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| 2.2 REFERENCE NO - 19/501015/FULL | | |
| APPLICATION PROPOSAL | | |
| Change of use from vehicle repair workshop to a soft play centre for children aged up to 12 years (Class D2), including the erection of a car park boundary fence. | | |
| ADDRESS Unit 5 Cullet Drive Queenborough Kent ME11 5JS | | |
| RECOMMENDATION Grant subject to conditions | | |
| SUMMARY OF REASONS FOR RECOMMENDATION | | |
| The proposal would be acceptable in principle for a temporary period of time. It would not cause harm to visual or residential amenity, and provides an acceptable parking provision. | | |
| REASON FOR REFERRAL TO COMMITTEE | | |
| Town Council objection | | |
| WARD Queenborough And Halfway | PARISH/TOWN COUNCIL Queenborough | APPLICANT Mr Andrew Hayward AGENT |
| DECISION DUE DATE 06/05/19 | PUBLICITY EXPIRY DATE 08/04/19 | |

Planning History

SW/79/0652

Change of use to rectification of marine damage on imported new vehicles

Approved Decision Date: 10.08.1979

1. DESCRIPTION OF SITE

1.1 Unit 5 Cullet Drive is an industrial unit which forms part of a block of five industrial units on the eastern side of Cullet Drive in Queenborough, which is a solely industrial area. The block of industrial units is set roughly 28m from Cullet Drive, and all have hardstanding to the front of the units. Unit 5 is located at the southern end of the block, and has a footprint of 35m x 15m. Internally, the unit is mainly undivided, with only a vehicle repair bay, washroom, and expansive central area. The unit has a standard industrial appearance, being clad with grey metal sheeting and has two roller shutter doors in the front elevation, whilst one shutter is located in the rear elevation.

1.2 The unit is currently vacant, but was most recently used for vehicle repairs.

2. PROPOSAL

2.1 This application seeks planning permission for the change of use of a vacant industrial unit to a play centre for children (Use Class D2).

2.2 No external alterations to the unit are proposed. Internally, the unit would comprise of a reception desk, office, kitchen/café, main soft play area, toddler soft play area, two party rooms and central seating area. The centre would be for children between 6 months and 12 years of age, and can also be used for children's parties. It is proposed

to be open from 9.30am to 6.30 pm Monday to Saturday and 9.30am to 6pm on Sundays and Bank Holidays.

- 2.3 There is existing hardstanding to the front of the building that is currently used for informal car parking. This area would be changed into a car park providing 21 spaces (including one disabled space), and a 2.5m tall fence would be erected to separate this area from the hardstanding to the front of Unit 4.
- 2.4 During the processing of this application, it became apparent that the scale of the unit shown on the existing and proposed floorplans did not match the site location plan. The applicant was informed of this and revised plans were submitted showing the floorplans at the correct scale.

3. PLANNING CONSTRAINTS

- 3.1 Environment Agency Flood Zone 3

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 4.2 Development Plan: Policies CP1, CP4, DM7 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

5. LOCAL REPRESENTATIONS

- 5.1 None

6. CONSULTATIONS

- 6.1 Queenborough Town Council objects to the application, stating the following:

“Object to the change of use for the following reasons: Concerns with heavy traffic use around the industrial estate and concerns with pedestrian safety regarding access to the site.”

- 6.2 KCC Highways and Transportation – Initially commented stating the proposal does not meet the criteria to warrant involvement from the Highways Authority. Further comments were later sought as the parking provided (21 spaces) does not meet the parking requirements set out in Supplementary Planning Guidance SPG 4, where a class D2 unit of this size would require 24.5 spaces. Highways confirmed that they would not object to the scheme given how close it is to the maximum parking standard. There may be some parking overspill onto Cullet Drive but peak demand times for such a usage will generally be when the road is quieter.
- 6.3 Natural England – No comments.
- 6.4 Environment Agency – See standing advice.
- 6.5 Environmental Health – No objections, however due to the change of use for a potential contaminative use to a sensitive use, they recommend the inclusion of a standard contaminated land condition.

7. BACKGROUND PAPERS AND PLANS

7.1 Plans and papers relating to application 19/501015/FULL.

8. APPRAISAL

Principle of Development

- 8.1 The proposed children's play centre would fall under Use Class D2 (assembly and leisure) and so would be very different in nature to the industrial use of Unit 5 and the surrounding units. I am mindful of the fact that the unit is currently vacant, and whilst it may be uncommon to see a building with D2 use in an industrial area, the benefit of this unit coming back into use again must be considered.
- 8.2 In terms of employment levels for the proposed use, the centre would provide 4 full time and 4 part-time jobs. It is difficult to assess if this level of employment is similar to the previous use of the unit as a vehicle repair centre. Nonetheless, I consider that the level of employment provided by the proposed children's play centre would be acceptable given the fact the unit is currently empty. I therefore believe the principle of the development is acceptable; however I do believe it would be appropriate to only grant temporary permission for a period of 5 years. This will allow the D2 use of the site to be re-assessed in 5 years time, which also ensures the industrial use of the unit is not lost in the long-term.

Visual Impact

- 8.3 No external changes are proposed to the industrial unit. A fence is proposed along the northern boundary of the parking area to the front of the unit. It will be a standard galvanised palisade fence which would not amount to an incongruous feature in my view, given the industrial nature of the site. Taking into account the existing hardstanding to the front of the unit will remain unchanged, I do not consider it will be necessary to impose a hard and soft landscaping condition. I therefore believe the limited external changes to the site will not cause harm to the character or appearance of the area.

Residential Amenity

- 8.4 The closest residential properties to the site lie over 300m away in Manor Road, to the west. Taking into account this distance, I do not consider the proposal will have any significant impact on the amenities of these residential properties. Concerning any potential impact on the surrounding industrial units, whilst the use of the site as a children's play centre will create some noise when the centre is open for business. The site is though in an industrial area, where noise created from the use of neighbouring sites is not uncommon. I therefore take the view that any noise created by the use of the unit will not be detrimental to the amenity of occupiers of the surrounding industrial units.

Highways

- 8.5 A total of 21 parking spaces would be provided for the children's play centre. As mentioned at paragraph 6.2 above, I sought the view of KCC Highways due to the fact the parking provision is below the recommended amount of 24.5 spaces. The Highways

Authority raised no objection to this level of provision given how close it is to the maximum parking standard. Furthermore, whilst there could be some parking overspill onto Cullet Drive, the use of this unit will most likely intensify at the weekend, when the road will be generally quieter. I am therefore of the opinion that the parking provision at the site is adequate and there would be no detrimental impact on highway safety.

- 8.6 Queenborough Town Council have expressed concern about the high level of traffic on Cullet Drive and the potential issues to pedestrian safety when accessing the site. I note there is a pavement that runs along Cullet Drive, however given its location set away from residential areas, I consider it is unlikely that customers will walk to the site. The potential for accidents to occur is not something I believe should be a determining factor in the outcome of this application. Members will have noted the lack of objection from the Highway Authority on these grounds.

Flood Risk

- 8.7 The site lies within Flood Zone 3, and the Environment Agency provided comments on the application referring to their standing advice. I note that whilst the change of use will result in an increase in the number of people on site, the unit will not be used as overnight accommodation, and therefore does not represent “more vulnerable” development. As such I am of the view that the change of use of the unit will not require any specific flood mitigation measures.

Contamination

- 8.8 The Council’s Environmental Health team were consulted on the application. They have no objection to the change of use of the unit, but due to its previous industrial use, do recommend standard contaminated land conditions, which I have imposed below.

9. CONCLUSION

- 9.1 I am of the opinion that the change of use of the unit into a children’s play centre would be acceptable in principle for a temporary period of time. The parking provision is acceptable and the proposal would not cause harm to visual or residential amenities in my view. Taking into account the above, I recommend temporary planning permission be granted.

10. RECOMMENDATION - GRANT Subject to the following conditions:

- (1) The use hereby permitted shall cease on or before 15th August 2024.

Reason: In order that the position may be reviewed at the end of the period stated.

- (2) The premises shall be used for the purpose of a children’s leisure facility and for no other purpose, including any other purposes in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interest of the amenities of the area.

- (3) The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular

access thereto; such land and access thereto shall be provided prior to the commencement of use of the unit hereby permitted.

Reason: Development without adequate provision for the parking is likely to lead to car parking inconvenient to other road users.

- (4) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Water

- (5) Upon completion of the building works, the use hereby permitted shall not commence until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure any contaminated land is adequately dealt with.

- (6) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Floor Plan (received 30.07.19), Parking Plan (ref. 11390.180219.01), Site Plan and Elevation Boundary Fence (ref. FPLJP).

Reason: For the avoidance of doubt and in the interests of proper planning.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.

