

Ref: KH/5576/01(11January2022)GraveshamBoroughCouncil

Planning Department
Civic Centre
Windmill Street
Gravesend
DA12 1AU



11 January 2022

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
RE-SUBMISSION OF PLANNING AND ADVERTISEMENTS APPLICATION FOR THE ERECTION
OF A 'WEBUYANYCAR' POD (REFS. 20210992 & 20210991)
MORRISONS, COLDHARBOUR ROAD, NORTHFLEET, GRAVESEND, KENT, DA11 8AB**

Peacock + Smith have been instructed by our client, WM Morrison Supermarkets PLC (Morrisons), to prepare and submit an application for planning approval under Section 62 of the Town and Country Planning Act 1990 (as amended).

Context

This cover letter has been prepared in support of planning and advertisement consent sought for the 'WeBuyAnyCar' pod in the existing Morrisons foodstore car park at Coldharbour Road, Gravesend.

Previous applications were submitted at the site for the pod, which were assigned planning refs. 20210992 and 20210991.

The original application for the WeBuyAnyCar pod (ref. 20210992) was refused on 19 October 2021 for the following two reasons:

"The application has been accompanied by insufficient evidence to enable the Local Planning Authority to reach an informed decision as to whether the cumulative impact from the proposed development along with other recent developments, authorised or otherwise, within the Morrison's customer car park that have resulted in a reduction in the overall number of car parking spaces would have a detrimental impact on the available parking provision for customers at peak times including at weekends and busy seasonal periods and therefore the application cannot be supported. In particular, there has been no parking stress survey provided by the applicants to demonstrate parking levels and usage at the store. The development would therefore be contrary to Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy, September 2014, saved policy P3 (Vehicle Parking Standards) of the Gravesham Local Plan First Review 1994, the Adopted Kent Vehicle Parking Standards (SPG4) and Section 9 (Promoting Sustainable Transport) of the National Planning Policy Framework (NPPF).

The proposed WeBuyAnyCar.com pod, business operation and car collection strategy is likely to result in a significant risk to highway safety and to cause impacts on the access circulation network by virtue of parking and loading vehicles on a busy service road that serves as access to the Morrison's store and to retail and business units adjoining. This has the potential to result in disruption to and detriment to customers visiting the site and the flow of traffic on the service road, thus impacting on the connecting highway network and therefore contrary to Policy CS11 (Transport) of the Gravesham Local Plan Core

Gravesham Borough Council Strategy, September 2014, saved policy T5 (New Accesses onto Highway Network) of the Gravesham Local Plan First Review 1994, and Section 9 (Promoting Sustainable Transport) of the National Planning Policy Framework (NPPF)."

The associated application for advertisement consent was refused on 19 October 2021 on account of the fact that the application for the WeBuyAnyCar unit itself was refused. The reason for refusal as set out in the Decision Notice is as follows:

"In the absence of planning permission for the WeBuyAnyCar.com pod to which this advertisement consent relates there would be no reasoned justification on visual amenity grounds for the display of any advertisement matter at this site and as such would be detrimental to the overall visual amenity contrary to Policy CS19 (Development and Design Principles) of Gravesham Local Plan Core Strategy, September 2014, supplementary planning guidance note SPG 3 (Advertisement Control Policy Guidelines) (1996) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021)."

This application represents our client's 'free go' and therefore, an application fee is not included as part of the submission.

Site and Surroundings

The application site comprises of a part of the existing customer car park for the Morrisons supermarket, which is a standalone single storey building from the early 1990s.

The supermarket has its own Petrol Filling Station (PFS) and car wash building to the north of the store and adjacent to Coldharbour Road. It has a service yard and a bus stop with a lay by on the eastern side. Access to the store is achieved from Coldharbour Road via a roundabout, and the customer car park adjoins on its western side two storey modern housing on the Dundale Estate.

The application site is situated in the western edge of the car park, near to the hand carwash and valeting unit. A Garden Centre sits to the west of the Morrisons foodstore, and 4. No charity donation pods sit in the north-western most aspect of the car park.

The site is not within a Conservation Area and does not contain any Listed Buildings or Scheduled Ancient Monuments. There are no known TPOs at the site.

Planning History

A search of Gravesham Borough Council's Public Access portal reveals that there is extensive planning history at the site. The following applications are of relevance to this application:

- 20210991 – refused 19 October 2021
'Application for consent for non illuminated hoarding adverts for the period of five years.'
- 20210992 – refused 19 October 2021
'Erection of a car collection point pod.'
- 20190378 – temporary permission granted 01 August 2019
'Siting of a prefabricated single storey 'Car Store' premises ('pod').'
- 20180012 – approved 06 March 2018

'Display of fascia signs with internally-illuminated lettering on the petrol filling station canopy; fascia signs with internally- illuminated lettering and logos on the car wash; a fascia sign with internally-illuminated lettering and logo and a non-illuminated totem panel sign on the front elevation of the petrol filling station kiosk; a non-illuminated panel on the side elevation of the petrol facing kiosk and a free standing petrol filling station internally-illuminated double sided totem pole sign east of the car wash.'

- 20170862 – approved 04 December 2017
'Display of signage to proposed car park valeting unit stating the company name and associated supermarket, price list, product branding and health & safety manifestation comprising fascia signs on two sides of the proposed canopy, fascia signs to three elevations of the proposed portacabin, 4 pvc panels with digitally printed graphics on hoarding and digitally printed vinyl wraps to the external elevations of the proposed portacabin, all signage to be non-illuminated.'
- 20170861 – approved 04 December 2017
'Change of use of area within the car park to create a car hand wash and car valeting unit incorporating the siting of a portacabin, construction of a canopy and partial enclosure by 1.8 metre high composite fencing.'
- 20161113 – approved 19 January 2017
'Erection of single storey side extension to the existing petrol filling station kiosk.'
- 20031101 – refused 22 March 2004
'Relocation of existing petrol filling station, shop and car wash to eastern side of store; erection of single storey extensions on north, west and east elevations to provide additional sales area, warehouse facilities with mezzanine floor above warehouse extension to provide storage; laying out of additional car parking spaces on previous site of petrol station and six additional special needs parking spaces on eastern side; removal of conditions (viii) and (ix) of planning permission reference number GR/91/697, which restricts the amount of floorspace from which the sale of goods other than food, drink, tobacco and other convenience goods can be sold and restricts the storage area to storage associated with the retail business of the premises only.'

The Proposal

Our client seeks planning permission for the placement of a prefabricated pod, and associated advertisements, to be operated by WeBuyAnyCar. The pod will have a rectangular shape with a flat roof and a footprint of 15.4sqm. It will occupy 3 no. parking spaces and be positioned in the western-most corner of the car park, west of the Morrisons foodstore.

The car park currently provides 427 parking spaces, made up of 390 regular spaces, 27 disabled spaces and 10 parent and child spaces. The WeBuyAnyCar pod will result in the loss of a total of 13 no. regular

spaces (3 for the pod and a maximum of 10 no. further spaces for cars awaiting collection). This would reduce the number of spaces to 414.

The pod will be an 'off grid' model, which generates electricity from photovoltaic solar panels on the roof and will be heated through the combustion of HVO fuel.

The external vinyl advertising on the pod will be non-illuminated with a colour scheme that is predominantly white with green strips and small colourful cars.

The proposal is depicted in the following plans:

- Location Plan, drawing number PL_01 Rev. B
- Proposed Site Plan, drawing number 298_PL_02 Rev. B
- Design and Access Statement, dated 01.07.2021
- We Buy Any Car 'Off Grid POD', Ref. WBACSOgV1, dated 23/06/21

A Technical Note, prepared by Bryan G Hall, also supports the application.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan comprises the Gravesham Local Plan Core Strategy (adopted September 2014) and the 'saved' policies from the Gravesham Local Plan: First Review (1994).

Other material considerations include the policies of the National Planning Policy Framework (NPPF) (2021), Planning Practice Guidance (PPG) and National Design Guidance.

Supplementary Planning Guidance (SPG) 3 'Advertising Control Policy Guidelines' (1996; amended 2020) and SPG 4 'KCC Parking Standards' (2006) are also material considerations in the determination of the applications.

Gravesham Local Plan Core Strategy (September 2014)

Policy CS01 'Sustainable Development' sets out that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development.

Policy CS02 'Scale & Distribution of Development' sets out that the strategy prioritises development in the urban area as a sustainable location for development.

Policy CS08 'Retail, Leisure and the Hierarchy of Centres' sets out that the council will apply a sequential approach to the location of main town centre uses. It expands by setting out its strategy on impact testing, stating that retail proposals outside the Primary Shopping Area exceeding 2,500sqm floorspace will be subject to an impact assessment.

Policy CS11 'Transport' sets out that new developments should mitigate their impact on highway networks. The policy goes on to stipulate that sufficient parking in new development will be provided in accordance with adopted parking standards which will reflect the availability of alternative means of transport and accessibility to services and facilities.

Policy CS18 'Climate Change' sets out its strategy for carbon reduction, which states that the Council will support stand-alone decentralized, renewable or low carbon energy development.

Policy CS19 'Development & Design Principles' sets out that new development will be visually attractive, fit for purpose and locally distinctive. The policy states that new development will be located, design and constructed to, *inter alia*:

*"safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land
avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination"*

Gravesham Local Plan: First Review (1994)

'Saved' Policy P3 'Vehicle Parking Standards' sets out that the Council expects development to make provision for vehicle parking in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception. The Policy sets out that The Vehicle Parking Standards, including Gravesham Borough Council's local interpretation, are available as supplementary planning guidance.

'Saved' Policy T5 'New Access onto Highway Network' sets out that the formation of new accesses or the intensification of a use of existing accesses to the roads forming the highway network will not normally be permitted, except where no danger would arise.

'Saved' Policy TC8 'Advertisement Control' sets out that all applications for advertisement consent will be examined in the light of the Borough Council's adopted policy guidelines for advertisement control and displays which are detrimental to public safety or to amenity will be resisted.

National Planning Policy Framework (NPPF) (2021)

Section 9 of the NPPF is entitled, 'Promoting sustainable transport'.

Paragraph 111 sets out, '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

Section 12 of the NPPF is entitled, 'Achieving well-designed places'.

Paragraph 130 sets out that planning policies and decisions should ensure that developments:

- a) *"will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

Paragraph 136 sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

SPG 4 Kent Vehicle Parking Standards (2006)

SPG 4 'Kent Vehicle Parking Standards' Supplementary Planning Guidance (SPG) Document sets out that for food retail premises (formerly Use Class A1) over 1,000sqm, 1 space per 14sqm is required.

Planning Considerations

Principle of Development

As set out, this submission represents a re-submission of previously considered applications, refs. 20210991 and 20210992. In terms of the principle of the development, Peacock + Smith would reiterate the appraisal set out in the Delegated Report for the refused application ref. 20210992. The Delegated Report states:

"It is not considered that the current proposal would have a material impact of the vitality and viability of the town centre or other centres and the size of the development is considered insignificant and it would not detract from the main town centre uses and as such a sequential assessment would not be required."

The previous application was refused on two grounds; insufficient evidence to substantiate the lack of impact of the reduction in parking numbers; and risk to highway safety. Neither of the reasons for refusal suggest any concerns with regard to the principle of the WeBuyAnyCar pod at the site.

Based on the above, in conjunction with the fact that the scheme has not changed, the Council's assessment remains a valid appraisal of the scheme. On this basis, the principle of the development at the site is acceptable and a Sequential Assessment is not required.

Design, Character and Appearance

As set out, the proposed WeBuyAnyCar pod is single storey portocabin style, prefabricated structure. It is modest in size and will be positioned in the far western corner of the carpark, furthest from the entrance to the Morrison's foodstore. The pod will be viewed against a backdrop of landscaping on the western boundary of the site.

The external vinyl advertising on the pod will be non-illuminated with a colour scheme that is predominantly white with green strips and small colourful cars. The Delegated Report states:

"The advertisement schedule proposed will be bright and stand out against the landscaping behind, however this is not considered to be detrimental to the visual amenity of the carpark."

The Delegated Report makes the following conclusion, and owing to the fact that the scheme has not changed, this assessment remains valid:

"It is considered that the proposals are of appropriate design and would not cause harm to the street scene, the character and appearance of the supermarket, or the surrounding area and, therefore, complies with Policy CS19 (Development and Design Principles) of the

Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2021)."

Impact on Local Amenity

The Delegated Report makes the following assessment with regard to the proposal's impact on local amenity.

"Neither the pod unit, nor the advertising proposed would have any detrimental impact on the amenity of any surrounding property. The pod unit is small and single storey, the advertisements are not illuminated and as such, it is considered in accordance with Policy CS19 (LPCS) by virtue of safeguarding amenity."

As set out, owing to the fact that the scheme has not changed since the previous submission, this appraisal of the scheme remains valid, and the proposal would not have any detrimental impact on the amenity of the surroundings and thus complies with all relevant local and national policy.

Parking and Highways

As set out, the reasons for refusal were on highways grounds. A Technical Note has been prepared by Bryan G Hall in support of the re-submission in order to overcome the reasons for refusal.

The first reason was in relation to insufficient evidence to enable an informed decision to be reached as to whether the cumulative impact of the proposed development, and other recent developments, that result in a reduction in the overall number of car parking spaces would have a detrimental impact on the parking provision for customers of the foodstore. The Delegated Report provides that the previous application failed to acknowledge the new garden centre pod or the charity containers in its consideration of the available spaces. The submitted Technical Note takes account of the loss of spaces that these units incur (13 no. cumulatively).

The Technical Note provides that the proposal will reduce the total number of car parking spaces by 13 no. spaces; 3 for the pod, and a maximum of 10 for cars awaiting collection. The Technical Note includes a car park accumulation survey, which was undertaken between Monday 1 November and Sunday 7 November 2021. The survey revealed that the maximum car park occupancy was 63% (270 spaces), between 10:00 and 11:00 on Saturday 6 November. Therefore, based on the busiest period at the store, some 157 spaces (37%) were unoccupied.

The Technical Note substantiates its findings with a proposed car park accumulation survey, which concludes that the predicted maximum occupancy in the busiest time period would be 65% (270 spaces), with some 144 spaces unoccupied. It concludes that the car park will continue to operate well within capacity with the proposed development in place.

As confirmed in the Technical Note and Proposed Site Plan, a total of 424 no. car parking spaces are proposed. 'Saved' Policy P3 refers to SPG 4, which sets out the Kent vehicle parking standards. 'Saved' Policy P3 states (underlined for our emphasis), *'the Borough Council will expect development to make provision for vehicle parking, in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception.'*

Whilst the proposed number of parking spaces falls slightly below policy requirements, the Technical Note provides robust justification that the number of spaces proposed is in excess of actual requirements.

The evidence provided diminishes previous concern regarding the impacts of the loss of parking spaces set out in the first reason for refusal.

The second ground for refusal relates to the risk to highway safety and impacts on the access circulation network by virtue of parking and loading vehicles onto the service road. In order to overcome this concern, a swept path analysis has been carried out to demonstrate that the movements of the car transport proposed are acceptable.

The Technical Note submitted with the application addresses the concerns raised in the reason for refusal and sufficiently justifies the proposals. It has been demonstrated that the proposals are in accordance with Local Plan Policy CS11 and 'saved' policies P3 and T5, as well as the relevant aspects of the NPPF.

Conclusion

Our client seeks planning permission for the placement of a prefabricated pod, and associated advertisements, to be operated by WeBuyAnyCar.

In light of above, we respectfully request that planning permission approval be granted for the proposed development.

Should you have any questions in relation to the proposed development or it would be helpful to discuss any aspect of the application in more detail then please do not hesitate to contact Katie Hutchings by email: Katie.Hutchings@peacockandsmith.co.uk.

Yours faithfully,



PEACOCK AND SMITH