

Delegated Report

Application No: 20220022

Location: Lapis Court, Lapis Close, Gravesend DA12 4UE

Description: Application for prior approval under Part 20 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for upward extension of existing block of flats through the construction of 1 additional storey to provide 12no. flats along with necessary ancillary works.

Applicant: Billings Group Ltd.

Site Visit Date: Desktop assessment

Submitted Documents/Plans

The applicant has submitted the following in support of the application:

Application form received 10 January 2022.
Contamination Report received 10 January 2022.
Covering letter received 10 January 2022.
Drawing no. DHA/14898/17 (proposed elevations) received 12 January 2022.
Drawing no. DHA/14898/16 (proposed elevations) received 12 January 2022.
Drawing no. DHA/14898/15 (proposed third floor plan) received 12 January 2022.
Drawing no. DHA/14898/14 (proposed second floor plan) received 12 January 2022.
Drawing no. DHA/14898/13 (proposed first floor plan) received 12 January 2022.
Drawing no. DHA/14898/12 (proposed ground floor plan) received 12 January 2022.
Drawing no. DHA/14898/11 (proposed site layout plan) received 12 January 2022.
Drawing no. DHA/14898/07 (existing elevations) received 12 January 2022.
Drawing no. DHA/14898/06 (existing elevations) received 12 January 2022.
Drawing no. DHA/14898/05 (existing second floor plan) received 12 January 2022.
Drawing no. DHA/14898/04 (existing first floor plan) received 12 January 2022.
Drawing no. DHA/14898/03 (existing ground floor plan) received 12 January 2022.
Drawing no. DHA/14898/02 (existing site layout) received 12 January 2022.
Drawing no. DHA/14898/01 (site location plan) received 12 January 2022.

Relevant Planning History

20220010	Construction of 20 no. parking spaces and landscaping.	Pending consideration	
19920687	Construction of a pitched roof over the existing flat roofed blocks to provide 4 no. one bedroom and 2 no. two bedroom	Refused, dismissed at appeal	20.01.1993

	self-contained flats in the roof space and laying out of 25 no. car parking spaces at the rear.		
19910663	Construction of a pitched roof over the existing flat roofed blocks to provide 4 no. one-bedroom and 2 no. two-bedroom self-contained flats in the roof space and laying out of 23 no car parking spaces at the rear.	Refused, dismissed at appeal	21.11.1991
19900562	Construction of pitched roofs over the existing three flat roofed blocks.	Permitted	11.09.1990

Development Plan

Gravesham Local Plan Core Strategy 2014

CS01 – Sustainable Development

CS02 – Scale and Distribution of Development

CS11 – Transport

CS12 – Green Infrastructure

CS18 – Climate Change

CS19 – Design and Development Principles

Saved Policies in the Gravesham Local Plan First Review 1994

T1 – Impact of Development on the Highway Network

P3 – Vehicle Parking Standards

Paragraph 33 of the National Planning Policy Framework (2021) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

Other Material Considerations

National Planning Policy Framework 2021

Section 2 – Achieving sustainable development

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
Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance (SPG)
SPG4 – KCC Parking Standards (2006)

Consultations, Publicity and Representations

Environment Agency

We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

Please refer to the attached 'When to consult the Environment Agency' document for guidance on when to consult us.

Please note: If the application at a later stage proposes the use of non-mains drainage, we will need to be re-consulted.

Non planning consents

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

If you feel we should assess this planning application in more detail due to local issues/opportunities please email KSLPLANNING@environment-agency.gov.uk

KCC Highways

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

No highway objection provided the parking provision is increased as proposed in the accompanying planning application. The parking quantity would then comply with Kent Residential Parking Standards (IGN3).

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

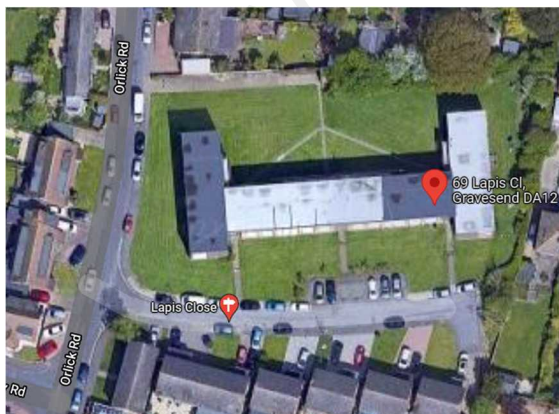
Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

GBC Engineering

This proposal requires very careful consideration. The addition of 12 new flats on a property that already has limited parking in a suburban area and as evidenced by the Google satellite and street view images, an on street parking issue has the potential to aggravate the matter.



Google Street View May 2018



Google Street View April 2012



Google Street View October 2008

This problem continues onto Orlick Road a prime access into the residential area.

Whilst the road may be lightly trafficked the on pavement parking will result in problems for parents with children and people with mobility issues, as such I would not wish to see this proposal go forward without additional car parking being made available. I note there is a separate application (20220010) for additional car parking to be provided which would give one space per new flat and should accommodate any displaced parking created by building the new car parks. I believe it is essential that this car parking is provided as part of an extension to the existing block and the two applications need to be linked if the extension were agreed.

GBC Regulatory Services

Smoke Control Informative

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Code of Practice on Construction and Demolition

Please apply

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are

satisfied that those measures have been carried out.

Neighbouring properties

The application has been advertised by individual neighbour letters to 26 properties, and on site. The consultation period expired on 11 February 2022.

47 letters of representation have been received (as of 7 Feb 2022) from 36 separate addresses and one with no address supplied. The main concerns:

- Parking pressure
- Appearance/eyesore
- Loss of privacy
- Loss of sunlight
- Increase in traffic
- Page 4 of the covering letter and the elevation drawing conflict
- Page 4 also states 9 new parking spaces but the planning application says 20
- The layout of the windows and external appearance does not match the rest of the building
- Detrimental to access for emergency services
- Noise and dust pollution from disruption and impact on wildlife
- Pavements are often blocked and will only be worse with more cars
- Decreased value of property (not a material planning consideration)
- The road is already too narrow
- Concerns regarding the footings (not a material planning consideration but dealt with by Building Regulations)
- The building is not in good condition
- There is insufficient sound insulation in the flats already
- Parking for construction workers
- No benefit to the area
- This is a village and no place for high rise flats
- Living in the flats during construction would be unbearable
- Headlights glaring into the front of properties
- The flats are already badly maintained
- Billings will not go ahead with the extra parking if they do not get permission for the additional storey
- The addresses in Lapis Court are incorrect in DHA's letter
- Poor design and no attention to detail

Analysis

Proposal

This application seeks determination pursuant to Article 3, Schedule 2, Part 20, Class A 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 upward extension of the existing block of flats through the construction of 1 additional storey to provide 12no. flats along with necessary ancillary works.

The additional floor will increase the buildings height by approx. 3m.

The layout of the flats is symmetrical from the middle of the building. There will be 6no. two bedroom flats and 6no. one bedroom flats.

The flats will be accessed via two new external staircases that will project approx. 2.5m to the rear of the building on both sides and will be approx. 5.6m deep and approx. 10.8m high.

Assessment

Class A of Part 20 of Schedule 2 of The Town and Country (General Permitted Development) (England) Order 2015 (as amended) permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access and egress to access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development is not permitted by Class A if (the following includes the amendments made under SI 2020 No. 632, SI 2020 No. 755, SI 2020 1459, SI 2021 No. 428 and SI 2021 No. 814):

A.1

(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule;

(b) above ground level, the building is less than 3 storeys in height;

(c) the building was constructed before 1st July 1948, or after 5th March 2018;

(d) the additional storeys are constructed other than on the principal part of the building;

(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

(f) the new dwellinghouses are not flats;

(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);

(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;

- (i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;*
- (j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—*
 - (i) strengthen existing walls;*
 - (ii) strengthen existing foundations; or*
 - (iii) install or replace water, drainage, electricity, gas or other services;*
- (k) in the case of Class A.(b) development there is no existing plant on the building;*
- (l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;*
- (m) development under Class A.(c) would extend beyond the curtilage of the existing building;*
- (n) development under Class A.(d) would—*
 - (i) extend beyond the curtilage of the existing building;*
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or*
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;*
- (o) the land or site on which the building is located, is or forms part of—*
 - (i) article 2(3) land;*
 - (ii) a site of special scientific interest;*
 - (iii) a listed building or land within its curtilage;*
 - (iv) a scheduled monument or land within its curtilage;*
 - (v) a safety hazard area;*
 - (vi) a military explosives storage area; or*
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.*

The following points assess the submitted application against each of the above criteria:

- (a) Permission to use the building as a dwelling has not been granted by Class M, MA, N, O, P, PA or Q of Part 3 of Schedule 2 of the GPDO;
- (b) The building is not less than 3 storeys in height;
- (c) The building was constructed after 1st July 1948 but before 5th March 2018;
- (d) The additional storey will be located on the principal part of the building;
- (e) The additional storey floor to ceiling height measured internally would not exceed 3m (2.4m), but will exceed the floor to ceiling height of any storey of the principal part of the existing building (2.32m);**
- (f) The new dwellings will be flats;
- (g) The height of the highest part of the roof of the extended building would not exceed the height of the highest part of the roof of the existing building by more than 7 metres (3m);
- (h) The height of the highest part of the roof of the extended building (not including plant) would not be greater than 30m (11.11m);
- (i) The development would not include the provision of visible support structures on or attached to the exterior of the building upon completion;
- (j) The development would not consist of engineering operations other than works within the existing curtilage of the building to strengthen existing walls; strengthen existing foundations;

- or install or replace water, drainage, electricity, gas or other services;
- (k) The existing building does not contain plant on the roof and nor will the proposed development;
- (l) No replacement or additional plant is proposed;
- (m) Development under Class A.(c) would not extend beyond the curtilage of the existing building;
- (n) There will be no development under Class A.(d) that would –
 - (i) extend beyond the curtilage of the existing building;
 - (ii) be situated no land forward of a wall forming the principal elevation of the existing building; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building

A separate planning application has been submitted for works to the front and side of the building that involve providing for additional parking.

- (o) The site is not and does not form part of article 2(3) land; a site of special scientific interest; a listed building or scheduled monument or land within its curtilage; a safety hazard area; a military explosives storage area; or land within 3 kilometres of the perimeter of an aerodrome.

Should the development meet the requirements of A.1, the following conditions apply:

A.2

(1) Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;*
- (b) air traffic and defence asset impacts of the development;*
- (c) contamination risks in relation to the building;*
- (d) flooding risks in relation to the building;*
- (e) the external appearance of the building;*
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;*
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;*
- (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State, and*
- (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building, and*
- (j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building,*

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) Any development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(3) Any development under Class A is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(4) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(5) The notification referred to in sub-paragraph (4) must be in writing and must include—
(a) the name of the developer;
(b) the address or location of the development; and
(c) the date of completion.

(6) Any new dwellinghouse created under Class A is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

In this instance, the proposed development does not meet the requirements of A.1 and therefore the application is recommended for refusal.

If the proposal did meet the requirements of A.1 the assessment below would consider the matters for whether prior approval is required. This assessment has been undertaken in the event of an appeal of the refusal of this application and also to make the applicant aware of other concerns with the proposal.

(a) Transport and highways impacts of the development

The sites lies within a village in a sustainable location with access to public transport links and public car parking. There is on street (mostly on pavement) parking along Lapis Close and Olick Road which is a prime access into the residential area.

Whilst the road may be lightly trafficked, the on pavement parking will result in problems for parents with children and people with mobility issues, as such this proposal should not go forward without additional car parking being made available. There is a separate application (20220010) for 20 additional car parking spaces. The covering letters states that 'is it important that this application is assessed alongside that of a full planning application for further parking at the site, which has been submitted under a separate cover'. This is not possible. The application for prior approval either meets the criteria or does not. A planning application for more parking, if approved, cannot be guaranteed to be implemented and there is no mechanism to link the two applications. Therefore, this application has to be determined on the basis of the current parking provision which is inadequate. There is limited parking for the flats (7 spaces) and frequent pavement parking as can be seen below.



A further 12 flats will exasperate this situation and causes concerns regarding highway safety.

On the basis of the above, prior approval would be required in terms of the transport and highways 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 and would be refused.

(b) Air traffic and defence asset impacts of the development

The site is not within 3km of any aerodromes and is not in close proximity to any defence assets and therefore prior approval would not be required in respect of these matters.

(c) Contamination risks on the site

The application involves the upward extension of the existing building and internal alterations. The submitted site assessment undertaken by Groundsure confirms that no contamination issues of concern were identified and there is a low risk of contamination.

The Environment Agency and the Council's Environmental Health Officer have no comments in relation to this matter.

Therefore, no contamination issues should arise as a result of the development and prior approval would be granted in terms of the contamination aspects of the development under paragraph 183 of the NPPF 2021 and Policy CS19 of the Core Strategy 2014.

(d) Flooding risks on the site

According to the Gov.uk Flood Map for Planning the site lies within Flood Zone 1 and is therefore at low risk of flooding. The submitted Groundsure report identified a risk of groundwater flooding but only where basement or other below ground development is being proposed, which is not the case with this application.

Therefore, no flooding issues should arise and prior approval would be granted in terms of the flooding aspects of the development under paragraph 159 of the NPPF 2021 and Policy CS18 of the Core Strategy 2014.

(e) The external appearance of the building

The proposed two additional flats would be situated on top of the second floor of the existing building.

Existing front elevation:



Proposed front elevation:



There will be access stairs to the rear at the east and the west to the new third floor.

The proposed design of the additional storey and associated elements would be in keeping with the appearance of the existing building, maintaining and extending the existing roof shape, and retaining the main elevational features of the building. Matching materials are proposed and could be required by condition.

However, when approached from the north where the land is much lower, the building already appears prominent within the street scene. An additional storey would result in the building being more visually dominant from the northern part of Orlick Road and Lower Higham Road. On this basis the proposal is considered visually dominant, bulky and out of scale with surrounding development.

Therefore, prior approval would not be granted in respect of external appearance of the development under paragraphs 119, 124, 127 and 130 of the NPPF 2021 and Policy CS19 of the Core Strategy 2014.

(f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses;

As can be seen on the accompanying floorplans, all units 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 would therefore be 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) Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light

As the proposed extension would not extend beyond existing building lines other than upwards there would be no adverse overlooking, privacy or light impacts on the occupiers of the existing building.

In terms of neighbouring properties, the new storey will come no closer than the existing building. The levels of overlooking will remain the same.

The windows in the eastern flank will overlook the front gardens of properties in Darenth Drive which are not private amenity spaces. Any overlooking to rear gardens will be towards the end of the garden rather than the most private part closest to the dwellings.

Properties to the north are approx. 47m away and therefore privacy distance of 21m (plus an additional 5m for private garden space) are met. The rear gardens of properties to the northwest (14 and 16 Orlick Road) are approx. 26m away and therefore privacy distances are also met.

Window to window distances between the flats and nos. 23-31 exceed 21m and therefore privacy distances are met.

Window to window distances between the flats and nos. 2-12 Lapis Close are between 22 and 33m and therefore privacy distances are met.

Due to the distances between buildings and the path of the sun, together with the land level differences between the flats and the houses, there would be no loss of sunlight or daylight to any neighbouring property.

A code of practice on construction and demolition condition would be recommended to reduce the likelihood of a nuisance from demolition and construction works, especially as a development like this will have a significant impact on the residents immediately beneath the additional floor. This is covered by condition (3) of A.2 above.

Subject to conditions, prior approval would be granted in terms of the impact on amenity under paragraph 130 of the NPPF 2021 and Policy CS19 of the Core Strategy 2014.

(h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State

The development will not impact on a protected view and therefore prior approval would not be required in respect of this matter.

(i) Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building

The existing building is not more than 18m in height (approximately 13.5m) and therefore prior approval would not be required in respect of this matter.

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 £253.83 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

The application fails to meet the criteria as set out in Class A of Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore is refused.

Informative

In the event that any future application did meet the criteria, the applicant is advised that the proposal would be considered unacceptable with regards to transport and highways impacts and therefore prior approval would be required under paragraph 111 of the NPPF 2021, Policy CS11 of the Core Strategy 2014 and Policies T1 and P3 of the Local Plan 1994 and would be refused.

In the event that any future application did meet the criteria, the applicant is advised that the proposal would be considered unacceptable with regards to visual amenity due to the increase in height and land level differences which will result in a prominent form of development out of scale with the surrounding area. Therefore, prior approval would not be granted in respect of external appearance of the development under paragraphs 119, 124, 127 and 130 of the NPPF 2021 and Policy CS19 of the Core Strategy 2014.

Recommendation:

Prior approval is refused:

The development proposed is not one that is permitted by Class A of Part 20 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The application plans show the floor to ceiling height of the proposed additional storey to exceed the floor to ceiling height of the floors below within the principal elevation, consequently the proposal does not comply with Class A of Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and is not permitted development.

See draft Decision.

Case Officer: Alison Webster	Team Leader: Richard Hart
Signed: 	Signed: <i>R Hart</i>
Dated: 9 February 2022	Dated: 24th February 2022

Gravesham Borough Council