. The following remaining saved policies are relevant:

Policy T1: Impact of Development on the Highway Network
Policy T5: Access to the Identified Highway Network
Policy P3: Policy for Vehicle Parking Standards

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The following paragraphs of the National Planning Policy Framework (NPPF) July 2021 are relevant:

Section 2, Paragraphs 7 - 14: Achieving Sustainable Development
Section 4, Paragraphs 38 - 59: Decision Making
Section 6, Paragraphs 81 - 85: Building a Strong, Competitive Economy
Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport
Section 11, Paragraphs 119 - 125: Making effective use of land
Section 12, Paragraphs 126 - 136: Achieving well-designed places
Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (www.gov.uk) supports and clarifies areas in the NPPF. The NPPG provides guidance on how a lawful development certificate application is determined. (Paragraph 009 Reference ID: 17c-009-20140306)

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications. In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant:

Adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)

Consultations, Publicity and Representations

None undertaken for an LDC

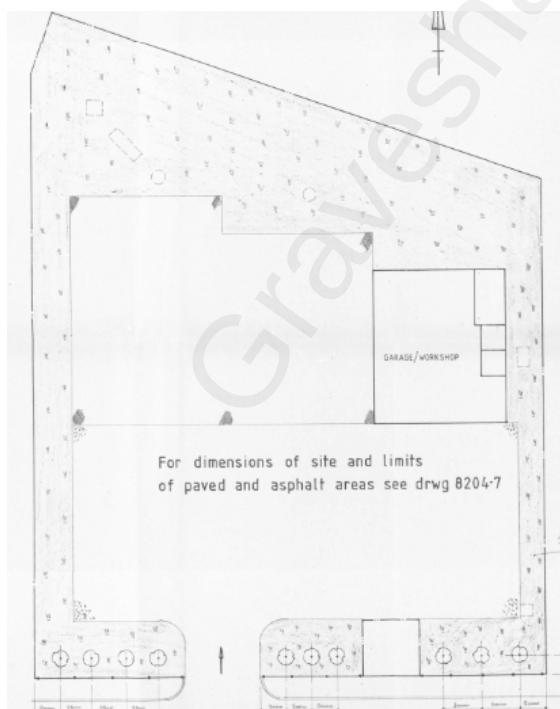
Officer Analysis and Assessment

This application is for a Lawful Development Certificate (LDC) and not for a planning permission. As such, the planning merits of the case are not relevant. The determination must be based on the facts of the case and the interpretation of any relevant planning law or judicial authority.

Although it is not explicitly stated in the application it is assumed that the applicants are suggesting that the development would fall within the scope of permitted development rights to Local Authorities including Parish Councils under Article 3 of and Part 7 (Non-domestic extensions, alterations etc) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO'), in as much as they claim the extension is over 10m away from any boundary, no higher than the existing building, and no more than 100m² in area. This is considered below

However, the starting point however firstly is whether or not permitted development rights do actually apply.

The existing building on the site to be altered and extended dates from a permission granted under reference 19820283 for the erection of a building for use as a depot for the operation garaging parking maintenance and repair of public service vehicles and provision of a parking area.



It was subject to a number of planning conditions including a condition reserving the area shown on the submitted plan as vehicle parking, loading, off-loading and manoeuvring space and to be kept available for such use at all times, and a condition requiring submission of a landscaping scheme.

Although the drawings that accompanied the application did not show specific marked out parking bays the landscaping drawing shows the extent of landscaped areas around the perimeter of the site with the majority of the site paved and asphalted for parking and manoeuvring. This is shown in the plan extract opposite.

It is apparent in any case that the extent of parking and manoeuvring space within the site is currently greater than appeared to be shown in the 1982 approved plans at the expense of some of the landscaped areas.

It is arguable therefore that the proposed extension to the garage/workshop building would effectively be constructed on the general area shown in the approved plans as vehicle parking, loading, off-loading and manoeuvring space and thus would conflict with condition (ii) of planning

permission reference 19820283 that requires this area to be kept available for such use at all times.

The second issue is whether the actual authorised use of the site falls within the scope of Article 3 of and Part 7 (Non-domestic extensions, alterations etc) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The permitted development provisions under this Part refer in Class A to extension etc. of commercial, business and service premises.

The interpretation of Class A is indicated in Class A.3 which states:

“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

The authorised use of the site is as a storage depot for commercial coaches. The use as a coach park/depot or bus depot is a sui generis use, thus a use of its own kind, that is not exchangeable with other uses and does not fall within Class E of the Town and Country Planning (Use Classes) Order 1987, as amended.

As indicated above it appears to be claimed, notwithstanding the above, that the development would fall within the scope of permitted development rights under Article 3 of and Part 7 (Non-domestic extensions, alterations etc) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the ‘GPDO’), in as much as it is stated that the extension is over 10m away from any boundary, no higher than the existing building, and no more than 100m² in area.

Even if it was considered that the use of the site fell within Class E - Commercial, Business and Service of the Town and Country Planning (Use Classes) Order 1987, as amended, and that the Part 7 permitted development rights of the ‘GPDO’ did apply, the proposed extension would not comply with Class A.1 (b) that indicates that it is not permitted development if **the height of the building as extended would exceed 4 metres**.

In this case the extension would be to a maximum height of **6.5m**.

The interpretation of Class A.1 (b) of Part 7 does not mean that the height of the existing building can be extended by up to the height of the existing building.

Therefore, it is concluded that the development as proposed does not constitute permitted development and a Lawful Development Certificate must be refused

Recommendation: Refuse Lawful Development Certificate

The grounds for this determination are as follows:

1. The proposed extension to the garage/workshop building would effectively be constructed on the general area shown in the approved plans of planning permission reference 19820283 as vehicle parking, loading, off-loading and manoeuvring space and thus would conflict with condition (ii) of that planning permission that requires this area to be kept available for such use at all times.

2. The authorised use of the site is as a storage depot for commercial coaches. The use as a coach park/depot or bus depot is a sui generis use, thus a use of its own kind, that is not exchangeable with other uses and does not fall within Class E (commercial, business or service premises) of the Town and Country Planning (Use Classes) Order 1987, as amended.

The interpretation of Article 3 of and Part 7 (Non-domestic extensions, alterations etc) Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the ‘GPDO’) is indicated in Class A.3, which states:

*“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.*

Therefore, it is not considered that the permitted development rights of Part 7 of the ‘GPDO’ would apply in this case.

3. Even if it was considered that the use of the site fell within Class E - Commercial, Business and Service of the Town and Country Planning (Use Classes) Order 1987, as amended, and that the Part 7 permitted development rights of the ‘GPDO’ did apply, the proposed extension would not comply with Class A.1 (b) that indicates that it is not permitted development if **the height of the building as extended would exceed 4 metres**. In this case the extension would be to a maximum height of **6.5m**.

As such it cannot be considered that the development is a lawful form of development, and a Lawful Development Certificate cannot be issued.

INFORMATIVES

1. DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

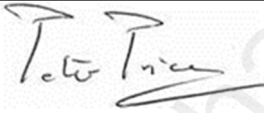
Application Form

Drawing No 22/272/103 Rev P2: Location Plan

Drawing No 22/272/100 Rev P2: Existing Site Plan

Drawing No 22/272/101 Rev P2: Proposed Site Plan

Drawing No 22/272/102 Rev P3: Existing and Proposed Plans and Elevations

Case Officer:	Mr Peter Price	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	22 nd July 2022	Dated:	25 th July 2022

File Location: F: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20220603 - Delegated Report - Redwing Coaches Unit 8 Industrial Estate Norfolk Road Gravesend - LDC for front extension and alterations