

Section 55 Town and Country Planning Act

Design and Access Statement

Conversion from a retail shop (Class E) to 2 bedrooms to make a 5-bedroom HMO (Class C4)

125 and 125 A Milton Road, Swanscombe, DA10 0LS

Site Information

Consultant	Francelita Balbido
Client	John Gurney
Site Address	125 and 125 A Milton Road, Swanscombe, DA10 0LS
LA	Dartford Council
Description of Development	Conversion from retail shop (Class E) to 2 bedrooms to make 5-bedroom HMO (Class C4).
Pathway (PD/Application/Appeal)	Planning Application

Constraints Review

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
Area of Outstanding Natural Beauty	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	No

Local Policy Requirements

Local Plan/Core Strategy	Dartford Core Strategy (adopted September 2011) Dartford Development Policies Plan (adopted July 2017)
Effective Policies in Development Control	DP1: Dartford's Presumption of Sustainable Development DP2: Good Design in Dartford DP3: Transport Impacts on Development DP4: Transport Access and Development
SPG/SPD's	Guidance to HMO Amenity Standards Version 4 (03/12/2018) Parking Standards (26 July 2012) Housing Windfall (October 2014)
Planning History	
Relevant History	None relevant
Report Date	04 October 2023

1. Introduction

1.1. The application site relates to a 3-storey terraced building consisting of a mixed-use retail shop and a dwellinghouse located at 125 and 125A Milton Road, Swanscombe.

1.2. The applicant would like to convert the property from a retail shop to 2 bedrooms at 125 Milton Road and incorporate them with the existing 3-bedroom HMO at 125A Milton Road to form a 5-bedroom HMO (Class C4).

About Town Planning Expert

1.3. Town Planning Expert is a general needs planning consultancy formed in 2012 and practising as a Chartered Planning Practice. Town Planning Expert is instructed to submit a planning application for development as set out below.

Our VICTORY © Framework

1.4. Our VICTORY Framework applies a policy, plan lead, approach to development with the intent of gaining planning permission in a manner that complies with National and Local Planning Policy in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

The Development Proposed

1.5. Planning Permission was sought for the conversion of a retail shop (Class E) to a 2-bedroom HMO by internal configuration.

Executive Summary

1.6. The Adopted Local Plan and NPPF make clear that planning permission should be granted for the conversion of the property from Class E to Class C4. As this statement demonstrates, the proposal will enable the conversion in a manner that is acceptable and will not have a negative impact on the characteristics or appearance of the area.

2. National and Local Development Frameworks.

National Planning Policy Framework

2.1. The Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework on 24 July 2018. This was the first revision of the National Planning Policy Framework since 2012. It implemented around 85 reforms announced previously through the Housing white paper, the planning for the right homes in the right places consultation and the draft revised National Planning Policy Framework consultation. Following a technical consultation on updates to national planning policy, we have made very minor changes to the text and published an updated Framework in July 2021. The National Planning Policy Framework is a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

2.2. The current Core Strategy of the Dartford Council, which was adopted on September 2011, has relevance within the NPPF and, together with the NPPF provides the most current planning policy for Dartford. The relevant sections of the NPPF are set out below:

2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise

3. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 7, granting permission 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 6; 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.**

Decision Making

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Determining Applications

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Making effective use of land

119. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

120. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁸; and*
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.*

Achieving well-designed places

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

Annex 1: Implementation

212. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

213. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Local Policy

2.3. The relevant policies are located within the Adopted Core Strategies 2011 and Development Policies Plan 2017.

2.4. The applicant sets out below their reasons why this development complies with the noted policies in full.

Policy	Compliance
Policy Spatial Pattern of Development	The development is within the existing settlement.
Policy CS10: Housing Provision	The development is in the north of A2 and included in the “windfall site” category.
Policy CS11: Housing Delivery	The proposal will contribute to achieving the delivery of a balanced relationship between homes, jobs and infrastructure.
Policy CS15: Managing Transport Demand	The proposal will encourage the alternative way of travel and the use of local transport.
Policy CS17: Design of Homes	The development will comply with the set HMO standards and guidance.
Policy CS18: Housing Mix	The proposal will create 2x 1-bedroom to

	create 5-bedroom HMO
Policy DP4: Transport Impacts of Development	The proposed site is in a suitable location.
Policy DP5: Environmental and Amenity Protection	The proposal does not result in unacceptable material impacts on neighbours and other amenities. Foreseeable impacts should be mitigated.
Policy DP6: Sustainable Residential Locations	Part of the property is already in residential use and it is in a sustainable location.
Policy DP9: Local Housing Needs	The proposal will deliver an appropriate mix of affordable housing types for single and working individuals.

3. The Planning History

3.1. 08/00884/FUL - Refused: Erection of a single-storey rear extension (retrospective application)

3.2. 09/01288/FUL - Refused: Installation of new shop fronts and roller shutters on front elevation (retrospective application)

3.3. 20/00130/FUL - Refused: Demolition of existing single-storey rear extension at 125 Milton Road and the erection of a part two, part single-storey rear extension, 2No. Dormer windows to the front and 2No. Dormer windows to the rear to provide for extended A1 retail floorspace at 123, extended A3 cafe floor space at 125, plus the formation of 2No. 1-bed flats at the first floor and 1No. 2-bed flat in the roof space together with external staircase to the rear, associated external alterations, landscaping, parking and waste storage. (123-125 Milton Road).

4. Site, Context and Comparable Forms of Development

4.1. The application site relates to a 3-storey terraced building with a mixed-use of a retail shop on the ground floor and 3-bedroom HMO on the upper floors. The ground floor address is 125 Milton Road while the first floor and the second floor address is 125A Milton Road.

4.2. The property is located north of A2 and can be accessed from A226 (London Road) off to Craylands Lane and straight ahead to the first roundabout, then the first exit to the next roundabout to Milton Road.

4.3. The High Street and Swanscombe train station is about an 8-minute walk from the site with a 600m distance.

4.4. The site is in a sustainable location and has easy access to public transport and other local amenities.

5. The Development Team

5.1. The developer comprises a small business operating within Dartford and delivering quality units of living accommodation for local occupations.

5.2. Where possible, the applicant utilises local builders and other trades in order to carry out development.

6. Alternative Forms of Development Considered

6.1. The existing building is a retail shop and a 3-bedroom HMO which will be a fallback position for this property should this application be unsuccessful.

6.2. The conversion of Class E to Class C3 is a Permitted Development, and the property can be used as a dwellinghouse if permission cannot be gained.

6.3. The internal works pursuant to this development are exempted from the definition of development under S55(2)(a)(i) of the Town and Country Planning Act 1990 and the works to create 2 bedrooms and other related facilities/amenities are not in fact development requiring planning permission as this does not result in a material change of use on its own.

6.4. The component of this development that requires full planning permission is the change of use of the front shop to an HMO.

7. Constraints to Development

7.1. The proposal will change the use of the property from a retail shop to a dwelling. The shop had been closed for 10 years and found unsuitable for its use.

7.2. The property has been open to let for a long time with no success in finding a tenant. Refurbishment and upgrading of the shop was attempted several times but no success in gaining planning permission. It is considered that the use of the property as a shop is no longer suitable in the area.

8. The Principle of Development

8.1 The existing site relates to a 3-storey terraced building with a retail shop on the ground floor and residential use on the first floor and second floor.

8.2. This planning application seeks approval for the change of use of the shop (Class E) to 2 bedrooms in 125 Milton Road and incorporates these bedrooms to 125A Milton Road 3-bedroom HMO to compose a 5-bedroom HMO (Class C4). Alterations to the front elevation are required to accommodate the changes.

8.3. There are no changes on the first floor and second floor (125A Milton Road) of the building.

8.4. Currently, the ground floor consists of a retail shop area, 2WCs, storage and staff room.

8.5. The retail shop and the staff room will change into en-suite bedrooms and for use as an HMO in association with the use on the upper floors. It has a shared kitchen that can be used by the future occupants. The size of the kitchen is in the standard size for 5 people.

8.5. All the rooms are designed as per the HMO design guidance.

8.6. The proposal will add 2 more people to the property which won't have any demonstrable effect on the noise as double-glazed windows are existing in the property to minimise the noise.

8.7. The addition of 2 people will not have any major impact on the amenity of the occupiers or the neighbouring property compared to its previous use as a retail shop.

9. Site Capacity Assessment.

9.1. This application seeks to convert the existing retail shop (Class E) to 2 bedrooms which together with the current use of the upper floors will compose a 5-bedroom HMO (Class C4).

Scale

9.2. The scale of the building is unchanged. Internal alterations will be done to accommodate changes.

Layout

9.3. The layout is unchanged apart from the middle section of the ground floor, where the design fits into its new/proposed use.

Amount

9.4. Change of use of the property/ground floor from a retail shop to 2 bedrooms to compose a 5-bedroom HMO.

Landscape

9.6. There is no landscape setting to this building at present and this will not be changed.

Amenity of adjoining, surrounding and proposed occupiers.

9.7. The change of use will not have any demonstrable effect on the amenity of the surrounding neighbours and occupiers of the property.

10. Appearance

10.1. The front elevation will change in appearance. The door to No 125 will change to a window and residents will use the existing door to 125A Milton Road.

11. Access Appraisal

11.1. The existing building has access through the front door of 125A Milton Road.

11.2. The bike storage/parking for 4 bicycles is provided at the rear of the property.

11.3. The bin storage is located at the front to aid collection.

11.3. The rear can be accessed from Milton Road going left to Ames Road. Off-street parking is available at the rear of the property.

12. Conclusion

12.1. Within the planning balance, the proposed development offers an opportunity to provide further dwellings for the area in a manner which would have a positive effect on the character and appearance of the street scene, impact the amenity of adjoining and surrounding occupiers and would have wider public benefits from bringing new sustainable forms of development.

12.2. As such it is submitted that planning permission could be granted for this development and the applicant looks forward to discussing the matter with the LPA.

