



Delegated Report

Planning Application

Planning Application No: 20240320

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

Description: Installation of a temporary storage unit situated behind a shop.

Applicant: Mathurjan Bathmanathan

Site Visit Date: 23rd April 2024

Submitted Documents/Plans

Planning Application Form;
Certificate B;
Planning Statement;
Drawing No. 1-3 – Site Location Plan, Existing and Proposed Block Plans;
Drawing No. 4,9 – Proposed Plans; and
Drawing No 10,11 – Existing and Proposed Parking Plans.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230479	Temporary storage unit situated behind shop.	Refused	03.07.2023
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 (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Consultees

GBC – Environmental Protection

There is no objection to this application. The proposed hours of use as given in the application form are deemed acceptable.

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 17th May 2024. No letters of representation have been received.

Officer's Analysis

Background

This application is a resubmission of two previous applications for the same proposal under references 20230479 and 20221298, which were refused for the following reasons:

20230479

1. *Due to the size 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).*

Framework (2021).

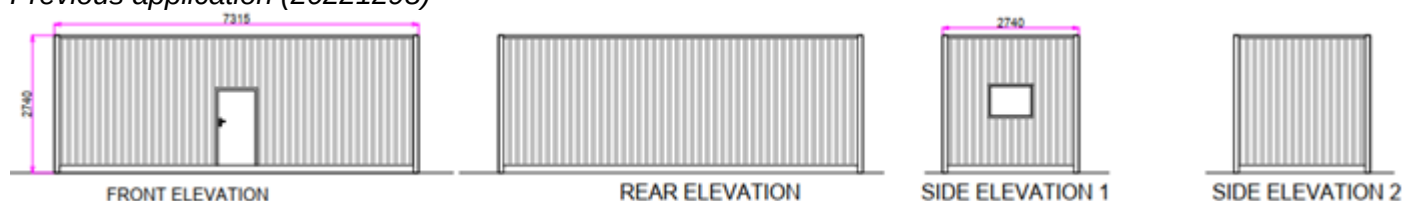
3. Due to the location of the container, the proposal would obstruct the existing parking and delivery area, resulting in the loss of parking and causing an obstruction for delivery and refuse vehicles. The development would therefore be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014).

20221298

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, looking at the most recent refusal (20230479), the proposed location remains the same, with the main differences being the increase in width from 2.34m to 3m, an increase in length from 4.68m to 7.32m and the height remaining at 2.5m. There would be a window in the front elevation adjacent to the single storey and finished materials of timber cladding and dark grey steel frame window and door are proposed. There has been a change in the proposed hours of use from the previous application of 08:00 to 18:00 Monday to Sunday (including Bank Holidays) to 08:00 to 18:00 Monday to Saturday and 09:00 to 17:00 Sunday and Bank Holidays.

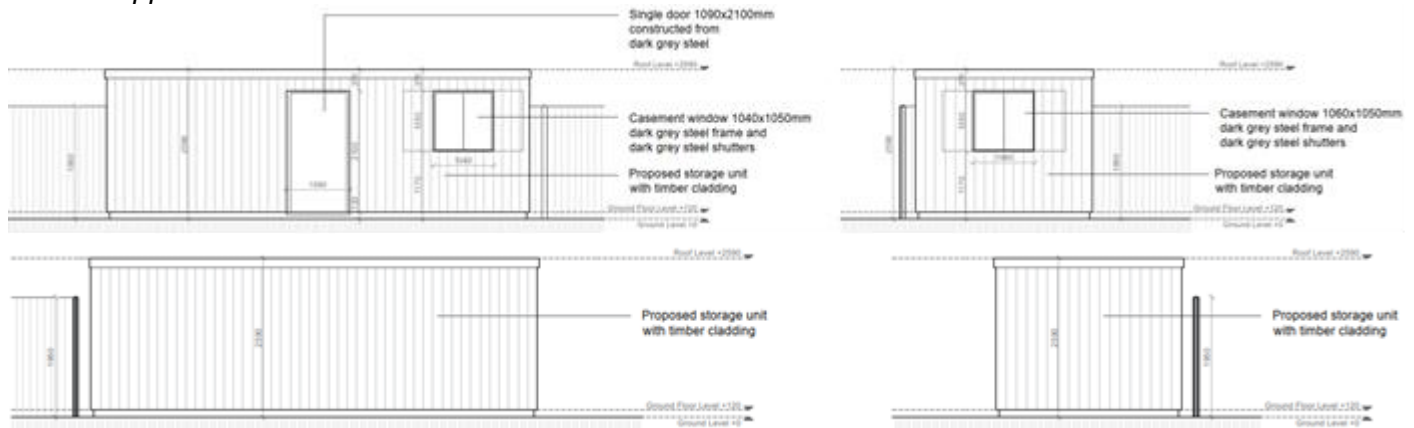
Previous application (20221298)



Previous application (20230479)



Current Application



Proposal

The proposal is for a temporary storage unit situated behind shop which would measure 3m wide, 7.32m in length and 2.59 in height. The container would have a single centrally located door and single window 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 Saturday and 09:00 to 17:00 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 131 of the NPPF (2023) 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.

A number of site visits has shown a lorry being parked in the same location as the proposed container, which does not appear to have moved since the previous application.

Photo taken 23.05.23



Photo taken 23.04.24



With a height of 2.5m, the container would sit above the height of the boundary fences and would be visible from the surrounding properties and gardens, as well as Valley Drive, however with the proposed finish of timber cladding, the container would not look out of place to a domestic shed in terms of height and finish.

A number of officer site visits has evidenced a lorry being parked in the same location as the proposed development. It would appear that this is being used as storage in place of the previously refused applications, which has been confirmed in the supporting planning statement. The proposed storage container would not substantially differ in size than the existing lorry, which whilst acknowledged is a temporary structure by the nature of being a vehicle, nevertheless the impact would be similar to that of the proposed storage container. Arguably it could be viewed that with the proposed finish of the container, together with having less height than the lorry, it would be an improvement in visual terms. With regard to the temporary nature of the existing lorry, the container itself could be conditioned to be temporary until an alternative solution is sought and/or for the impact of its location and use to be assessed over time and would have a more improved visual impact and use of materials than the existing lorry.

In addition, the container would be used to alleviate the constraints of the storage facilities within the associated shop and the use would remain as commercial use. Whilst in previous assessments it was considered that the storage container would become a permanent fixture and a temporary permission would not overcome the impact, it is considered that the granting of a temporary permission to allow for the impact of the container to be adequately assessed and/or for another solution to be sought would be acceptable in these circumstances. In addition, the proposed would support the continual running of a local business that is clearly well used by the local community.

The proposed hours of use are welcomed would be ancillary to the operation of the shop and a condition can be added to any forthcoming permission.

It is considered the previous reasons for refusal (1) has been addressed and the development would be an improvement over the existing lorry that is currently situated to the rear of the shop and it is considered that the granting of a temporary permission of three years would allow for any impact to be fully assessed. The use of the timber cladding and a reduction of height over the first application and over the existing lorry would be a visual improvement. It is therefore considered that the development would be in accordance with Policy CS19 (LPCS) and paragraphs 132 and 135 of the NPPF (2023).

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 135 of the NPPF (2023) 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 Saturday and 09:00 to 17:00 Sunday and Bank Holidays. This would be an ancillary storage container in an area that is already used for produce storage, parking, waste storage and deliveries. It is therefore considered that with the hours of operation being conditioned, it would not result in a level of disturbance above what is already experienced.

The granting of a temporary permission of three years would allow for any noise and pollution to be assessed.

Therefore, taking all the above into account, it is considered that the revised scheme has overcome the concerns previously raised and the previous reasons for refusal (2) and there would therefore be no objection in relation to Policy CS19 (LPCS) and paragraph 135f of the NPPF (2023).

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 not be any larger than the existing lorry that is located in the same position as the proposed container and there has not been any notification from residents or the GBC refuse operators regarding obstructions or difficulty in manoeuvring in the area.

It is therefore considered that the granting of a temporary permission for the container will allow for any highways or parking impact to be assessed more fully. There would therefore be no objection in relation to Policy CS11 (LPCS).

Conclusion & Recommendation

For the reasons laid out above, it is considered that a temporary permission of three years would be acceptable in this case, subject to conditions of materials and hours of operation.

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

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	3 rd June 2024	Dated:	12th June 2024

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