

A03

F/TH/16/0728

PROPOSAL: Erection of 3no. general industrial units (floor area approx. 4,820 sqm) with access and associated parking

LOCATION: All Saints Industrial Estate All Saints Avenue MARGATE Kent CT9 5TJ

WARD: Salmestone

AGENT: Mr Alistair Milne

APPLICANT: Mr Eley

RECOMMENDATION: Approve

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.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 300 REV A, 304 Rev A, 305 Rev B and 306 received 30th August 2016 and 307 received 1st September 2016.

GROUND:

To secure the proper development of the area and to protect the living conditions of neighbouring property occupiers, in accordance with Thanet Local Plan Policy D1 and guidance within the National Planning Policy Framework paragraph 17.

3 Prior to the first use of the development hereby permitted, details of cycle parking for a minimum of 3no. bikes shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details.

GROUND:

In the interests of promoting increased cycling in accordance with Policy TR12 of the Thanet Local Plan.

4 Prior to the commencement of development hereby permitted, a parking area shall be provided within the site for use by site personnel and visitors, and a loading and

unloading and turning area shall be provided within the site for use by construction vehicles. These areas shall be kept available for this use at all times during the construction period.

GROUND:

In the interests of highway safety.

5 Prior to the first use of the development hereby permitted, the 6 metre wide link road around the site and the vehicle loading and unloading and turning facilities, as shown on the approved plan numbered 300 REV A shall be provided and thereafter maintained.

GROUND:

In the interests of highway safety.

6 The car parking spaces shown on the approved drawing shall be provided before the occupation of the building to which they relate and thereafter shall remain available solely for the parking of staff and visitor vehicles related to the use of the premises.

GROUND:

In the interests of highway safety.

7 Prior to the commencement of development hereby approved, full details of both hard and soft landscape works, to include:

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway (which shall be a bound surface for the first 5 metres of the access from the edge of the highway)
- o walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

8 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

GROUND:

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

9 No deliveries to or collections from any part of any buildings hereby approved shall take place between the hours of 10pm and 7am, on any given day.

GROUND:

In the interests of residential amenity in accordance with Policy D1 of the Thanet Local Plan.

10 Prior to the installation of any mechanical ventilation or other plant associated with the commercial operation of the building full details including plans and drawings, full specifications of all filtration and odour abatement systems, noise output, termination points and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority. The design and installation of new items of fixed plant at the proposed site shall be such that, when operating, the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 3dB(A) below the background noise level LAF90 Tbg. All measurements shall be determined using the guidance of BS 4142:2014 RATING FOR INDUSTRIAL NOISE AFFECTING MIXED RESIDENTIAL & INDUSTRIAL AREAS. In the event that an assessment of the specific noise level at the nearest residential location is not practicable, the applicant, in agreement with the local planning authority, can define one or more reference measurement positions which should be relatively close to the item of plant. The noise level from the facade of the nearest noise sensitive premises can then be calculated on the basis of the measurement(s) at the reference location(s).

The mechanical ventilation or other plant shall be installed in accordance with the approved details and shall be permanently maintained thereafter.

GROUND:

In the interest of the amenities of the occupiers of surrounding dwellings, in accordance with Local Plan Policy D1 and the National Planning Policy Framework.

11 In the event that contamination is found that was not previously identified at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken at that time in accordance with a site characterisation report that shall be submitted to and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the approved development and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF.

12 Prior to first use of the development hereby approved, full details of any external lighting, including their fittings, illumination levels and spread of light shall be submitted to,

and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

GROUND:

To ensure that light pollution is minimised in the interest of the visual amenities of the area and in the interests of biodiversity, in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

13 No development shall take place until the following components of a scheme to deal with the risks associated with the contamination of the site are each submitted to and approved in writing by the Local Planning Authority:

1. A site investigation scheme based on the submitted preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of any remediation methods required and how they are to be undertaken.
3. If necessary following (2), a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
4. If a verification plan is required, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

GROUND:

To prevent pollution of controlled waters and comply with the National Planning Policy Framework paragraph 109.

14 No piling or any other foundation design/investigation boreholes using penetrative methods are permitted, unless details for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any details approved.

GROUND:

To prevent pollution of the underlying chalk Principal Aquifer in accordance within paragraph 109 of the National Planning Policy Framework.

15 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

GROUND:

To prevent harm to human health and pollution of the environment, in accordance with the advice contained within the National Planning Policy Framework.

16 Prior to commencement of the development, a detailed construction management plan shall be submitted to, and approved to the local authority. The construction management plan shall include (but not limited to) the following matters:

- a. Construction process - to include mitigation measures for neighbouring sensitive premises
- b. Hours of operational construction work.
- c. Site deliveries plan - given the limited access this is to include times deliveries will be accepted and if required plans to mitigate for large scale deliveries of materials and equipment.
- d. Construction site dust management strategy
- e. Construction noise management - to include expected significant noise generating activities and mitigation measures to be employed.
- f Site parking strategy for staff - to include strategy on dealing with overflow of site staff parking in the vicinity.
- g. Waste Management policy - we advise this includes a restriction on any burning of material at the site

GROUND:

To protect the living conditions of neighbouring occupiers during construction, in accordance with Thanet Local Plan Policy D1 and paragraph 17 of the National Planning Policy Framework.

17 Prior to the commencement of development, a detailed sustainable surface water drainage scheme for the site shall be submitted to, and approved in writing by, the Local Planning Authority. The detailed drainage scheme shall be based upon the proposals within the Flood Risk and SUDS Assessment by BJB Consulting Ref. 2244/FR01, May 2016, and demonstrate that the surface water generated by this development (for a" rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any

other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

GROUND:

To ensure adequate provision for surface water drainage without resulting in additional flood risk, in accordance with guidance within the National Planning Policy Framework.

18 No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

GROUND:

Infiltration through contaminated land has the potential to impact on groundwater quality and the principal aquifer, which should be protected in accordance with guidance within the National Planning Policy Framework.

19 The approved buildings shall only operate between the hours of 7am and 10pm Monday to Friday, 8am to 1pm on Saturday and at no times on Sunday or Bank Holidays.

GROUND:

In the interests of residential amenities, in accordance with Thanet Local Plan Policy D1 and paragraph 17 of the National Planning Policy Framework.

INFORMATIVES:

Where there are planning conditions requiring the submission of information (desk study, site investigation, remediation method statement and remediation verification report) in relation to either Special Sites or pollution of Controlled Waters then the Environment Agency would like to receive copies of any documents produced by the developer in connection with those conditions.

Please be aware that carrying out acoustic surveys and specifying sound insulation is a specialised area and is best done by professionals. It is therefore recommend that the applicant appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures to aid in meeting the above conditions. It would be improper of us to recommend one acoustic consultant above another but, if required, the Environmental Protection Team can provide details of acoustic consultants in and around the South East.

For information the noise assessment for any mechanical plant, in any submitted information the reference time interval T_r shall be 1 hour during the day (07.00 to 23.00 hours) and 5 minutes during the night (23.00 to 07.00 hours). The measurement and/or prediction of the noise should be carried out in line with BS 4142: 2014 and as such, may make use of measurements over a shorter period if appropriate. For the background noise measurement,

the reference time interval T_{bg} shall not be less than 15 minutes and the measurements made in accordance with BS 4142: 2014 at a time representative of the hours of operation of the plant. The "Fast" time weighting should be used. The measurements should be reported as façade noise levels. If it is not possible to measure at 1m from a façade, the measurement can be made at an equivalent free-field position with a +3dB correction added to calculate the equivalent façade level.

The applicant is advised to contact KCC Highways and Transportation to discuss improvements to the footway outside of the site, and to carry out resurfacing works in the vicinity of the access to remove any slip trip hazards and stop surface water gathering on the footways, and in this regard please contact KHS on 08458 247800.

SITE, LOCATION AND DESCRIPTION

This application site is an irregular shaped piece of vacant land bounded by the rear of properties in Railway Terrace and Tivoli Park Avenue to the west, the railway line and industrial buildings to the north east and an open storage yard to the south east. Vehicular access to the site is from All Saints Avenue to the north. This access also serves other industrial uses within the wider industrial estate. The site has an area of about 1.3 ha.

The site is set down lower than the railway line and the adjoining residential properties by around 3m. Trees align the residential and railway boundaries.

RELEVANT PLANNING HISTORY

There is an extensive planning history relating to the site and its surroundings:

Erection of storage building within existing storage yard
Ref. No: F/TH/12/0441 | Status: Granted

Retention of part 2.7 Metre high fence with three strand crank barbed wire topping (with a pair of access gates) and part 2.4 Metre high palisade triple spike fencing.
Ref. No: F/TH/08/1319 | Status: Granted

Erection of a single storey flat roof extension for existing retail sales area
Ref. No: F/TH/06/0637 | Status: Granted

Outline application for residential development with access from All Saints Avenue
Ref. No: OL/TH/04/0088 | Status: Refused

PROPOSED DEVELOPMENT

The application was submitted for 3 no. general industrial units (Class B2) but during the consideration of the application the use has been amended to erection of 2no. light industrial units and 1 no. part light and part general industrial building. Blocks A and B are at the northern end of the site and are identical in design, appearance and size, each one being 318.06 sq m of light industrial space (B1 c). Block C is much larger at 4348.95 sq m. It is

proposed that it will be subdivided internally so that the south western half, that closest to the residential properties will be B1c and the north eastern half, facing the adjoining industrial sheds, will be for general industry (B2).

Parking for 105 cars is proposed across the site, 13 of which are for disabled users.

The tallest building is block C which has a ridge height of 10.5m. Block C is located broadly parallel to the rear garden boundaries of the properties in Tivoli Park Avenue at a distance of between 17.5m and 22m.

The materials proposed are and design is typical for buildings with the proposed industrial function: insulated panels in white above a brick plinth with grey insulated panel roof, forming rectangular buildings with shallow pitched roofs.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

EC12 - Retention of Employment Sites

D1 - Design principles

D2 - Landscaping

TR12 - Cycling

TR16 - Car parking provision

NOTIFICATIONS

Letters were sent to occupiers of neighbouring premises in Tivoli Park Avenue, Mere Gate, Railway Terrace, and Fulsham Place together with businesses at the Industrial Estate. A site notice was also displayed.

A total of 6 individual letters of objection were received on the original application raising the following points of concern:

- Too large and would have negative impact on existing businesses
- Too close to adjoining properties
- Too high
- Development would cause noise; some restriction on hours of use necessary
- Increased traffic including HGVs

The revised drawings submitted by the applicant on 18th August were also consulted upon, but at the time of writing, no further letters of representation have been received.

CONSULTATIONS

Environment Agency - No objection subject to conditions.

Environmental Health - No objection to amended plans subject to conditions requiring a construction management plan and a scheme of lighting to be submitted for approval, and the hours of use to be restricted.

KCC Highways and Transportation - Initial comments: perimeter road needs to be 6m wide, new dropped kerb should be installed at access to All Saints Avenue together with resurfacing of footway at this point.

Further comments: no objections subject to provision and retention of covered cycle parking facilities and vehicle parking spaces prior to the use of the site commencing, wheel washing facilities, parking for site personal/vehicle loading/unloading, provision of dropped kerb at entrance and resurfacing of footway on access.

Drainage (KCC) - no objection subject to conditions relating to the submission of drainage details.

ANALYSIS

The application is brought before Planning Committee by Councillor Evans to consider the impact on neighbouring properties and the highway network.

Principle of Development

The proposed employment use is acceptable in principle having regard to the site's lawful use and Policy EC12 of the Local Plan, which seeks the retention of industrial use at this location as indicated on the Local Plan Proposals Map. The policy specifies that sites will be retained for employment uses falling within use classes B1 (light industrial) and B8 (storage and distribution) in locations close to residential area with additional B2 use away from residential areas. It is therefore considered that the proposals fall to be considered as acceptable in principle, subject to compliance with all other relevant development plan policies.

Character and appearance

The site is an established industrial area. The simple rectangular plan form of the buildings with shallow pitched roofs is typical of a modern day industrial buildings and fitting for the site and location. Sufficient space around the buildings is proposed to ensure the buildings sit well in the townscape. It is suggested that the existing trees along the boundaries should be supplemented with addition planting and this would be required through a landscaping condition.

Impact on residential amenity

By definition, a B1c use will involve activities and processes, which can take place without causing harm to residential amenity. A B2 use however is one where general industrial activities can take place and therefore it is necessary to ensure that no harm will be caused to the residential amenities of nearby dwellings. With this in mind, the B2 element of the proposal is located in the northeastern part of Block C away from any dwelling. The Environmental Health Officer confirms that this arrangement will safeguard the amenities of local residents. The EHO also suggests the imposition of conditions to control the hours of use, given that all B uses would give rise to an impact from operation at nighttime when background noise levels are low. The applicant has cited that other business on the

industrial estate operate without restrictions, however given the proximity of the residential properties to the new building, the restriction of the development is considered to be necessary and reasonable. Deliveries would also be restricted by virtue of conditions, and a construction management plan to minimise disturbance during the construction phase is required to ensure harm to nearby residential properties from the level of construction proposed.

The buildings would be sufficiently distant from the rear boundaries of residential properties on Tivoli Park Avenue and due to the considerable lower level of the site combined with the height of the proposals with properties on Railway Terrace there would be no undue harm caused to visual amenity, by overlooking, by overshadowing or loss of outlook. The section drawings provided by the applicant demonstrates the relationship between the proposal and the houses. The detail of the boundary treatment is not provided, but is shown to be fencing and soft landscaping is and this will be secured by condition to ensure the use satisfactorily relates to neighbouring properties. The relationship would be satisfactory and the proposals would accord with Policy D1 of the adopted Local Plan.

Traffic and parking

KCC Highways have raised no objection to the proposal with regard traffic generation, the level of parking or highway safety. The perimeter road has been widened in accordance with Highways and the internal layout of the development is considered to provide adequate amount of parking (105 spaces) for the development. The applicant has also confirmed that the highway improvements at the entrance (new drop kerb and footway resurfacing) can be carried out. Whilst improvements to the footway outside the access would benefit the wider environment, the additional pedestrian and vehicular traffic from the proposed development is not considered to result in such a significant number of movements to render the public footway unusable, and therefore a condition requiring the work to be carried out is not necessary to make the development acceptable in planning terms; therefore it is not imposed.

Contamination

The applicant has submitted a Phase 1 Environmental Desk Study that has satisfied the Environment Agency. Conditions have been suggested in order that the necessary follow up investigations take place, and these are considered to be justified given the risk assessment submitted and previous use of the site.

Drainage

As Lead Local Flood Authority KCC raise no objection to the proposal subject to a condition requiring details of drainage in accordance with the submitted Flood Risk and SUDS Assessment.

Conclusion

The principle of the development is considered acceptable given the location of the site within an existing employment area. Residential and visual amenity will not be harmed and

technical matters relating to highways, contamination and drainage can satisfactorily be overcome by imposition of conditions. The appearance of the proposal is also considered acceptable for the proposed function of the buildings. There are therefore no in principle objections to the proposed development which would accord with the policies of the Development Plan, that is the adopted saved policies of the Thanet Local Plan, and would constitute sustainable development in accordance with the NPPF.

Case Officer

IAIN LIVINGSTONE

TITLE: F/TH/16/0728

Project All Saints Industrial Estate All Saints Avenue MARGATE Kent CT9 5TJ

Scale:

