

<b>2.2 REFERENCE NO</b> 24/502180/FULL			
<b>PROPOSAL</b> Change of use of disused car parks to commercial vehicle sales forecourts with associated sales office, toilet block, refuse storage, perimeter fencing, and lighting and CCTV (partly retrospective).			
<b>SITE LOCATION</b> Car Parks Adjacent To Sheppey Street, Blue Town, Isle Of Sheppey, ME12 1TQ			
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.			
<b>APPLICATION TYPE</b> Minor			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Cllr Brawn			
<b>Case Officer</b> Megan Harris			
<b>WARD</b> Sheerness	<b>PARISH/TOWN</b> Sheerness	<b>COUNCIL</b>	<b>APPLICANT</b> Mr P Rooney <b>AGENT</b> Refine Architecture Ltd
<b>DATE REGISTERED</b> 14/06/24		<b>TARGET DATE</b> 28/11/24	
<b>BACKGROUND PAPERS AND INFORMATION:</b>  Documents referenced in report are as follows: -  All drawings submitted Heritage Statement dated June 2024 (uploaded on 14/06/24) Flood Risk Assessment dated June 2024 (uploaded on 14/06/24) Lighting Assessment dated 28.05.24 (uploaded on 04/09/24) All representations received  The full suite of documents submitted pursuant to the above application are available via the link below: -  <a href="https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=SDZADKTYI8C00">https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=SDZADKTYI8C00</a>			

## 1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site is set within the built up area boundary of Sheerness, within Blue Town, which lies to the west of the town centre. The site comprises two disused car parks which are divided by Sheppey Street. The western car park is rectangular in shape and measures approximately 56m x 32m. The eastern car park is roughly triangular, measuring 100m x 54m at its longest dimensions.
- 1.2 The car parks are located to the north of Brielle Way, beyond which is a large industrial site associated with the Port of Sheerness. The site is bounded by residential development on Charles Street and East Street to the north, industrial units to the north east and an adjacent car park to the west.

- 1.3 Upon viewing historic aerial images of the site, both car parks appear to have been used as such since at least 1999, whilst historically there were a mixture of residential and industrial uses at the site. The car parks appeared to have been used privately, likely in association with the nearby industrial site to the south, but the use of both car parks ceased a number of years ago.
- 1.4 The site lies within Flood Zone 3, an area of potential archaeological importance and is within the setting of the Royal Naval Dockyard and Blue Town Conservation Area, which lies to the north. It is also in close proximity to two designated heritage assets: the Grade II listed No. 3 Union Street and the Grade II listed A G Smith and Sons Depository, both situated to the northwest of the site.

## 2. PLANNING HISTORY

- 2.1 **SW/92/0399** – Outline planning permission granted on 21.08.1992 for ‘250 space multi-storey car park’.
- 2.2 **SW/82/0057** – Outline planning permission granted on 16.03.1982 for ‘Light industrial development’.

## 3. PROPOSED DEVELOPMENT

- 3.1 This application seeks partly retrospective planning permission for the change of use of the disused car parks to commercial vehicle sales forecourts with an associated sales office, toilet block, refuse storage, perimeter fencing, lighting and CCTV.
- 3.2 The sales office (marketing suite), toilet block and refuse storage are shown within the submissions to be located on the larger, eastern car park. The sales office is located along the western boundary and sits just north of the access into the eastern car park. It is shown to measure approx. 3m x 7.3m in footprint, with a flat roof with a height of approx. 2.8m. The toilet block is located along the northern boundary and measures approx. 1.4m x 2.4m in footprint, with a height of approx. 2.6m. The refuse storage sits immediately north of the sales office and measures approx. 1.4m x 3m in footprint, with a height of approx. 1.9m.
- 3.3 Across both car parks, 50 parking spaces for vehicular sales will be provided, with 9 visitor parking spaces also provided within the eastern car park. Lighting columns are also proposed, which will also be fitted with directional CCTV cameras. Ten columns are proposed across the two car parks, and each column will measure approx. 5.9m in height.
- 3.4 Both car parks have been enclosed by mesh fencing, which is approx. 2.4m in height. Access to both sites, which is provided from Sheppey Street is enclosed by electronic sliding gates.
- 3.5 During the course of the application the agent proposed the hours of opening are Monday to Friday 08:00 - 18:00 and Saturday 08:00 - 13:00. The business is operating from the site and involves the sale of Heavy Goods Vehicle cabs and Light Commercial Vehicles.

## 4. CONSULTATION

- 4.1 Three rounds of consultation with neighbours and the Town Council have been undertaken. Two site notices were also displayed at the site and the application was advertised in the press twice. Consultation took place after the description was changed to refer to the development as partly retrospective and the number of lighting columns was increased from nine to ten.

- 4.2 Five comments from three neighbours objecting to the application have been received. Their comments are summarised below:

Comment	Report reference
Development will exacerbate existing parking problems.	See paragraph 7.23
This site is in a residential area, where the roads are small and unsuitable for the kind of traffic this will bring.	See paragraph 7.24
Lighting will impact the amenity of dwellings that face onto the site.	See paragraph 7.15
CCTV cameras will impact neighbouring residents right to privacy in their homes.	See paragraph 7.16
The toilet block is too close to residential properties, likely to result in odour problems. It is also unsightly.	See paragraph 7.14
When development was first being built, workmen advised site was only to be used for the storage of trucks. This application far exceeds what local residents were initially told.	See paragraph 7.33
Proposal could affect any possible sale of the houses in the local area.	See paragraph 7.33
Development is unsightly.	See paragraph 7.10 – 7.12

- 4.3 Cllr Brawn, one of the Ward Members for the area, has called in the application for determination by Planning Committee, noting an awareness that a few residents object to the proposal, one of which has been in contact for a number of months due to the application being submitted a considerable amount of time after the work started. On this basis it has been requested that the application be reported to Planning Committee so that, regardless of the outcome of the application, residents will be able to have their objections heard and be able to hear the reasons why it is accepted if the application is approved.

## 5. REPRESENTATIONS

- 5.1 **KCC Highways** – Initially requested details of vehicle tracking. These details were provided and KCC confirmed that they have no objection to the scheme subject to conditions relating to the provision and retention of the vehicle turning areas within the site and the routing of construction and delivery vehicles to and from site via Brielle Way only. Also set out the Local Planning Authority may be minded to condition a restriction on vehicles turning right onto Sheppey Street/Charles Street.

- 5.2 **Mid Kent Environmental Health** – Initially requested further information regarding the type of business that will occupy the site and hours of opening. Also requested a lighting assessment. Through several rounds of consultation, a lighting assessment was provided that Environmental Health confirmed that they were satisfied with, subject to a condition securing the installation of the lights in accordance with the assessment. Environmental Health also confirmed the hours of use and type of vehicles to be sold are noted and are acceptable, and therefore there is no objection from a noise perspective.
- 5.3 **Environment Agency** – No objection.
- 5.4 **SBC Heritage** – The proposal will cause no harm to the significance of the nearby heritage assets.
- 5.5 **KCC Archaeology** – As the development works do not involve significant ground excavations and are retaining the existing hardstanding, no archaeological measures are needed.
- 5.6 **Natural England** – No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 5.7 **Health and Safety Executive** – The site is nearby a licensed explosive port, and provided the development does not constitute the definition of a ‘vulnerable building’, HSE have no comments to make. Officer note: the development does not meet the definition of a ‘vulnerable building’ as defined by HSE.

## 6. DEVELOPMENT PLAN POLICIES

### 6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

**ST 1** Delivering sustainable development

**ST 3** Swale Settlement Strategy

**ST 6** The Isle of Sheppey area strategy

**CP 1** Building a strong, competitive economy

**CP 4** Good design

**CP 7** Conserving and enhancing the natural environment – providing for green infrastructure.

**CP 8** Conserving and enhancing the historic environment

**DM 1** Maintaining and enhancing the vitality and viability of town centres and other areas

**DM 6** Managing transport demand and impact

**DM 7** Vehicle parking

**DM 14** General development criteria

**DM 19** Sustainable design and construction

**DM 21** Water, flooding & drainage

**DM 28** Biodiversity and geological conservation

**DM 32** Listed buildings

**DM 33** Conservation areas

**DM 34** Scheduled monuments and archaeological sites

### 6.2 **Supplementary Planning Guidance/Documents**

Supplementary Planning Document - Swale Parking Standards

Supplementary Planning Guidance - Listed Buildings and Conservation Areas

## 7. ASSESSMENT

- 7.1 This application is reported to the planning committee due to the call in from Cllr Brawn. Considering the proposal that has been submitted, the committee is recommended to carefully consider the following main points:
- The Principle of Development
  - Character and Appearance, including Heritage Impact
  - Living Conditions
  - Transport and Highways
  - Flood Risk and Drainage
  - Ecology
- 7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

### **Principle of Development**

- 7.4 Policy ST3 of the Local Plan supports the principle of development within the built-up area boundary of established towns and villages within the borough. Moreover, the NPPF sets out the importance of helping to build a strong, responsive and competitive economy, stating that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The NPPF also promotes the use of previously developed land.
- 7.5 The site lies within the built up area boundary, within an area characterised by a mixture of commercial and residential development. The proposal makes use of two vacant car parks, and provides a commercial use on a previously underutilised site. The scheme is therefore considered to be in compliance with the overarching aims of Policy CP1 of the Local Plan, which relates to building a strong, competitive economy. The development introduces an employment use to the site, and is therefore acceptable in principle, subject to the further material considerations set out in detail below.

### **Character and Appearance, including Heritage Impact**

- 7.6 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.7 Policies CP4, DM14 and DM16 of the Local Plan require development proposals to be of high-quality design and to be in keeping with the character of the area. They state that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any proposals.
- 7.8 The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan under Policies DM32 and DM33.

- 7.9 As set out in the description above, the site is considered to be within the setting of listed buildings and the Royal Naval Dockyard and Blue Town Conservation Area. On this basis advice has been sought from the SBC Heritage, who raise no concerns regarding the proposal. On this basis, the proposal is not considered to cause any harm to the significance of the nearby heritage assets in terms of the National Planning Policy Framework.
- 7.10 The site was previously in use as a private car park, and it is not considered that the change of use to a vehicle sales forecourt is dissimilar to this previous use from a visual perspective. The additional buildings on the site, namely the sales office, toilet block and refuse store are all limited in scale, and assimilate well with the surrounding built form due to their small footprint and overall height.
- 7.11 The boundary fencing and gates do introduce a tall form of enclosure at the site, however given the presence of similar fencing on the industrial site to the south of the site on the other side of Brielle Way, it is not considered that the fencing appears out of place. Moreover, due to the mesh design of the fencing, it does not restrict views or create a solid visual barrier and, therefore, is not overly imposing within the streetscene.
- 7.12 Ten lighting columns with CCTV cameras are also proposed around the site, however similar features already exist in the surrounding area, and therefore the columns would not cause any harm to the appearance of the site or its surroundings.
- 7.13 Taking the above into account and having fulfilled the duty to have special regard to the desirability of preserving the setting of listed buildings and the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the adjacent Conservation Area, in respect of the character and appearance of the proposal the scheme and heritage impact is considered to comply with Policies CP4, DM14, DM32 and DM33 of the Local Plan and the NPPF and will not give rise to harm to the character and appearance of the site or wider streetscene.

### **Living Conditions**

- 7.14 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Similarly, paragraph 135 of the NPPF states that development should create places with a high standard of amenity for existing and future users.
- 7.15 The application site is surrounded by residential properties to the north. The items and structures at the site, namely the fencing, gates, and small buildings, have the potential to impact on the living conditions of the occupiers of these properties and these potential impacts are therefore assessed below.
- 7.16 The sales office and refuse store are located approximately 19m from the closest dwelling, and taking into account this distance and the limited scale of these structures, it is not considered that they result in any substantial harm to neighbouring amenity. The toilet block is located roughly 5.5m from the closest dwelling. However, there will be no harmful overshadowing or overbearing impacts due to its limited height. An objector has raised concerns regarding potential odours from the toilet, however as it is a contained facility and waste will be appropriately disposed of, it is not considered there will be any significantly harmful impacts to neighbouring amenity.
- 7.17 Ten lighting columns are proposed at the site, which will provide security lighting. During the course of the application, further information was required in order to demonstrate that the proposed lighting would not harmfully impact neighbouring amenity. The lighting assessment provided was amended several times to reduce overspill lighting levels beyond the boundary of the site and onto the facades of the residential premises to a reasonable level. The Environmental Health advice received notes that the illumination

spill would now be below the levels given in the ILP guidance for an E3/E4 Environmental Zone post curfew (ie at night time). On this basis, the lighting is considered acceptable, and a condition is imposed to ensure it is installed in accordance with the lighting scheme.

- 7.18 The lighting columns will be fitted with CCTV cameras and objectors have raised concerns about a loss of privacy, however the cameras will face into the site.
- 7.19 The change of use from a car park to a commercial vehicles sales business could result in additional noise and disturbance to neighbours. Limited information about how the business would operate was initially provided, and the Mid Kent Environmental Health Officers therefore requested the submission of further information regarding the hours of use and type of business that will operate from the site. The agent set out the hours of opening are Monday to Friday 08:00 - 18:00 and Saturday 08:00 - 13:00. The business is now operating from the site, and involves the sale of Heavy Goods Vehicle cabs and Light Commercial Vehicles. The Environmental Health Officers reviewed these details and consider them to be acceptable, and raise no objection on a noise basis. A condition is included below to limit the hours of opening to the aforementioned times, to ensure the application does not result in unacceptable noise to neighbours.
- 7.20 Taking the above into account, the scheme is considered to be acceptable and would not cause any substantial harm to the living conditions of neighbours. As such the proposal is accord with Policy DM14 of the Local Plan and the NPPF in this regard.

### **Transport and Highways**

- 7.21 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should actively manage patterns of growth to promote walking, cycling and public transport use and to focus development on locations which are sustainable.
- 7.22 The NPPF also states that:
- “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, following mitigation, would be severe.”*
- 7.23 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm. SBC Vehicle Parking Standards Supplementary Planning Document (SPD), which is pursuant to Policy DM7 of Local Plan, was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications.
- 7.24 The proposal utilises the existing accesses into the sites from Sheppey Street. Following initial comments from KCC Highways, swept path drawings have been provided showing that there is sufficient turning space for vehicles to manoeuvre within the site and egress back onto the highway in a forward gear. Due to the narrow nature of Sheppey Street and Charles Street to the north, it is important that the use of those roads is limited, and a condition is imposed below to that effect. KCC Highways raise no objections to the development with this condition in place.
- 7.25 The proposed block plan shows that 50 parking spaces will be provided for vehicles that would be for sale, with 9 visitor parking spaces also provided. KCC Highways raises no concerns regarding the parking provision on site, and taking into account the development will only employ one full-time staff member, the provision of 9 visitor

parking spaces is considered acceptable, and unlikely to lead to additional parking in surrounding roads.

- 7.26 On the basis of the above, the development is considered to comply with Policy DM7 of the Local Plan and the NPPF and is acceptable from a highways perspective.

### **Flood Risk and Drainage**

- 7.27 Policy DM21 of the Local Plan relates to water, flooding and drainage. The policy states that when considering the water-related, flooding and drainage implications of development, proposals should accord with national planning policy and planning practice guidance, and inappropriate development in areas at risk of flooding and in areas where development would increase flood risk elsewhere should be avoided. The policy states that site specific flood risk assessments should be carried out to the satisfaction of the Environment Agency and, where relevant, the Internal Drainage Board.

- 7.28 The site lies in Flood Zone 3 and is at high risk from tidal and fluvial flooding. It is pertinent to consider whether the proposal would be appropriately located in relation to this identified flood risk. A Flood Risk Assessment (FRA) has been provided and the Environment Agency have reviewed this document and have no objections to the application from a flood risk perspective.

Both national and local policy sets out that new development will only be permitted if it can be demonstrated that it satisfies the requirements of the sequential test, and where required, the exception test. The NPPF does set out at paragraph 176 that applications for some minor development and changes of use should not be subject to the sequential or exception tests. In this case, the development primarily amounts to a change of use, and as such, a sequential test is not required. Where other developments are proposed, they are directly related to the change of use of land and, as such, there would be no other logical place to provide these elements. Therefore, the proposal is considered acceptable in the context of the flood risk sequential test. Due to the development falling within the less vulnerable category of uses, the exception test is not required to be applied.

- 7.29 On the basis of the above, the scheme is considered to comply with Policy DM21 and the NPPF in this respect.

### **Ecology**

- 7.30 The NPPF and Local Plan Policy DM28 requires that development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.

- 7.31 No ecological information has been submitted with the application. The site is currently composed entirely of sealed surfaces and therefore has an intrinsically low biodiversity baseline.

- 7.32 From April 2024, minor developments are required to provide at least 10% Biodiversity Net Gain (BNG). There are exemptions to this, including the de minimis exemption. This only applies when the following two conditions are met. Firstly the development must not impact on any onsite priority habitat and secondly, if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow).



7.33 In this case, there are no priority habitats on site. The development will be located on existing hardstanding, which would be classified as developed land: sealed surface which has a biodiversity value of zero under the statutory biodiversity metric. There are no further habitats within the red line edge shown on the site location plan, and on this basis, the development would be exempted from biodiversity net gain by the de minimis exemption.

### **Other Matters**

7.34 The majority of the concerns raised by neighbours have been addressed in the sections above, however the outstanding concerns, will be discussed here. Impacts to house values or sales does not amount to a material planning consideration, and as such cannot be taken into account in the determination of this application. Concern has also been raised that local residents were initially told that site was only to be used for the storage of trucks. This application must be determined on its own merits, and whilst the use may be more intensive than neighbours were initially told, this application is submitted for the use stated and public consultation has been carried out as part of the application process. For the reasons set out above, it is considered to be acceptable.

### **Conclusion**

7.35 The development makes use of disused car parks, and provides an employment use in a location suitable for commercial development. Limited built form has been erected on site to facilitate the operation of the business, and subject to the below conditions, the development will not cause harm to neighbouring or visual amenities, or highway safety or convenience. On the basis of the above, it is recommended that planning permission be approved.

### **CONDITIONS**

(1) The development hereby permitted shall be carried out in accordance with the following approved plans:

24\_17-PL-03 B – Proposed Block Plan

24.17-PL-05 A – Proposed Marketing Suite/Toilet Block/Lighting Column/Bin Store/fence Plans and Elevations

1437-SK02 A – Proposed Layout

1437-SK03 A – Vehicle Tracking – Access to Site

1437-SK04 A – Vehicle Tracking – Access to Site

Reason: In the interests of proper planning and for the avoidance of doubt.

(2) The vehicle parking spaces and turning areas shown on approved drawings 1437-SK02 A, 1437-SK03 A and 1437-SK04 A 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.

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

(3) Construction and delivery vehicles travelling to and from the site shall access the site via Brielle Way only, and no vehicles leaving the site shall turn northbound onto Sheppey Street/Charles Street.

Reason: In the interests of highway safety and convenience.

- (4) The external illumination of the site as shown on approved drawing 24\_17-PL-03 B shall be implemented in accordance with the document 'Lighting Scheme' dated 28.05.2024 by Kosnic (Report Ref TC.PR589 Relux Scheme v4). This scheme shall be implemented in accordance with the Institute of Lighting Professionals "Guidance Note 01/21: Guidance notes for the reduction of obtrusive light" and other industry accepted standards. The scheme shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

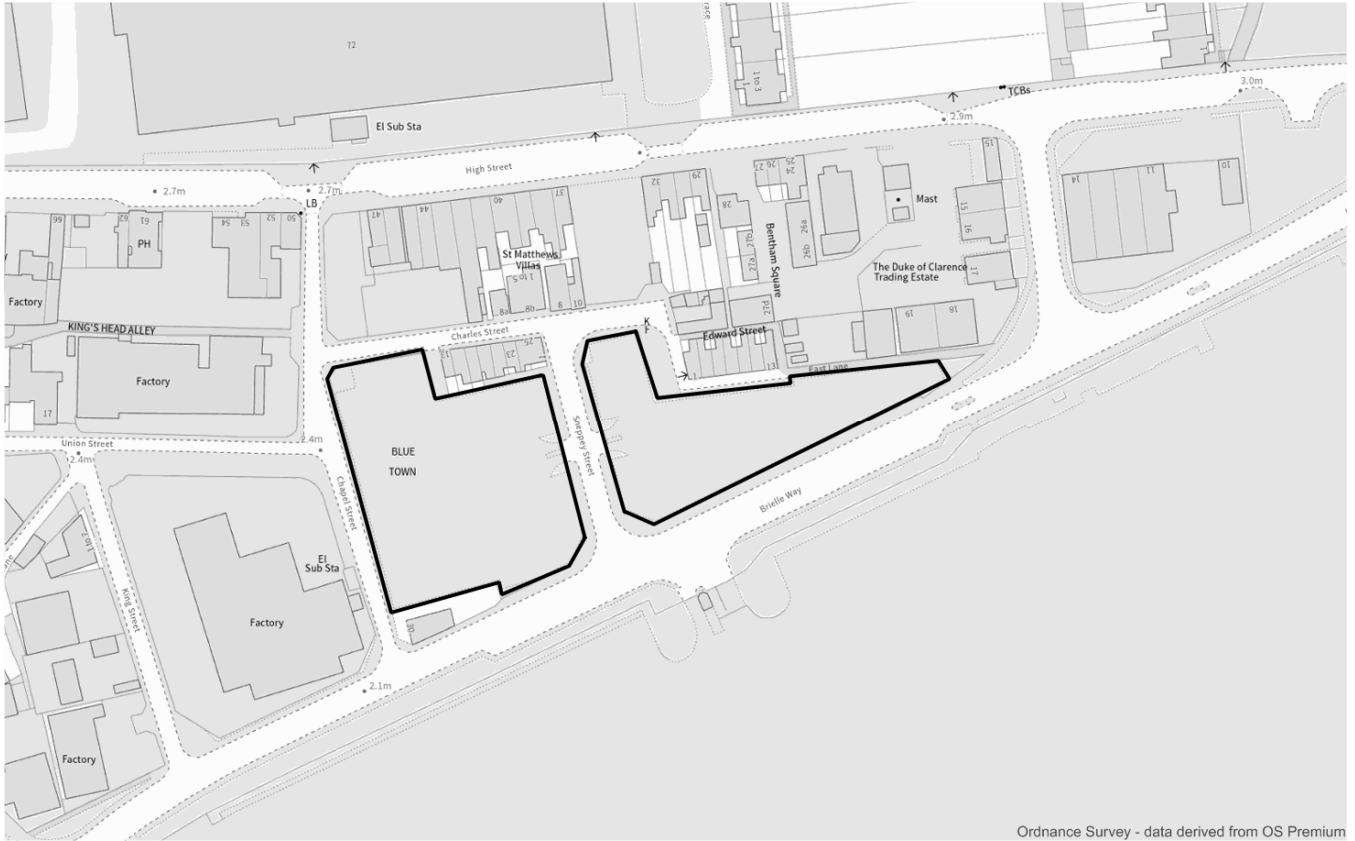
Reason: In the interests of the amenity of the area.

- (5) The business use of the site hereby permitted shall only be open to customers between the hours of 08:00 to 18:00 on weekdays 08:00 to 13:00 on Saturdays, and not at any time on Sundays or Public Holidays.

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

- (6) No vehicle repair shall be undertaken at the site.

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



Ordnance Survey - data derived from OS Premium