

4.4 SE/12/03108/FUL Date expired 14 January 2013

**PROPOSAL:** The proposal involves the siting of 2 no. steel storage containers located to the rear of the store - The containers are to be used for Christmas stock and firework storage during the period of November through to February.

**LOCATION:** Asda Stores Ltd, London Road, Swanley BR8 7UN

**WARD(S):** Swanley White Oak

#### ITEM FOR DECISION

Councillor Ball has referred this application to Development Control Committee with regard to the visual impact of the proposal upon the visual amenity of the area.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The temporary storage containers hereby permitted shall be sited in accordance with the approved plan no. LP01 Rev. D. The containers will only remain on site during the period of 01 November to 31 January annually and outside that period, the temporary storage containers and all associated equipment shall be removed on or before 01 February each year. The temporary storage containers hereby permitted shall be used for ancillary storage purposes in connection to the main retail use of the site.

To safeguard the character and appearance of the area and in accordance with the aims and objectives of the National Planning Policy Framework and Policy EN1 of the Local Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: LP01 Rev. D, SP01 Rev. C, BP01 Rev. B, SK01, SK02, SK03, SK04, SK05 and 1 unnumbered 1:1250 scaled location plan.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC6

Sevenoaks District Local Plan - Policies EN1

Sevenoaks District Core Strategy 2011 - Policies SP1

The following is a summary of the main reasons for the decision:

The development would not have an unacceptable impact on the residential amenities of

nearby dwellings.

The potential impact upon the visual amenity can be satisfactorily mitigated by way of the conditions imposed to ensure the harm as identified is limited.

The site is within the built confines of the settlement where there is no objection to the principle of the proposed development.

The proposal would assist in maintaining the viability and vitality of the existing Town Centre.

#### Description of Proposal

- 1 It is proposed to temporarily site two shipping containers on site during the months of November to February on an annual basis. The containers would be used for ancillary storage purposes to the main retail use of the site.
- 2 The containers would be sited to the southern end of the site:
  - One 20ft container located to the southern delivery ramp-way;
  - One 40ft container located adjacent to the existing home delivery canopy to the northern end of the eastern car park.

#### Description of Site

- 3 The site lies within the urban area of Swanley, in the heart of the Town Centre. Vehicular access to the store can be gained from the adjacent orbital road into two car parks that are located on the east and western sides of the main store. There is also a delivery entrance to the site independent of the car parks.
- 4 Approximately 30m to the east of the site are residential properties. The main orbital road divides these properties from the application site.

#### Constraints

- 5 Area of Special Control of Adverts

#### Policies

##### *South East Plan*

- 6 Policies- CC6, T4

##### *Sevenoaks District Local Plan*

- 7 Policies - EN1, VP1

##### *SDC Core Strategy*

- 8 Policies - SP1, L05

##### *Other*

- 9 National Planning Policy Framework (NPPF) Paras: 14, 23

## Planning History

- 10 A large number of planning applications have previously been submitted relating to the application site but the latest one is directly relevant to the consideration of this application.
- 11 SE/12/02100 - The siting of 2 no. steel storage containers located to the rear of the store, to be used for Christmas stock and firework storage during the period of November through to February – REFUSED, as the location of the 40 ft container would lead to the loss of a tree that has a high amenity value.

The container is now in a different location in this application.

## Representations

- 12 Neighbours – One comment received, neither objecting or supporting the application relating to the positioning of the containers.

## Consultations

### *Swanley Town Council*

- 13 *“The Town Council objects to this application as the proposal would be detrimental to the visual character and appearance of the street scene and is contrary to policy EN1 of the Local Plan and will also lead to a further loss of parking at the site”*

### *SDC Tree Officer*

- 14 *“No trees affected by this application, therefore no further comment.”*

### *SDC Environmental Health Officer*

- 15 No objections raised

### *Kent Fire and Rescue Service*

- 16 No comment received

### *Ward Members*

- 17 Cllr George – Supports the application
- 18 Cllr Sargeant – *“I fully support this application to be passed, it is clearly a requirement for this Supermarket to be able to store the extra stock of food required over the Christmas and New Year period, if the Supermarket is not able to store enough food then the bigger picture is that a lot of residents and visitors of Swanley are going to be very disappointed, for a store not to be able to supply stock this has a knock on effect in our area. People will then have to travel to another area.*

*Where these two containers are going to be positioned does NOT mean a loss of parking spaces, neither can these containers been seen from the street, so they do not alter the street scene.”*

## **Group Manager Planning Services - Appraisal**

19 The main considerations for this proposal are as follows:

- Retail policy;
- Impact on the living conditions of neighbouring dwellings;
- Impact on highway issues; and
- Impact on the character and appearance of the area.

### *Retail Policy*

- 20 The general thrust of the National Planning Policy Framework (NPPF) sets a presumption in favour of sustainable development as a new policy designed to ensure that the planning system as a whole focuses on opportunities. The presumption, in practice, means that significant weight should be placed on the need to support economic growth through the planning system and Local Planning Authorities should plan positively for new development and approve all individual proposals wherever possible. Furthermore, Local Plans should meet development needs, approvals should be promptly given and, where plans are silent, out of date or unclear on relevant policy, approval should be granted. But development should not be allowed if it would undermine the key principles for sustainability in the Framework. The NPPF makes clear that the policies should apply 'unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits'.
- 21 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight). Consistent with that objective, the application proposal should ensure the effective and most efficient use of land and buildings, and they will also promote the vitality and viability of the town centre and will promote prosperity. In relation to the vitality and viability of the town centre, the NPPF requires planning policies to be positive and promote competitive town centre environments. This includes recognising town centres as the heart of the community, defining a network of centres and setting policies to be clear on which uses will be permitted.
- 22 Paragraph 23 of the NPPF seeks to protect the existing vitality and viability of existing rural, local and town centres and the promotion of encouraging a wide range of services in an accessible environment to all.
- 23 The application site is in a Town Centre location, the proposal is for the siting of two shipping containers for use as temporary storage for a three month period on an annual basis. The proposal is not creating any additional retail floorspace.
- 24 The 2 no. temporary containers are required to meet the stores operational requirements over the Christmas trading period. The existing supermarket experiences very high levels of demand during this time of year and therefore turns over a higher level of stock. The additional storage space reduces the risk of the store running out of stock and consequently improves consumer satisfaction. Asda is a key retailer in the locality, the proposed storage facilities are required to

meet customer expectations and in turn contribute to enhancing the vitality and viability of the area.

- 25 In summary, the proposal would not have an adverse impact on the vitality and viability upon Swanley Town Centre. No further retail floorspace is being created. The proposal seeks to maintain in-store availability of stock to meet customer demand/expectation. Ensuring the availability of product in-store, would consequently have a positive impact upon the vitality of the area by ensuring customer expectations are met and less likely to travel to another shopping destination. Therefore this proposal would comply with the aims of objectives of Section 2 of the NPPF.

#### *Impact upon residential amenity*

- 26 Policy EN1 of the local plan requires development not to have an adverse impact on an amenity of an area due to the creation of noise and disturbance.
- 27 The proposed siting of the containers are located over 30m from the boundaries of the adjacent dwellings in Birchwood Park Avenue. It is considered that this distance is sufficient not to have a visual impact nor a material increase in noise and disturbance to any significant degree. Equally the southern car parking area is for the parking of cars to which by its very nature generates noise and disturbance. Moreover other noise sources that contribute to the back ground noise of the area include store deliveries by lorries and vehicular traffic using the main orbital road that separates Birchwood Avenue and Asda. SDC Environmental Health Officer raised no objection to the proposal. Therefore to refuse this application on this matter would not be justified.

#### *Loss of car parking spaces*

- 28 The Town Council has raised an objection that the proposal would lead to the loss of car parking spaces that serve the customers of Asda. In this regard, the siting of the containers would lead to no loss of parking spaces, as one container is sited upon the ramp-way to the delivery/warehouse area and the other located adjacent the Home Delivery area, where there are no existing customer car parking spaces.
- 29 The siting of both containers would not cause any obstruction to pedestrians or vehicular traffic, nor not impede any access to and from the existing car parking spaces/delivery ramp to the eastern side of the site.
- 30 Upon considering the above, no objection can be raised on this ground. The proposal would not affect existing accesses and there will not be any loss of parking. This proposal complies with Policy EN1 of the Local Plan and KCC Highways do not raise an objection to this proposal.

#### *Impact on the character and appearance of the area*

- 31 Policy EN1 of the Local Plan requires development to be compatible in scale, height, and coverage of other buildings in the locality therefore an assessment has to be made in regard to their impact.
- 32 The proposed containers would be in a position where they would be partially screened by existing walls that form part of the delivery ramp-way to the retail unit and the boundary wall of the car parking area. These physical features provide

partial screening from views from Bartholomew Way. In addition, due to the location of the containers, with them being sited upon raised levels, higher than the roadside, this also minimises their impact upon views from Bartholomew Way.

- 33 From views from within the eastern car parking area, the container adjacent the Home Delivery Area would be visible and set against a backdrop of the car park wall, and existing store. This also provides additional screened view for the 20' container sited upon the delivery ramp, as well as an intervening boundary wall. Although the containers are not sympathetic additions to the immediate area, it should be acknowledged that the temporary nature of both containers, for 3 months each year over the Christmas period, will mean that their visual impact upon the street-scene is limited. As it is proposed that the containers remain on-site for three months, it would be reasonable and necessary to impose a condition to ensure that they are only on-site for the period specified and allows for the Local Planning Authority to take further action for breach of planning control if the containers are on-site outside the permitted period.
- 34 It noted that the location of the 40' container would be sited near to an existing 5m London Plane Tree that has amenity value. In a previous application SE/12/02100, the 40' container was proposed to be sited in a position that would result in the loss of this tree and was the basis for a reason for refusal in the previous application. This application has now considered this issue and the proposed location of the container has been moved to ensure that the London Plane tree is unaffected. Consideration has been given to the impact of the location of the container upon this tree and the SDC Tree Officer considers that there is sufficient distance between the tree and its location to not affect it in a detrimental way.
- 35 In summary, whilst there is some identified harm by the siting of one of the containers in the parking area, as the harm would be limited and there is a justified need for them, the harm can be outweighed by other material planning considerations being the maintenance of the vitality and viability of the Town Centre in accordance with the aims and objectives of the NPPF. As such no objection is raised on this ground.

#### Other issues

- 36 One neighbour representation has been received in relation to the positioning of the containers. However at the time of the comment being made the containers were not sited in the positions proposed as they were only just delivered to the store. The impact of the proposed siting is addressed in this report.

#### **Conclusion**

- 37 As previously mentioned, whilst some harm has been identified in terms of the visual impact of the development, due to the harm being limited and their importance in making a contribution to the vitality of the area, this consideration outweighs the identified harm as the development would conform to the aims and objectives of the NPPF.

#### **Background Papers**

Site and Block plans

Contact Officer(s):

Sean Mitchell Extension: 7349

**Kristen Paterson**

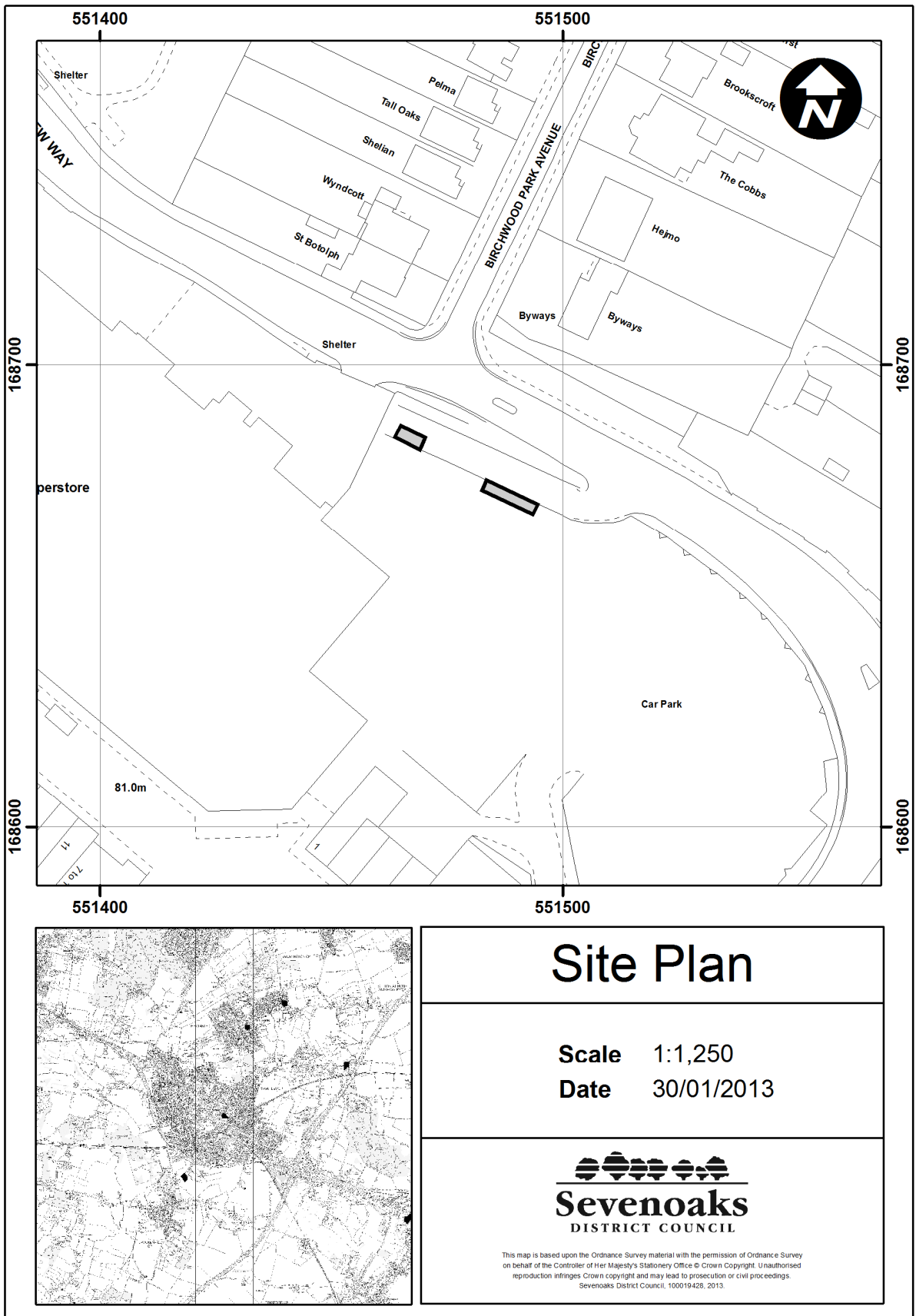
**Community and Planning Services Director**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MDQ6BJBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MDQ6BJBK8V000>



# Site Plan

Scale 1:1,250  
 Date 30/01/2013



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 Sevenoaks District Council, 100019428, 2013.



# Block Plan

