

MC/21/0607

Date Received: 3 March 2021
Location: 264 Napier Road Gillingham
Medway ME7 4HL
Proposal: Change of use from warehouse and retail to MOT centre including car servicing and repairs
Applicant: NWJ Autocare
Mr Neil Johnson
Ward: Gillingham South Ward
Case Officer: Doug Coleman
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23rd June 2021.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing numbers 181-0-00/A and MLS-083/C2 received on 12 May 2021.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The use shall not commence until an acoustic assessment has been undertaken to determine the impact of noise arising from the development. The noise rating level (LAr,Tr) of the development shall be at least 10dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To ensure that the development does not prejudice conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 The use hereby permitted shall only operate between the hours of 08:30 to 17:00 Mondays to Fridays inclusive and between the hours of 08:30 to 14:30 on Saturdays and shall not operate on Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The use shall not commence until the area shown on the submitted layout drawing number MLS-083/C2 as Mot car parking bays has been provided, surfaced, drained and marked out as such. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous conditions in the public highway and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 6 The use shall not commence until details staff parking and the parking space for the recovery truck have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until this area has been provided, surfaced, drained marked out in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The application relates to a site on the west side of Napier Road and is opposite Oxford Road. The site comprises several old buildings which are linked together with a yard

to the side, and an open area to the front. Part of the site is enclosed by a wall approx. 2m – 2.5m high. It has been in commercial use for many years and until recently was occupied by Lakeside Timber who have now vacated the site and moved to premises in Owens Way, Gillingham.

The proposal is to use the site as a MoT testing centre, including car servicing and repairs.

The submitted drawing shows that the main building on the site would be used as the MoT test centre with the following equipment:

- A four-post lift – to lift the car in order to carry out the safety checks required
- A two post lift – this is used to lift the cars if needed to work underneath the car
- A brake tester – this is fitted into the floor and part of the MOT equipment
- A tyre machine – this allows tyres to be fitted onto wheels (likely to be used once per week)
- A compressor – used to pump up tyres and for air tools
- A wheel balancer

There will be no alterations to the buildings. Four car parking bays would be provided on the existing parking area in front of the building, with access directly off and onto Napier Road. Customers would drop off and collect their cars from these spaces. Once a car is dropped off, it will be moved into the workshop and once finished moved into the yard. The yard area will be used for staff parking and for the parking of a recovery truck, the gates would be closed, and this area would not be accessible to the general public.

It is submitted that 7 full time and 2 part time staff would be employed at the site. Staff would be re-located from the applicant's existing premises at Bredhurst Business Park. The previous business, Lakeside Timber, employed 13 members of staff.

It is submitted that the use would operate between the hours of 08:30 to 17:30 (Monday to Friday) and 08:30 to 14:30 on Saturday and would not operate on Sunday or on public holidays. This is comparable with the previous business which operated between 07:30 to 17:00 (Monday to Friday) and 07:30 to 12:30 on Saturdays.

It is submitted that on average four MoTs will take place a day. In addition to MoT's, the company also carries out repairs and servicing.

There are some timber storage racks on site which were used by the previous occupier, who still owns the premises. The large 4.5m high rack (approved under reference MC/12/0994) has been removed. However, the owners have kept some of these on site.

Relevant Planning History

MC/12/0994 Retrospective application for timber storage racking (with free standing central rack reduced to maximum storage height of 4.5m)

Decision: Approved

Decided: 22 August 2012

MC/12/0068

Retrospective application for timber storage racking

Decision: Refused

Decided: 20 March 2012

MC/99/0297/MG

Change of use from the manufacture and retail sale of UPVC aluminium and timber products, office glass storage, cutting and windscreen service to timber merchants with retail sales and trade counter

Decision: Approved

Decided: 7 July 1999

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

An ePetition with 94 signatures and 7 individual letters have been received raising the following objections:

- Increased pollution from engines running, exhaust fumes etc.
- Noise.
- Proposal would generate additional traffic.
- Proposal would increase on street parking.
- There are local schools nearby and proposal would impact upon highway safety.
- There are other MoT centres nearby and there is no need for a further one.
- Only four MoTs a day would not be viable.

Other matters raised are non-material considerations to this application.

Friends of Gillingham Park have written raising the following concerns:

- The site borders Gillingham Park conservation area which is a well-used heritage park.
- The park has no parking and is one of the busiest in terms of visitors who can't park easily due to the excess of commercial vehicles in nearby streets.
- A garage such as this is likely to result in customers cars, recovery vehicles etc. parking in Oxford Rd will be a holding place for customer cars and
- The site is by a notorious residential junction.
- The level of activity, noise and pollution would be danger to park users, residents of surrounding care homes and the senior and primary schools which use the park and immediate junctions as a cross route.
- There are 2 garages in Watling Ward and 2 more in Gillingham South.

Councillor Johnson has written objecting on grounds that there are already two other car maintenance businesses within the area which have a detrimental impact in terms of parking in residential streets. They fear that the proposal would add to the problem. A third such business would be excessive.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Principle

The site is within a predominantly residential area, although there are commercial premises nearby. However, the site has been used for commercial purposes for many years and was last used for the storage of timber, with a trade counter, a use falling within Class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The principle of a commercial use on this site is, therefore, acceptable and would accord with Policy ED3 of the Local Plan providing it can be demonstrated that the proposal would not be detrimental to local amenity. Paragraph 127f of the NPPF states that planning decisions should ensure that developments do not undermine the quality of life or community cohesion. There are several examples of vehicle repair, servicing and MoT centres operating in mixed use or predominantly residential areas.

The main concerns for this application relate to noise and disturbance, traffic generation and parking. These are addressed in the relevant sections of the report below. Subject to these being addressed, the principle of the proposed development is acceptable, and no objection is raised in this regard under Policy ED3 of the Medway Local Plan 2003.

Design

No alterations to the building are proposed and therefore no issues are raised in terms of design under Policy BNE1 of the Medway Local Plan 2003 and paragraphs 124 and 127 of the NPPF.

Amenity

With regard to neighbour amenity, no new issues are raised in terms of light, privacy or outlook. The principal issue is the potential noise generation from the premises both in terms of machinery used and general disturbance. So far as noise from machinery is concerned, this can be assessed by an acoustic assessment. A condition is recommended requiring the submission and approval of an acoustic assessment to determine the impact of noise arising from the proposed use and details of any mitigation measures. The applicant is agreeable to this condition and will be submitting a noise assessment.

In respect of general disturbance to residential occupiers, based on the information submitted, it would suggest that the level of activity would be no greater than that occurred with the previous user. The proposed hours of work are comparable with the previous use, with a later start time in the morning, and as such would be acceptable. There should, therefore, be no unacceptable noise during evenings, weekends and public holidays. It is submitted that fewer staff would be employed, and less traffic would be generated than with the previous use.

Therefore, subject to the condition requiring the submission and approval of a noise assessment, no objection is raised in terms of amenity under Policy BNE2 of the Medway Local Plan 2003 and paragraph 180 of the NPPF.

Highways

Concerns have been raised regarding the potential traffic generation resulting from the proposed use and the consequent impact on highway safety and on-street parking.

It is submitted that the proposed use would generate between 5 and 10 customers vehicle movements per day, compared with 100+ customers vehicles movements per day, when the previous occupier, Lakeside Timber, was on site and therefore traffic would be dramatically reduced. Lakeside Timber also had articulated lorries calling at the premises on a daily basis.

Four spaces at the front would be used for customers to drop off and collect their cars. Once work on the cars have been completed, they would be parked in the yard until collected. It is considered that this level of parking would be adequate and would not result in any overspill parking onto nearby roads, unlike the situation when Lakeside Timber occupied the premises.

No objection is therefore, raised in highway terms under Policies T1, T2 and T13 of the Medway Local Plan 2003 and paragraph 109 of the NPPF.

Other matters

The application site is not within a Conservation Area, but the houses on the east side of Napier Road (241 to 271 (odd) Napier Road) are within the Gillingham Park Conservation Area. As the site is outside the Conservation Area and no alterations to the building are proposed no issues are raised under Policy BNE12 of the Local Plan and Paragraph 196 of the NPPF.

The applicants have advised that they are currently in talks with Rainham Mark Grammar School and Mid Kent College about taking one of their pupils on as an apprentice in September 2021.

Concerns have been raised that the use has already commenced. The applicants have advised that they had to move out of existing premises at the end of April, and they have moved their equipment there to be stored, pending a decision on the planning application. The use has not commenced.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

Having regard to the existing use of the site, the principle of the proposed change of use is acceptable and, subject to conditions, no objection is raised in terms of design, amenity noise, traffic generation and parking. The application would, therefore, comply with Policies BNE1, BNE2, ED3, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 109, 127f and 180 of the NPPF.

The application would normally be determined under Officer delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation and the representation from Councillor Johnson.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>