



Delegated Report

Planning Application

Planning Application No: 20230479

Location: Livingstone Road Stores 10 - 12 Livingstone Road Gravesend Kent

Description: Temporary storage unit situated behind shop.

Applicant: Mathurjan Bathmanathan

Site Visit Date: 23rd May 2023

Submitted Documents/Plans

Planning Application Form;
Drawing No. 1-3 – Site Location Plan, Existing and Proposed Block Plan; and
Drawing No. 4,9 – Proposed Plans.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221298	Temporary storage unit situated behind shop	Refused	28.03.2023
19970643	A. Retention of 2 no. air conditioning units at the rear. Refused B. Retention of roller shutters on the front elevation. Permitted	SPLIT	10.03.1998

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

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

- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Consultees

GBC – Environmental Protection

It has been highlighted in the Decision Notice of the earlier (refused) application that the opening hours of the shop are 06:00 to 23:00 hours. No objections or comments were made regarding the previous application. However, bearing in mind these opening hours, there could be some disturbance to the nearby premises if the storage container is accessed early in the morning or late at night or if used at these times (for example internal stacking/re-arrangement of goods etc). It would therefore be sensible to place a restriction on when the storage container can be accessed or used if possible.

The following condition is suggested:

Access to/from and any internal working inside the storage container shall be restricted to the following times:

Monday - Saturday 08:00 – 20:00

Sundays - 09:00 – 17:00

Outside of these times there shall be no goods loaded or unloaded into the storage container and no access to/from or working inside the container.

Reason: In the interests of protecting the amenity of nearby residential properties

GBC – Service Manager (Property & Regulatory Services)

No comments received.

Ward Councillors

No comments received.

Neighbouring properties

Public consultation was by way of the displaying of a site notice and individual letters sent to four surrounding properties with an overall expiry date of 16th June 2023. No letters of representation have been received.

Officer's Analysis

Background

This application is a resubmission of a previous application for the same proposal under reference 20221298, which was refused for the following reasons:

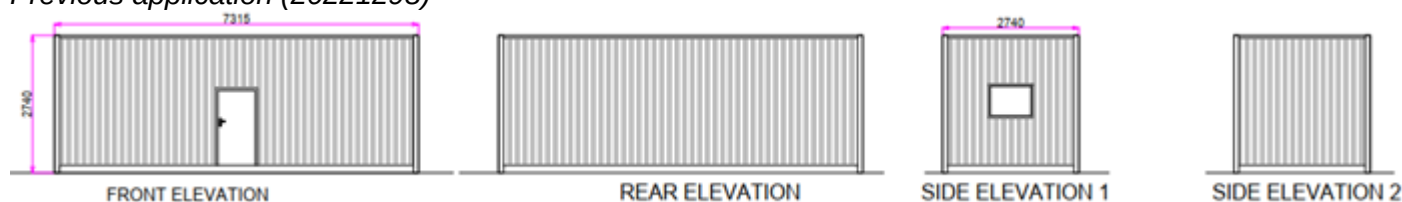
1. *Due to the size, design and location of the container within close proximity to residential dwellings, it*

would result in an incongruous and out of character development that would result in a detrimental impact on the visual amenity of the area. The development would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and paragraph 127 of the National Planning Policy Framework (2021).

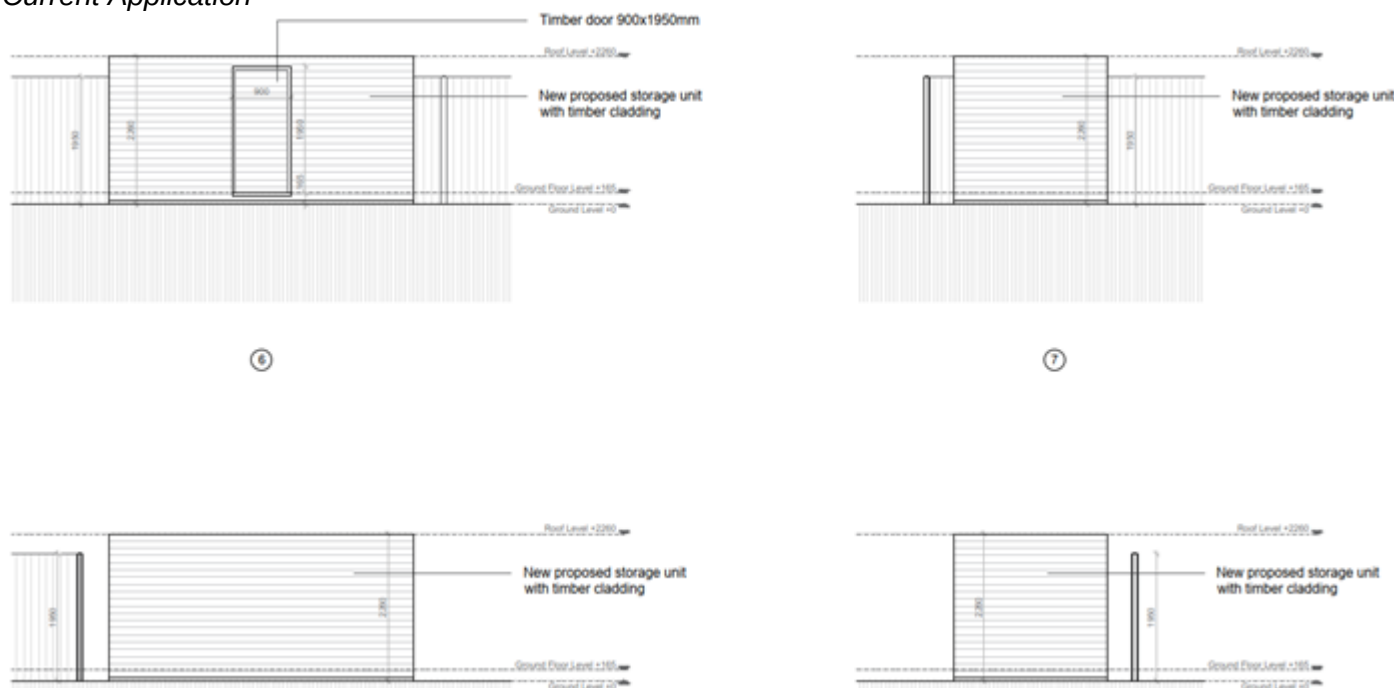
2. The proposed storage container and its use is considered to be harmful to local amenity through unacceptable levels of noise and disturbance (from both the use and access to and from the container, including deliveries). The proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and paragraph 130 of the National Planning Policy Framework (2021).
3. Due to the location of the container, the proposal would obstruct the existing parking and delivery area, resulting in the loss of parking and causing an obstruction for delivery vehicles. The development would therefore be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014).

This application seeks to address the above refusal reasons. In terms of the current application, the proposed location remains the same, with the main differences being a reduction in width from 2.74m to 2.34m (a difference of 400mm), a reduction length from 7.32m to 4.71m (a difference of 2.61m) and a reduction in height from 2.74m to 2.26m (a difference of 480mm). In addition, the window in the side elevation has been omitted and finished materials of timber cladding are proposed, and hours of use of 08:00 to 18:00 Monday to Sunday (including Bank Holidays) have also been included.

Previous application (20221298)



Current Application



Proposal

The proposal is for a temporary storage unit situated behind shop which would measure 4.71m wide, 2.34m deep and 2.26m in height. The container would have a single centrally located door within the front

elevation and finished in timber cladding. The supporting application form has also proposed operation hours of 08:00 to 18:00 Monday to Sunday including Bank Holidays.

Design, Character and Appearance

Policy CS19 (LPCS) states that new development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards.

Paragraph 126 of the NPPF (2021) requires good design, creating better places in which to live and work.

The proposed container would be located in a mixed residential and retail/commercial area, to the rear of the small parade of shops which is used for deliveries and short stay parking. Directly to the north is a new residential development with private gardens that would abut the proposed development and balconies at first floor level which would face the rear of the site.



With a height of 2.26m, the container would sit above the height of the boundary fences and would be highly visible from the surrounding properties and gardens, as well as Valley Drive and due to the location of the container to the rear of the commercial units in an area used for parking and deliveries, together with being to the rear of residential gardens and properties would be highly visible from public vantage points.

Whilst the proposed finished materials of timber cladding would be an improvement over the previous refused scheme, the proposed container would still introduce a commercial container to the rear of shops that would sit directly to the rear of residential gardens. It would introduce a type of development that would be highly visible and out of keeping with the area and reduces the amount of parking and access to the rear the shops, which is also used by the refuse vehicles to collect commercial waste.

Whilst it is acknowledged that the container would be used to alleviate the constraints of the storage facilities within the associated shop, the overall impact would be detrimental to and out of keeping with the area, causing a permanent obstruction to the rear of the shops. Furthermore, the shop use, together with the constraints on storage is not likely to change, therefore whilst the proposal is for a temporary storage container, it is highly likely that it would become a permanent fixture. Therefore even granting a temporary permission would not overcome the long term impacts of the container or the issues that the shop has.

The proposed hours of use are welcomed, however as this would be ancillary to the operation of the shop, it is still likely that access to container would be needed for deliveries and during the opening hours of the shop which are 6am to 11pm seven days a week. Furthermore, it would be difficult for those hours to be enforced.

It is considered the previous reason for refusal (1) has not been addressed fully and the development would not be suitable or fit for purpose, that would neither conserve or enhance the area and as such would directly contravene the guidance laid out in Policy CS19 (LPCS) and paragraphs 127 and 130 of the NPPF (2021).

Neighbouring Amenity

Policy CS19 (LPCS) states that new development will be located, designed and constructed to safeguard amenity and would avoid adverse environmental impacts from pollution, including noise.

Paragraph 130 of the NPPF (2021) requires development to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standards of amenity for existing and future users.

The proposed container would be located directly to the rear of the private rear gardens of the new residential development to the north and within close proximity to the private balconies of the same development and the rear facing windows of both the aforementioned properties and the residential units above the Livingstone Road shops.

The application site is Livingstone Stores Premier has opening hours of 06:00 to 23:00 7 days a week. The current application has provided operation hours of 8am to 6pm Monday to Sunday, however as stated above, as this is an ancillary storage container, it is highly likely that deliveries would need to be stored in the container, together with access being needed through the opening hours of the shop. In addition, it would be practically impossible to enforce this type of hours of operation for this use. As such, it is still considered that the potential for comings and goings to the container, together with deliveries from as early as 6:00 hours and as late as 23:00 would still occur and would create additional noise and disturbance above what is already experienced.

In addition, as the container would be for the storage of items for the convenience store, these are likely to be food and drink and therefore it would be reasonable to expect some form of refrigeration unit which would give rise to further noise.

Therefore, taking all the above into account, it is considered that the revised scheme has not overcome the concerns previously raised or the previous reasons for refusal (2) and the development, due to being directly adjacent to private rear gardens and rear habitable room windows, is considered to be unacceptable and contrary to Policy CS19 (LPCS) and paragraph 130f of the NPPF (2021).

Highways and Parking

Policy CS11 (LPCS) requires new developments to mitigate their impact on the highways and public transport networks and ensure an adequate supply of public car parking.

The proposed container would be located in an area currently used for parking and deliveries, together with refuse collections, to the existing commercial units. The size and location of the container would remove an area of parking, together with the potential of creating an obstruction of delivery vehicles and the GBC refuse vehicle. As such, it is considered that the proposal would have the potential to create an obstruction for customers and delivery drivers who are accessing the rear of the shops.

The size of the unit has been decreased, however it is still considered to be a permanent cause of obstruction and therefore the previous reason or refusal (3) has not been overcome fully and the

development would be contrary to Policy CS11 (LPCS).

Other Materials Matters

The supporting application form states that the purpose of the container is for additional shop storage to assist in the running of the associated convenience store in order to accord with Health and Safety procedures. Whilst it would be possible to grant a temporary permission for the container, as the use would be for continual storage for the shop and not something that would be used for a short period whilst the shop is being renovated of instance, it is not considered that a temporary permission would address the issue of storage for the premises and the lack of storage within the main shop would appear to be a continual problem that needs a permanent solution and should be addressed by other means. In addition, the impact of the container even on a temporary basis on the visual and neighbour amenity and the loss of parking and obstruction to delivery and refuse vehicles would be immediate and therefore any kind of permission, even a temporary one, would still result in a detrimental impact.

Conclusion & Recommendation

For the reasons laid out above, the proposed development would result in a detrimental impact on visual amenity, character of the area, neighbour amenity and parking and highways, contrary to both local and national planning policy and is therefore recommended for refusal.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:	<i>A Grout</i>	Signed:	<i>R Hart</i>
Dated:	3 rd July 2023	Dated:	3rd July 2023