

Delegated Report

Prior Approval Application

Planning Application No: 20241006

Location: SLC Alarms And CCTV 20 Stone Street Gravesend Kent

Description: Application to determine if prior approval is required for a proposed; change of use of the upper floors for use as 2 x 1bed 1 person residential units (Class C3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class G.

Applicant: Mr Jagjoht Johal, Forma Property Ltd

Site Visit Date: 19/12/2024

Procedural Issues

In determining a prior approval application, the Local Planning Authority (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.

Submitted Documents/Plans

- Application form;
- Drawing no. A01 – Block Plan & Location Plan;
- Drawing no. A001 – 2D – Existing Drawings;
- Drawing no. PL01 – Proposed Drawings
- Images of property; and
- Noise Impact Assessment.

Proposal

This application is for determination as to whether prior approval is required for a proposed; change of use of the upper floors for use as 2 x 1bed 1 person residential units (Class C3) under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant Planning History

None.

Consultations, Publicity and Representations

Consultees

No response from:

- GBC Conservation Officer

Neighbouring properties

A notice was displayed on site on 15 November - the overall consultation expiry date was 06 December 2024 – no responses received.

Officer's Analysis

This application seeks determination pursuant to Article 3, Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) as to whether Prior Approval is required in respect of the proposed change of use of the upper floors for use as 2 x 1bed 1 person residential units (Class C3)

Assessment

Class G – commercial, business and service or betting office or pay day loan shop to mixed use

Permitted development

G.– Development consisting of a change of use of a building—		
(a)	from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;	<u>N</u> <i>see assessment below</i>
(c)	from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats;	<u>N/A</u> <i>not in use as a betting office / pay day loan shop</i>
(e)	from a use falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order to a mixed use falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats.	<u>N/A</u> <i>not in use as a betting office / pay day loan shop</i>

Class G (a) – Assessment

The application site consists of a shop at ground floor (Class E(a))– ‘SLC Alarms and CCTV’ which sells alarms and CCTV with an office in the room behind the shop. At basement level there is a staff room and safe room. At the half landing level up to the first floor there is a toilet which is for staff of the shop. The first and second floors are currently used for storage in connection with the shop but it can be seen they have previously been used as offices in connection with the ground floor use. It is therefore considered the building is a single planning unit with the whole of the unit in Class E.

Conditions of Class G

G.1. Development permitted by Class G is subject to the following conditions—

- (a) some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order*

is situated on a floor below the lowest part of the building used as a flat;

Officer Comment: The proposal would be compliant with this condition as the shop at ground floor level would be below the proposed flat at first floor level.

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

Officer Comment: The proposal would be compliant with this condition as no part of the ground floor would be used as a flat;

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

- (i) by a single person or by people living together as a family, or*
- (ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents).;*

Officer Comment: The proposal would be compliant with this condition as the applicant has applied for two, 1 bed flats under Use Class C3

(d) before beginning development, 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—

- (i) contamination risks in relation to the building;*
- (ii) flooding risks in relation to the building;*
- (iii) impacts of noise from commercial premises on the intended occupiers of the development;*
- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;*
- (v) arrangements required for the storage and management of domestic waste.*

Officer Comment: The following paragraphs will assess the relevant prior approval matters under section (d)(i)-(v).

It is noted that according to paragraph W(10) of the GPDO (2015) as amended, when determining a prior approval application, the Local Planning Authority must have regard to the NPPF (2024) so far as it is relevant to the subject matter of the prior approval, as if the application were a planning application. Therefore, the following discussion will refer to the NPPF (2024) and not refer to local development plan policies.

- (d)(i) Contamination risks in relation to the building – The application building could have the potential for contaminates. However, the proposal relates to no groundworks. The covering letter states that a desktop contamination study has been prepared (this has not been submitted with the application) which identifies the main risks as being associated with the made ground since the development of the site in 1866 and ground gases from offsite sources. The cover letter states that as the building will stay in situ and the accommodation is on the upper floors the risks of transfer are very low. It states that a preliminary ground gas assessment is recommended and a watching brief for any intrusive groundwork which could be secured by condition.

As stated the proposal is for conversion of the upper floors of the building and relates to no groundworks. As such it is considered there would not be any issues regarding contamination with the proposal. Any issues regarding any potential asbestos etc. would come under the remit of Building Regulations and the Health & Safety Executive (HSE). It is therefore considered that prior approval would not be required in relation to contamination under (d)(i).

- (d)(ii) Flooding risks in relation to the building – The site is located in Flood Zone 1 which has a low probability of flooding. Given that the site is located within the lowest Flood Zone with an extremely low risk of flooding it is therefore considered that prior approval would not be required in relation to

flood risk under (d)(ii).

- (d)(iii) Impact of noise from commercial premises on the intended occupiers of the development – The ground floor unit is in use as a shop selling alarms and CCTV. The proposal introduces two flats above it with the kitchen/dining/living room of the first floor flat directly above the shop area and its bedroom above the office behind the shop. Currently this floor is vacant and used as storage by the shop. The shop is a relatively quiet commercial use and is limited to daytime hours. As such it is considered there would not be any issues regarding noise transference internally through the floor/ceiling partition between the ground and first floor and impact on future occupiers. The building is adjacent to DAC Architects which again is a daytime office use. The adjacent unit to that is currently empty. Next to that is a restaurant 'Il Padrino' which has opening hours of 12:00 – 23:00 Monday – Saturday and 13:00 – 20:00 on Sundays. Again as a restaurant use this would be limited to potential noise from people arriving/leaving but on the whole it is a relatively quiet use and it does close by 23:00. Beyond that is the last unit in the terrace which is currently empty but was last used as a bar.

It is considered that there would not be any noise from commercial premises on future occupiers of the flats.

It should be noted that there are concerns with the impact on future occupiers of the flats from road traffic and rail noise given the location of the site however, the Local Planning Authority is not able to take road or rail noise into account. Indeed, a Noise Impact Assessment has been submitted with this Prior Approval application which states that the main noise source likely to disrupt the inhabitants of the new dwellings is the traffic from Stone Street to the front and also the potential of rail traffic noise from the main Gravesend station to the rear of the development. It's findings are that the measured LAeq values for both day and night at both the front and back of the property would be above the limit for indoor noise levels. The report states that formal mitigation is required in order to bring internal noise levels to a compliant level.

However, as stated it is not considered that there would be any noise from commercial premises on future occupiers of the flats and therefore prior approval would not be required in relation to contamination under (d)(i).

- (d)(iv) Provision of adequate natural light in all habitable rooms of the dwellinghouses – The habitable rooms within the development are served by windows and would receive adequate natural light. It is considered that prior approval would not therefore be required in relation to natural light under (d)(ii).
- (d)(v) Arrangements required for the storage and management of domestic waste – The plans show bin and recycle storage for the commercial and residential units in the rear yard. It is therefore considered prior approval would not be required for storage and management of domestic waste.

Other matters

The site in question is a Listed Building and therefore listed building consent must also be obtained before any works which are granted by this prior approval application can begin. For the avoidance of doubt, this application does not grant any form of Listed Building Consent.

Conclusion

The application site consists of a single planning unit with the whole unit in Class E.

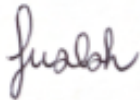
The proposal meets all of the conditions of Class G of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

As such prior approval is not required for the sub-division of the upper floors to two flats.

Recommendation

Prior Approval is Not Required

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	30th December 2024	Dated:	30 December 2024