

2.5 14/501044		Minster	
APPLICATION PROPOSAL			
Variation of condition 3 of application SW/09/1038 to allow the inclusion of servicing vehicles and an MOT station.			
ADDRESS Unit 4 Wallend Farm Lower Road Minster-on-sea Kent ME12 3RR			
RECOMMENDATION Approval			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The proposal would not add significantly to the traffic levels in the area and would not introduce any significant noise or activity. The proposal would be appropriate for this commercial site.			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council Objection			
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster	APPLICANT Mrs Linda Pearse AGENT	
DECISION DUE DATE 19/08/14	PUBLICITY EXPIRY DATE 19/08/14	OFFICER SITE VISIT DATE 07/08/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/0426	LDC for MOT testing centre – refused as condition 3 restricts the use of car/van bodyshop and spraying only.	Refused	10/06/14
SW/09/1038	Change of use from agricultural barn to B2 – car/van bodyshop and spraying	Approved	21/12/09

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site lies outside of the built-up area boundary. Access is from Lower Road via a long access track. Unit 4 is one of a number of commercial units that have been established within former agricultural buildings. The building is constructed from breeze blocks and metal sheeting. It has a roller shutter door to the front elevation which faces onto an informal parking area. Unit 4 has been sub-divided into two separate units.

1.02 Wallend Farmhouse lies approx. 75 metres to the southwest of the application site and Wall End Cottages approx 270m from the unit.

2.0 PROPOSAL

2.01 This application seeks to establish an MOT testing centre, servicing and repairs within an existing commercial unit located on this farm. The property was granted planning permission for the change of use from agricultural barn to B2 – car/van bodyshop and spraying under SW/09/1038. This permission was subject to various conditions including condition 3 which limits the use to car/van bodyshop and spraying and for no other purpose.

3.0 SUMMARY INFORMATION

	Existing <i>[Delete if not a replacement]</i>	Proposed	Change (+/-) <i>[Delete if not a replacement]</i>
Site Area	250 sq. m	250 sq.m	
Car parking spaces (inc. disabled)	3 informal	3 informal	0

4.0 PLANNING CONSTRAINTS

MOD Thurnham MOD Safeguarding Directive Thurnham

MOD Thurnham MOD Safeguarding Directive Thurnham

Thurnham Exclusion Zone Thurnham, Kent

Thurnham Exclusion Zone Thurnham, Kent

Thurnham Wind Station THURNHAM WIND SAFEGUARDING

SSSI consultation zone

Close to SPA and Ramsar site

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Swale Borough Council – Policies E1, E6, B1, RC1 & T3

6.0 LOCAL REPRESENTATIONS

6.01 None received

7.0 CONSULTATIONS

7.01 Minster-on-Sea object to the proposal on the grounds that the introduction of an MOT testing station would add to the number of vehicles accessing the site and that the access from Lower Road, being constructed of loose gravel, presents a risk to road users. They ask that consideration is given to improve this surface.

7.02 Kent Highway Services – No effect on the highway network – no objection

7.03 Natural England note that the site is close to the SSSI, SPA and Ramsar sites. They have no objection as long as any discharges/storage of chemicals, fuel and oil from the proposed MOT/servicing area are sufficiently contained such that they will not enter the nearby designated sites through surface water run-off or groundwater contamination.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Site location plan and application form.

9.0 APPRAISAL

9.01 I consider the key issues to be the impact of the proposal on highway safety/amenity, the impact on the character and appearance of the countryside and the impact on residential amenities.

9.02 Kent Highways have no objection to the proposal. The size of this unit and the existing commercial activity at this site will limit the intensity of the use to a certain extent and would result in only a very small percentage increase in traffic using the access onto Lower Road. I do not consider therefore that there would be any harm to highway safety as a consequence of increased use of the access. I also consider it unreasonable for this application to be responsible for the resurfacing of the access when it would generate a very small proportion of the overall traffic accessing the commercial units at this site. I therefore consider that there would be no harm to highway safety/amenity and do not consider it reasonable to impose the condition suggested by the Parish Council. I have though asked the applicant to raise this issue with the owner of the site, who is ultimately responsible for the access.

9.03 The MOT testing centre would result in additional activity in and around the site but I do not consider that this would be to the extent that this would cause harm to the character or appearance of the countryside. I am mindful that this proposal would support an existing business within the rural area. In this respect the proposal would comply with policies B1 and RC1 of the adopted local plan.

9.04 In terms of noise impact, the 2009 application required the submission of a noise assessment. The developer submitted this assessment under condition 1 of the 2009 permission and it is of note that the assessment concluded that the use of unit D as a car/van body repair and spray services resulted in no noise impact over and above the background noise of the road and other noise sources. It was concluded that no mitigation was required, even with the doors open. I am of the view that the provision of an MOT testing station/servicing within the unit will generate similar or less noise than the body repair activity. As such, I do not consider it necessary to request a further noise assessment.

9.05 The proposal lies within the SSSI consultation zone and is close to the SPA and Ramsar site. Owing to the nature and scale of the proposal, I do not consider that

there would be any harm to the special features of these designated areas. The control of fuels and chemicals etc. will be regulated by Health and Safety legislation.

10.0 CONCLUSION

10.01 Having considered the comments from consultees and the relevant planning policies, I am of the view that the proposal would be acceptable having regard to the small scale of this development and the likelihood that an insignificant additional amount of traffic, noise and activity would be generated as a consequence.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

1. The premises indicated on the submitted site location plan, shall be used for the purpose of car/van bodyshop, spraying, vehicles repairs, servicing and an MOT testing centre and for no other purpose, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or for purposes within Class B1 of the Schedule.

Grounds: In the interests of residential amenities and the character and appearance of the countryside.

2. The premises indicated as Unit E on the approved drawing number 09.68.05 submitted under planning application ref: SW/09/1038, shall be used for the purpose of storage and for no other purpose, including another purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or for purposes within Class B1 of the Schedule.

Grounds: In the interests of residential amenities and the character and appearance of the countryside.

3. The use of the premises hereby permitted shall be restricted to the hours of 7am to 6pm on weekdays, 7am to 2 pm on Saturdays and shall not take place at any time on Sundays and Bank Holidays.

Grounds: In the interests of residential amenities and the character and appearance of the countryside.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

In this instance:

The application was acceptable as submitted and no further assistance was required.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.