



Delegated Report

Removal or Variation of Conditions

Planning Application No: 20221351

Location: 68 Havelock Road Gravesend Kent DA11 0JG

Description: Variation of condition 1 and 2 relating to planning permission reference number 20190572 Retention of the conversion of the carport to residential accommodation to provide an additional bedroom and shower room to existing ground floor flat to allow replacement drawing 19062-01 Rev D.

Applicant: Mr Kam Ahluwalia

Site Visit Date: 06 June 2023

Submitted Documents/Plans

Application for removal or variation of condition form;
Drawing no. 19062-L1 Rev. A Red/blue line site boundary plan;
Drawing no. 19062-L2 Rev. B Existing block plan;
Drawing no. 19062-L3 Rev. Proposed block plan;
Drawing no. 19062-01 Rev. D Existing and proposed layouts and elevations;

Superseded Documents/Plans

Drawing no. 19062-01 Rev. C Existing and proposed layouts and elevations;

Procedural issues

Following discussions with the case officer, the proposed layout was amended and the applicant confirmed that the notification process undertaken under Certificate B has been completed correctly.

Relevant Planning History

Reference	Description	Decision	Decision Date
20211203	Application for variation of condition 2 attached to planning permission reference number 20190572 to allow an extension of time for the implementation of the approved scheme.	Permitted	24.03.2022
20211031	Retention of the conversion of the carport to residential accommodation to provide an additional bedroom and shower room to existing ground floor flat.	Withdrawn	28.09.2021
20190572	Retention of the conversion of the carport to residential accommodation to provide an additional bedroom and shower room to existing ground floor flat.	Permitted	03.10.2019
20040102	Demolition of existing builder's yard and erection of a part three storey and part two storey building to provide 4 one and two bedroom flats each with a parking space.	Permitted	09.11.2004

It is noted that the application site is the subject of an ongoing enforcement investigation (reference 18/00134/EN) relating to the breach of condition 2 of planning permission reference 20190572. This application is an attempt to regularise the unauthorised development.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

Paragraph 33 of the NPPF (2021) sets out that 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 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 that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – nationally described space standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

GBC Highways Officer

I have no comments to make, the issues regarding car parking have already been considered.

GBC Service Manager (Housing Options)

We can confirm Private Sector Housing have no comments to relay in relation to our housing legislations and regulations. We believe the proposed scheme is currently out of our remit with Planning requirements and Building Regulations taking precedence.

Neighbouring properties

The application was publicised to 16 neighbouring properties by letter. One representation has been received and is summarised as follows;

- The development at the application site has reduced the garden space to less than 5 square

metres.

- Waste bins are left on the footpath in Campbell Road and restrict access to a rear alleyway.
- The development at the application site has removed a parking space and there is a high demand for on-street parking in the area.
- Detrimental visual impact on the surrounding area.

Officer's Analysis

Background

Planning permission reference 20190572 for the retention of the conversion of the carport to residential accommodation to provide an additional bedroom and shower room to existing ground floor flat was granted on 03 October 2019. Therefore, the Local Planning Authority has judged the principle of the development as acceptable.

This application seeks to amend conditions 1 and 2 of planning permission 20190572 under Section 73 of the Town and Country Planning Act 1990 (as amended). For the purposes of this application, no fresh issues can be introduced into the determination, as only the issues relating to the variation of the conditions are relevant.

Condition 1 of planning permission 20190572 reads as follows;

For the avoidance of doubt the development as carried out shall accord with the following approved plans:

Drawing No.19062-L1 Red line site boundary plan;
Drawing No.19062-L2 Block Plan;
Drawing No.19062-01 Rev A Existing and proposed layout and elevations.

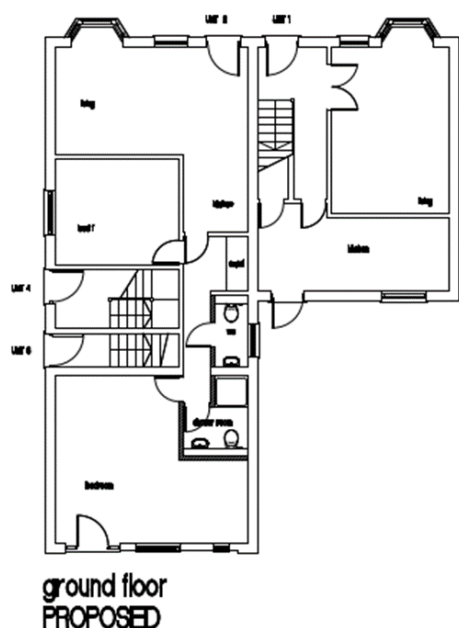
Condition 2 of planning permission 20190572 reads as follows;

Within six months from the date of this permission the approved floor plan shown on Drawing No.19062-01 Rev A shall be implemented in full and maintained thereafter.

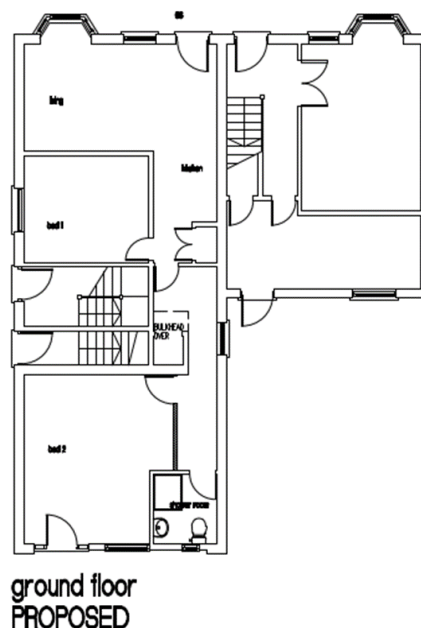
It should be noted that planning permission reference 20211203 was granted on 24 March 2022 which extended the timescale for the compliance with condition 2 of planning permission 20190572 to 24 September 2022. However, the works to comply with condition 2 were not undertaken by that date and they have still not been undertaken.

The applicant has set out that the approved floor plan referenced in condition 2 of planning permission 20190572 cannot be implemented, due to there being limited headroom. Therefore, this application seeks to extend the timescale for compliance with the condition and to amend the approved floor plan. The following images are extracts from the approved floor plan under 20190572 and the proposed floor plan;

The approved floor plan
(Drawing No.19062-01 Rev A)



The proposed floor plan
(Drawing no. 19062-01 Rev D)



The proposed bedroom would comply with the requirements of the Nationally Described Space Standard 2015 and would provide good living conditions for future occupiers. The revised timescale would not undermine the purpose of the condition and it would be reasonable to expect the works to be completed within six months of the date of the approval. The GBC Highways Officer has no objection to the proposed amendment and there would be no conflict with local or national planning policy.

It is noted that a local resident has raised a number of concerns regarding the proposed development. However, these concerns relate to the principle of planning application 20190572, i.e. the retention of the conversion of the carport to residential accommodation. As set out above, this application seeks only to vary conditions attached to that planning permission. Therefore, the principle of the development is not a relevant consideration.

Conclusion & Recommendation

The proposed development would comply with local and national planning policies and subject to the revised timescale and amended layout, the proposal would be acceptable.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	06 June 2023	Dated:	7 th June 2023