



Delegated Report

Planning Application

Planning Application No: 20211564

Location: 4 -5 The Parade Wrotham Road Meopham Gravesend

Description: Change of use and conversion of first floor from commercial (Class E) to residential (Class C3), and erection of a two storey rear extension and loft conversion with front and rear dormers to create enlarged commercial unit on ground floor together with bin and cycle storage, and 2 x studio and 2 x 1 bedroom self-contained flats on first and second floors.

Applicant: Mr Halil Ersunger

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

- Application Form;
- Design & Access Statement;
- Location Plan & Block Plan Existing (drawing no. 21-29-11);
- Block Plan as Proposed (drawing no. 21-29-12);
- Existing Floor Plans (drawing no. 21-29-13A);
- Existing Elevations (drawing no. 21-29-14);
- Existing & Proposed Sections (drawing no. 21-29-15);
- Proposed Floor Plans (drawing no. 21-29-16);
- Proposed Attic floor & roof plans (drawing no. 21-29-17);
- Proposed Elevations (drawing no. 21-29-18).

Relevant Planning History

Application Ref. No.	Description	Decision
20211207	Change of use and conversion of first floor from commercial (Class E) to residential (Class C3), and erection of a two storey rear extension and loft conversion with front and rear dormers to create enlarged commercial unit on ground floor together with bin and cycle storage, and 2 x studio and 2 x 2 bedroom self-contained flats on first and second floors.	Refused
20210246	Change of use and conversion of first floor from commercial (Class E) to residential (Class C3), and erection of a two storey rear extension and loft conversion with front and rear dormers to create enlarged commercial unit on ground floor together with bin and cycle storage, and 1 x 1 bedroom and 1 x 2 bedroom self-contained flats on first and second floors.	Refused

19860356	Change of use of ground and first floor to offices	Permitted
19850875	Installation of new shopfront	Permitted
19580031	Use of premises for the boarding, training and breeding of dogs	Refused
19530281	Use of shop for sale of birds and aquaria	Permitted

Three properties in this parade have already had permission for similar conversions/extensions: 2 The Parade (19970269), 3 The Parade (20090337), and 7 The Parade (20180860).

Development Plan

Gravesham Local Plan Core Strategy 2014

CS01 – Sustainable Development
CS02 – Scale and Distribution of Development
CS08 – Retail, Leisure and the Hierarchy of Centres
CS11 – Transport
CS12 – Green Infrastructure
CS14 – Housing Type and Size
CS15 – Housing Density
CS18 – Climate Change
CS19 – Design and Development Principles

Saved Policies in the Gravesham Local Plan First Review 1994

S3 – Maintenance of Shopping Frontages;
T1 – Impact of Development on Highway Network;
P3 – Vehicle Parking Standards.

Paragraph 33 of the NPPF 2021 sets out that 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.

Given Gravesham's current inability to demonstrate a 5 year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF 2021. This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF 2021 at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF 2021, paragraph 180)
- Sites of Special Scientific Interest;
- Green Belt;
- Local Green Space;
- Areas of Outstanding Natural Beauty;

- Irreplaceable habitats;
- Designated heritage assets (and other heritage assets of archaeological interest, see NPPF 2019, footnote 63); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 123(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

Other Material Considerations

National Planning Policy Framework 2021

Section 2 – Achieving sustainable development;

Section 5 – Delivering a sufficient supply of homes;

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

SPG2 – Residential Layout Guidelines (2020);

SPG4 – KCC Parking Standards (2006);

Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (2008);

Technical Housing Standards - Nationally Described Space Standards (2015);

Gravesham Landscape Character Assessment (2009).

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

The revised proposal conforms to all highway policy requirements with one car and one cycle parking space per flat, although, expressed concerns.

Natural England

No objection subject to SAMMS payments.

Meopham Parish Council

No objection;

GBC Waste & Recycling

Further details required;

Dickens' Country Protection Society

Concerns raised in relation to overdevelopment of the site.

Neighbouring properties

16 surrounding properties were consulted and a site notice was published nearby. The overall date of expiry was 11 February 2022, though no comments have been received.

Officer's Analysis

Site and Surrounding Area

The application site is situated on the western side of Wrotham Road, Meopham, within an existing varied parade of shops, cafes, restaurants/takeaways and a Tesco Express. Further north of the parade lies a row of large detached properties. The parade of shops where the site is located appear to be characterised with first floor residential accommodation above the ground floor commercial units. The ground floor is currently occupied by a fashion retailer and the plans indicate that the first floor is used for residential and commercial purposes.

Directly opposite the application site are large agricultural fields, however, the surrounding locality to the north and west is mostly residential in character. Within the immediate locality there have been a number of extensions to the first floor residential accommodation above the shops/commercial units and numbers 3 The Parade (20090337) and 7 The Parade (20180860) have had fairly recent approvals for similar conversions/extensions.

Recent history

The current application is a resubmission of similar refused applications from last year (20210246, 20211207) which sought permission to change the use of the first floor from commercial to residential use and the extensions to accommodate the additional commercial space on the ground floor and residential space on the upper floors. The total units generated by the previous proposal were two units 2no. 1bed units and 2no. 2bed units.

For the refused application (ref 20211207), the following refusal reasons were applied;

- 1. The rear of property is incongruous and unacceptable, in design terms, in particular, staggered roof lengths, with gable pitch roof design and external staircase would harm the character and appearance of the application building and surrounding area, and would fail to comply with the requirements of Policies CS14 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 119, 124, 126, and 130 of the National Planning Policy Framework 2021.*
- 2. The creation of the roof terrace to the rear, at first floor, would contribute to a poor layout of the site and harms the living environments/privacy of future occupants of studio flats 4A and 5A to the rear and also the privacy of the residents living in the accommodation above no. 6 The Parade. The proposal would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.*
- 3. The proposed development would, by virtue of the quantum of residential accommodation proposed, the overall congruous design to the rear, the harms to amenity, overall lack of adequate off street parking provision and cycle storage provision amounts to the overdevelopment of the site which would be harmful to the character and appearance of the immediate locality. The proposal would consequently be contrary to Policies CS14 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.*

Proposal

This application seeks full planning permission for the change of use and conversion of first floor from commercial (Class E) to residential (Class C3), and erection of a two storey rear extension and loft

conversion with front and rear dormers to create enlarged commercial unit on ground floor together with bin/cycle storage and car parking spaces to the rear. The extensions to the rear, loft conversion and front and rear dormers would facilitate additional residential accommodation above the commercial units at ground floor and also extend the commercial units on ground floor. The quantum of residential development proposed amounts to 4 flats comprising of 2no. 1bed studio flats to the rear of the site and 2no. 1bed flats fronting Wrotham Road which would be over first and second floors.

The application comprises of a two storey extensions at the rear and would extend the size of the ground floor retail unit at the back, as well as include bin and bike stores (to be accessed from the rear), as well as provide space for the proposed flats.

The access to the ground floor retail units and proposed flats would be to the rear, although, the commercial units would also have entrances fronting Wrotham Road. The studio flats would have habitable space/bedrooms towards the rear windows while the two storey flats would have living space on the first floor fronting the main road with a bedroom in the loft space proposed by the dormers.

There are 4 parking spaces shown to the rear of the site within an existing area of hardstanding.

Principle Issues

The main issues for consideration in the determination of this application are as follows:

- Principle of development;
- Design and impact on character and appearance of surrounding area;
- Residential amenity;
- Highways and parking.

Principle of Development

At the heart of the NPPF 2021 there is a presumption in favour of sustainable development (paragraph 11), which for decision-taking means that planning permission for applications involving the provision of housing should be granted, unless, in line with the requirements of paragraph 11(d):

- i. the application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this case, the application site is part of a parade of mixed commercial units forming a Local Centre (Camer Parade). The site is inset from the Green Belt within the rural settlement boundary of Meopham, and therefore the principle of residential development in this area is generally supported (Policy CS02 of the Core Strategy 2014).

The proposed development would provide a net increase of 4 dwellings, which would offer a small contribution towards meeting local housing need and, accordingly, this weighs in support of the application. The NPPF 2021 also encourages the effective use of land in meeting the need for homes, in particular by making as much use as possible of previously developed or 'brownfield' land (paragraph 121), which this site would be considered to be. However, this has to be balanced against safeguarding and improving the environment and ensuring safe and healthy living conditions, matters which are sought throughout the NPPF 2021, including in particular in paragraphs 124, 126 and 130, which respectively require development to maintain an area's prevailing character and setting; achieve high quality buildings and places; add to the overall quality of the area, be visually attractive, and create a high standard of amenity for existing and future users. These matters will be considered further below.

In terms of the proposed change of use of the first floor from commercial to residential, Policy CS08 of the Core Strategy 2014 is relevant, which seeks to safeguard the retail character and function of existing Local

Centres such as this, by resisting development that would adversely affect their vitality and viability. Policy S3 of the Local Plan 1994 also resists changes of use to alternative uses other than shopping at ground floor level. This proposal will not affect the existing ground floor retail use (one of the units are in fact proposed to be enlarged as part of this proposal, although, 1 unit would decrease by 2sq.m), and therefore complies with the requirements of this policy as the loss of commercial floorspace is not considered material. Residential uses above the commercial units are also characteristic of this parade.

Design, Character and Appearance

Whilst it is recognised that development which makes effective use of land should be supported, this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF 2021 (paragraph 119). Relevant to this proposal, paragraph 124 of the NPPF 2021 states that developments that make efficient use of land should take into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed buildings and places. This latter point is fundamental to what the planning and development should achieve.

Paragraph 126 of the NPPF 2021 states that good design is a key aspect of sustainable development, creates better places and helps make development acceptable. Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed, and respects the character and appearance of the surrounding area.

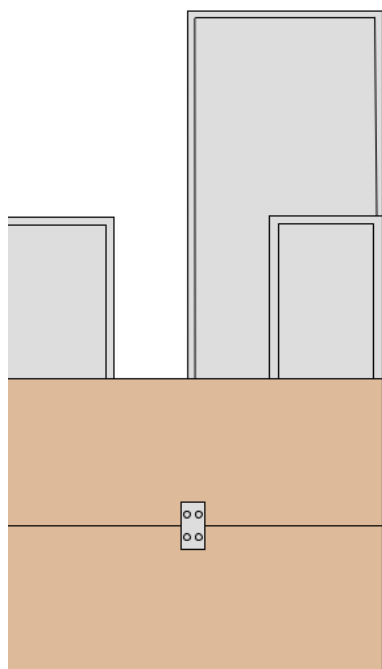
In a similar vein, Policy CS14 of the Core Strategy 2014 sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

The parade consists of mixed commercial units, with some residential properties above those units. A number of the properties in the parade have been extended considerably, including roof and rear extensions, and the first floors and above contain or have been converted to flats which are material considerations.

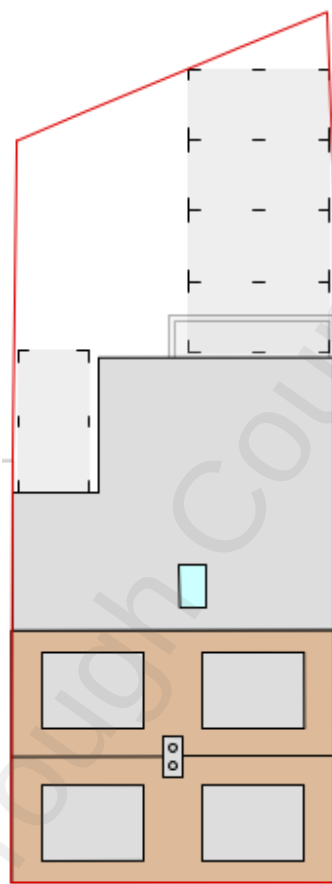
On this basis, as the principle of residential development has been established at first floor within the immediate locality and the two storey extensions to the rear are also considered acceptable given the number extensions to the rear of the commercial units. The host property has an existing flat roofed rear additions to the rear of the property but is separated in two parts with a gap in the middle and the proposed development would effectively demolish the existing rear additions and create a two storey rear extension which is staggered in two parts. The extension to the rear would be approximately 9.7m deep, at the farthest, closest to no. 6, and 5m deep along the shared boundary with no 3.

Extracts from the plans are below;

Existing development



Proposed development



Generally, due to the rear extensions being two storey and flat roofed, a flat roof extension of this proposed scale and depth (at approximately 9.6metres) would not be considered favourable. Notwithstanding this, the surrounding, adjacent and host properties already have an existing flat roofed storey extensions and it is considered the changes to design would not be out of character or cause harm to the immediate locality. It is also considered that the rear elevation is a simplified design façade with less visual clutter compared to the most recent refusal (ref 20211207) and which is more in keeping with the immediate locality.

In light of the above, the proposal is considered to comply with the requirements of Policies CS14 and CS19 of the Core Strategy 2014, and paragraphs 119, 122, 126, and 130 of the NPPF 2021.

With regard to the impact on the landscape, Policy CS12 of the Core Strategy 2014 is also relevant to this application, relating to green infrastructure. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) 2009 will be taken into account in determining applications. The site is located within the Meopham Downs Landscape Character Area. The LCA recognises the overall condition of the landscape as good and sensitivity of the area as moderate. It is recommended that the key landscape elements should be conserved and reinforced. As this site is within the rural settlement of Meopham and comprises an existing commercial site, the development would have no adverse impact on the wider landscape character of the area.

Residential Amenity

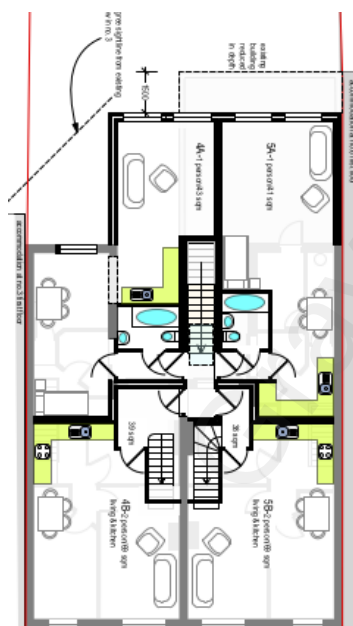
The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be

Future Occupiers and Neighbouring Properties

Likewise, the proposed two bed flats would be over two floors, which at first floor, front Wrotham Road and again meet the minimum (NDSS) 2015 for persons flats. Each of the bed flats would be 69sq.m for a 2bed flat, which slightly falls short of the NDSS standards for accommodation over two flats although this is not considered a significant shortfall. The most recent refusal at the site sought to provide roof terraces as private amenity space, however, the impact and the quality of the space provided were compromised. The current application does not seek to provide any private amenity space, but it is not considered the site is already constrained and could not accommodate further provisions.

In terms of the impacts to neighbouring amenity, the adjacent properties at no. 3 and no. 6, appear to be in residential use at first floor, but the two storey extension to the rear would have limited impact to the neighbouring sites due to the staggered depth of the extension. Each of the boundaries to the rear would be setback from the neighbouring sites and, therefore, limiting the impacts to the neighbouring sites.

The first floor plans below demonstrate the limited impact to neighbouring residential properties.



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Overall, the proposal is considered to comply with Policy CS19 of the Core Strategy 2014 and paragraph 130f of the NPPF 2021 in respect of the standard of amenity and living conditions for future occupants of proposed flats.

Parking and Highways

Given the rural location, in order to comply with Kent Design Interim Guidance Note 3, the new flats would each require a parking space and a secure bicycle parking space, which is proposed at the rear. No car parking provision is required for the existing commercial unit as maximum vehicle parking standards apply.

It is noted that the drawings show 5 parking spaces at the rear of the property and the GBC Highways Officer has no objection to the number for parking spaces or commented on the positioning of the spaces. However, concerns were raised in the relation to increase in vehicle movements generated to the rear of the site given the uses, given that the site would be in C3 and E use classes. The concern primarily lies in the fact that planning use class E(b)(sale of hot food mostly on premises) and E(e)(provision of health services) could potentially generate significant and/or continuous demand for car parking, which could have an impact on the sustainability of other premises within the parade. The concerns from the Highways Officer are appreciated, however, the neighbouring sites and the existing site are likely to operate within planning use class E and, therefore, to restrict specific uses at the ground floor due to the impact to the other ground floor premises within the parade would be unreasonable.

Furthermore, a judgement could be made by future occupants of the ground floor commercial premises and, occupants of the residential accommodation whether the accommodation would suit their needs. However, in terms of the impact to the neighbouring sites, it is not considered the parking provisions and associated commercial vehicle activity would create significant harm to the locality, given the surrounding sites are also operating under similar uses. Therefore, imposing conditions to restrict use of the ground floor due to the vehicle impacts to the neighbouring sites would not pass the prerequisite planning conditions tests, in term being reasonable or relevant to planning. On this basis, a planning condition restricting Class E(b) and E(e) are not considered appropriate.

Overall, the parking provisions at the site are considered appropriate and the proposal complies with Saved Policies T1 and P3 of the Local Plan 1994 and Policy CS11 of the Core Strategy.

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff

The application site falls within 6 km of the Thames Estuary and Marshes Special Protection Area (SPA), classified in accordance with the European Birds Directive, which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. The area is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated the impacts of this on each and every planning application for new residential development of one or more units within the 6 km zone since September 2015 by (where appropriate) accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £253.83 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other

contributions to be secured through a s106 legal agreement or unilateral undertaking, the tariff has been secured through a contribution agreement. The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However, a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

On this basis a tariff of £253.83 per unit is required. The applicant paid this tariff. The proposal therefore puts in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, which complies with the requirements of paragraphs

Any Other Material Planning Considerations

It may be worth noting that while the quantum of residential development has not changed from the previous application (20211207) and the two recent refusals are material planning considerations in the assessment of this application. The most recent refusal at the referenced the site would become overdeveloped as a result of the development, although, the design of the scheme has improved from the previous applications, in that the impact to the adjacent residents at first floor has been minimised. Also, the quality of the internal environments have also been improved. Visually, the scheme has evolved with a more simplified design to the rear which is more in keeping with the surrounding properties.

On this basis, the LPA consider that the application is deemed favourable than the previous proposals without compromising the internal environments for future occupants of the commercial and residential accommodation provided.

Conclusion

The application has been fully considered and is in accordance with local and national planning policy. In addition, there are no consultee concerns and no neighbour representation to the proposal.

The change of use at first floor and the extensions to the commercial space is considered compliant with Policy CS08 (LPCS) and Section 6, paragraph 84 (d) (NPPF). The rear extension, although large, is considered acceptable in terms of design, will improve the poor quality and cluttered rear yard area behind the Parade, and will be constructed using appropriate materials. Moreover, it will not impact on the quality of the street scene, nor the amenity of surrounding occupiers. As such the proposal complies with Policy CS19 (LPCS) and Section 12 (NPPF). Lastly, there is adequate parking provision and bin storage in behind the extended shop units.

Therefore, it is recommended that planning permission is granted, subject to conditions.

Recommendation

Approve.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Genna Henry	Team Leader:	Richard Hart
Signed:	<i>G.Henry</i>	Signed:	<i>R Hart</i>
Dated:	3rd March 2022	Dated:	7th March 2022

Gravesham Borough Council