



Appeal Decision

Site visit made on 15 November 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2022

Appeal Ref: APP/K2230/W/22/3298286

85 Milton Road, Gravesend, Kent DA12 2PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ian Gay (G and M Motors) against the decision of Gravesham Borough Council.
 - The application Ref 20211309, dated 30 September 2021, was refused by notice dated 4 March 2022.
 - The development proposed is described as the demolition of existing workshop and erection in its place of a single storey building comprising valet booth, video/photographic studio and parts store.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing workshop and erection in its place of a single storey building comprising valet booth, video/photographic studio and parts store at 85 Milton Road, Gravesend, Kent DA12 2PP in accordance with the terms of the application, Ref 20211309, dated 30 September 2021, and the plans submitted with it, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
 - 2) Applications for approval of the reserved matters for the development hereby permitted must be made to the Local Planning Authority within 3 years beginning with the date of the grant of outline planning permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250 and GM20 4 Existing Site Plan 1:500.
 - 5) The reserved matters of the development to be submitted pursuant to condition 1 of this outline planning permission shall show adequate land to the satisfaction of the Local planning Authority reserved for parking, loading, off-loading and manoeuvring space. Upon approval of the layout no development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any provision equivalent to that Order in any statutory instrument revoking and re-enacting that Order with or without modification) shall be carried out on the

land so shown, or in such a position as to preclude the use of or vehicular access to this reserved vehicle parking, loading, off-loading and manoeuvring space.

- 6) The development shall be used only for purposes ancillary to the main car showroom and not as a separate entity.
- 7) All operations within the building hereby approved shall take place only between 08:00 and 18:00 on Monday to Saturdays and shall not take place at any time of Sundays or on Bank or Public Holidays.

Preliminary Matters

2. The application which is the subject of this appeal was made as an outline application with all matters (access, appearance, landscaping, layout and scale) reserved for future consideration. As such I have considered the appeal on this basis and any submitted plans relating to these reserved matters have been considered solely on the basis that they have been submitted for illustrative purposes.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site is occupied by a car showroom and forecourt with a car servicing workshop. This is made up of a two-storey building and a car port facing Milton Road with a smaller single storey building to the rear of the site. As part of the proposed development this smaller building is to be demolished and replaced with a larger building to be used in association with the existing business on the site.
5. All external areas within the appeal site are hard surfaced and I saw during my site visit that this was largely used for the parking and storage of vehicles. The surrounding roads have no parking restrictions and there is a high level of on-street car parking. However, this could be associated with nearby residential properties on Raphael Road, which have limited off-road parking provision. No evidence has been provided to suggest that vehicles from the appeal site are currently parked off-site.
6. The proposed building would not require additional parking, as it would be used by existing members of staff. However, as it would be larger than the existing building, it would reduce the external space on the appeal site for the parking and storage of vehicles which currently occurs, displacing a small number of vehicles. Although layout and access are matters which are reserved for future consideration, an indicative plan submitted as part of the planning application shows the provision of six allocated car parking spaces to the front of the proposed building for the development. However, although not specifically allocated as such, this area is already used for car parking.
7. Nevertheless, although the proposed development would occupy a space that is currently used for car parking on the appeal site, due to the size and location of the proposed building the amount of parking which would be displaced is minimal. Whilst a significant amount of car parking already occurs on the site, the site is sufficient in size to ensure that the small amount of displaced

vehicles from the proposed development could be adequately reallocated elsewhere within the boundaries of the appeal site. The location of this reallocated parking could be confirmed and secured at the reserved matters stage, with a condition included to clarify what details should be submitted. Therefore, the proposed development would not increase the amount of on-street car parking on the surrounding roads or have a detrimental impact on the overall highway network.

8. Therefore, for the reasons above, the proposed development would not harm highway safety and would comply with Policy CS11 of the Gravesham Local Plan Core Strategy 2014. This policy seeks to ensure that new development mitigates its impact on the highway network with sufficient parking provided. The proposal would also accord with the objectives of the National Planning Policy Framework relating to highway safety.

Conditions

9. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty, although this does not include indicative plans which relate to reserved matters. As detailed above a condition has been attached relating to the submission of details for car parking as part of the reserved matters and the retention of such an area.
10. As requested by the Council, I have also included conditions relating to the restriction of opening hours to those detailed on the application form and the use of the proposed building, due to its proximity to nearby residential properties. However, the condition relating to the use of the building has been altered, removing the section which states that no repairs or servicing of vehicles shall take place on the premises, as this use already occurs on the appeal site.
11. The Council have requested conditions relating to surface finishes, sustainable surface water drainage, soft landscaping, external lighting, refuse, security arrangements, a site management plan, electric charge points, contamination, noise emissions, loud speakers and self-closing doors. However, the appeal site is already formed entirely of hardstanding and in use as a commercial business, of which the proposed building would form part of. Therefore, I do not consider that these conditions are reasonable or would be necessary to make the proposed development acceptable. Due to the scale of the proposed development I also do not consider that a condition relating to the provision of a construction management plan is necessary.

Conclusion

12. For the reasons set out above, the appeal is allowed.

E Grierson

INSPECTOR