

A05

F/TH/17/1322

PROPOSAL: Change of use of site to vehicle sales and erection of car showroom and ancillary workshop, and 2No. mixed use business units (Use Class B1, B2 and B8) with associated access and parking

LOCATION:

Cross Channel Service Station Mount Pleasant Minster RAMSGATE Kent

WARD: Thanet Villages

AGENT: Hume Planning Consultancy Ltd

APPLICANT: Colonial Ltd

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 and the plans numbered 004 Revision 02, 005 Revision 04, 006 Revision 02, 007 Revision 05, 008 Revision 04 received by the Local Planning Authority on 5th September 2017, plan numbered 009 Revision 01 received by the Local Planning Authority on 11th October 2017 and plan numbered 003 Revision 06 received by the Local Planning Authority on 7th November 2017.

GROUND:

To secure the proper development of the area.

3 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, including remediation measures to render harmless the identified contamination given the end use of the site and the surrounding environment, including controlled waters. The remediation measures shall be implemented as approved and completed prior to the recommencement of works. 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 National Planning Policy Framework.

4 Prior to the erection or installation of any plant (including ventilation, refrigeration and air conditioning) or ducting system at the site, details of such shall be submitted to and agreed in writing by the Local Planning Authority. No extraction system other than that agreed in writing by the Local Planning Authority shall be erected or installed at the site.

The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

GROUND:

In the interest of the amenities of the occupiers of surrounding dwellings, in accordance with Thanet local Plan 2006 Policy D1 and the National Planning Policy Framework.

5 There shall be no servicing of the building, no goods shall be loaded or deposited and no delivery vehicles shall arrive, depart, be loaded or unloaded, within the application site before 07:00 or after 19:00 hours Mondays to Saturdays or at any time on Sundays or Bank Holidays.

GROUND:

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

6 No development shall commence until a Construction Management Plan has been submitted to, and agreed in writing by, the Local Planning Authority. The Construction Management Plan shall include, but not necessarily be limited to, hours of construction, site boundary treatments during construction works, method and times of delivery of materials, construction vehicle loading/unloading and turning facilities, parking for site construction personnel and visitors and the provision of wheel washing facilities.

GROUND:

In the interests of safety and amenity.

7 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in

writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To prevent pollution in accordance with the National Planning Policy Framework.

8 No infiltration of surface water drainage into the ground is approved 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. If there is any discharge to ground, the full proposals shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

9 Prior to the installation or erection of any external lighting for the development hereby approved, full details of the external lighting, hereby approved 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, in accordance with Policy D1 of the Thanet Local Plan.

10 Prior to the first use of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented and thereafter retained.

GROUND:

To enhance biodiversity in accordance with the National Planning Policy Framework.

11 Prior to the first use of the development hereby permitted, the area shown on Plan numbered 009 Revision 01 received by the Local Planning Authority on 11th October 2017 & plan numbered 003 Revision 06 received by the Local Planning Authority on 7th November 2017 for the loading/unloading of vehicles and turning facilities shall be provided and thereafter permanently retained.

GROUND:

In the interests of highway safety.

12 Prior to the first use of the development hereby permitted, the vehicle parking spaces shown on Plan numbered 003 Revision 06 received by the Local Planning Authority on 7th November 2017 shall be provided and thereafter permanently retained.

GROUND:

In the interests of highway safety and to promote sustainable forms of transportation and to protect air quality in accordance with Thanet Local Plan Policy EP5 and guidance within the National Planning Policy Framework.

13 Prior to the first use of the development hereby permitted, visibility splays of 4.5 metres by 100 metres to the west of the exit with no obstructions over 0.6 metres above carriageway level within the splay (this length of splay measured to the tangent point on the slight curve in the edge of the carriageway alignment will effectively provide the greater length of splay required, due to the alignment of the carriageway) shall be provided and thereafter maintained.

GROUND:

In the interest of highway safety.

14 Prior to the first use of the development hereby permitted, the refuse storage shown on Plan numbered 003 Revision 06 received by the Local Planning Authority on 7th November 2017 shall be provided and thereafter permanently retained.

GROUND:

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

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations.

Prior to work commencement of any work and including vegetation clearance, the following vegetation clearance scheme has to be carried out by an experienced ecologist to ensure no harm occurs to reptiles during the proposed development.

To ensure no harm occurs to reptiles during the proposed development the scheme shall include :

- Any cutting of the vegetation and removal of any log piles and debris within the scrub and/or tall ruderal (if any), should be undertaken during the active season for reptiles (April to early October inclusive) in any given year.

- Immediate maintenance of low vegetation cover (max 10cm) on site from the start and until the end of development works to prevent the works area becoming suitable for reptiles. To enable reptiles to relocate to surrounding habitats, the vegetation will be cut using hand tools only (trimmer and brush cutters acceptable).

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrubs are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrubs are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Due to the previous use of the site as a petrol filling station, there may be a risk that some residual contamination remains. The location of the proposed soakaways should be cross referenced with the outcome of the site investigations and remedial works to ensure they are located in areas not impacted by contamination. This condition will not be discharged without this information being made available.

Once agreed, soakaways should be constructed as shallow as possible and no deeper than three metres below ground level. Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads and car parks. Clean uncontaminated roof water shall drain directly to soakaways entering after any pollution prevention methods.

Drainage from the workshop area and any areas used to wash and maintain cars will not be acceptable discharging to ground via soakaway. These areas should be contained and discharge to foul sewer.

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example, a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system.

Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public water main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Consents will be necessary for excavations in proximity to water mains.

1. The water main requires a clearance of 6 metres either side of the water main to protect it from construction works and allow for future access for maintenance.
2. No development or new tree planting should be located within 6 metres either side of the centreline of the public water main.
3. No new soakaways should be located within 5 metres of a public water main.
4. All other existing infrastructure should be protected during the course of construction works.

The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main.

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water.

SITE, LOCATION AND DESCRIPTION

The application site lies in the open countryside, outside the urban and village confines as identified by the Thanet Local Plan Proposals Map. The site lies in a prominent position clearly visible from the A299 a major traffic route servicing the District. The vicinity of the site is predominantly rural in character, and the site lies within the Central Chalk Plateau Landscape Character Area. The site has previously been used as a petrol service station, however all of the buildings and structures associated with this use have been removed and all that now remains is extensive concrete and hardstanding. The application site lies adjacent to a residential caravan park, a hotel complex, petrol station and catering development beyond the Mount Pleasant roundabout. Whilst the site is screened on three sides by mature planting and vegetation, it is completely open in views from the A299.

RELEVANT PLANNING HISTORY

There is extensive planning site history:

F/TH/88/1737 - Erection of new petrol station and canopy, car wash, access and associated landscaping - granted 09/03/1989

A/TH/91/0365 - Display of internally illuminated signs - granted 28/05/1991

F/TH/94/0755 - Installation of a 9,000 litre underground petrol separator with forecourt drainage and concrete works to petrol filling station - granted 18/11/1994

F/TH/95/0710 - Redevelopment of service station to include erection of a single storey sales building, forecourt canopy, associated service facilities, new entrances, landscaping and provision of new underground diesel tank - granted 25/03/1996

A/TH/96/0467 - Erection and display of internally illuminated canopy fascia signs and an internally illuminated pole sign - granted 18/07/1996

F/TH/12/0805 - Change of use to vehicle sales together with erection of workshop, storage building and bin storage - granted 17/01/2013

F/TH/15/0958 - Change of use of the land to allow vehicle sales and the erection of a car showroom and ancillary workshop - granted 18/02/2016

Planning permission, reference F/TH/15/0958 remains extant and is a material consideration in the determination of the current application.

PROPOSED DEVELOPMENT

The application proposes the change of use of the site to vehicle sales and erection of a car showroom and ancillary workshop, together with the erection of 2no. mixed use business units (Use Class B1, B2 & B8) with associated access and parking. The scheme proposes a bin enclosure and bike shelter to the rear of the site.

The proposed flexible use business units would operate independently of the proposed car showroom.

The car showroom would have a total floor space of approximately 320sqm, with a footprint of 270sqm and an internal mezzanine of 50sqm and a ridge height of approximately 8 metres, in line with the previously approved, extant permission. At ground floor level, the building would house a car showroom and reception area together with a workshop, and a mezzanine level above, for use in connection with the car showroom. The building would be constructed of a euroclad system and the walls finished in a coloured render with fairfaced blockwork, together with aluminium glazing. Rooflights are proposed within the side elevations to serve the mezzanine floor.

The 2no. mixed use business units would be sited to the rear, occupying the position of a previously approved storage building. The proposed building would be larger than the approved storage building with a footprint totalling 226sqm and internally divided into two separate units. These units would also benefit from a mezzanine floor. This building would also be constructed of a euroclad system and the walls finished in fairfaced blockwork, together with aluminium openings. There are two roller shutter doors proposed to the front elevation, allowing access to the units and rooflights within the front and rear elevations. The building would have a maximum height of approximately 7 metres with a greater reduction in eaves height to the rear of the building.

A total of 31no. parking spaces are proposed for sales and use by visitors and staff. The existing slip road from the A299 will service the site.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

Policy CC1 - Development in the countryside

Policy CC2 - The Central Chalk Plateau Landscape Character Area

Policy D1 - Design

Policy EP13 - Groundwater Protection Zone

Policy TR12 - Cycle Parking

Policy TR16 - Car Parking Provision

NOTIFICATIONS

Neighbour notification letters were sent to properties directly surrounding the site and a site notice was posted at the site. One representation has been received in response raising concerns relating to highway safety and noise.

Minster Parish Council - support the application.

CONSULTATIONS

Contaminated Land Officer - The site overlies the former Cross Channel Services site which has previously undergone remediation works to remove contaminants associated with the former petrol filling station use. The site is not anticipated to pose a significant risk to the proposed commercial units following these works. However, to safeguard the development given potentially contaminative past uses, this department recommends a watching brief condition for unexpected contamination be added should planning permission be granted:

Environmental Health Officer - I have considered the issues of noise with this development and consider that conditions requiring details of plant and/or ducting systems to be submitted and approved and hours of servicing and deliveries to the site to be restricted to certain hours should be applied to any permission to safeguard residential amenity.

Kent County Council Highways Officer - I refer to the amended drawings numbers 014.1797-PD.003 Rev. 05 and PD.009 Rev. 01, and the additional traffic information submitted for the above. Bearing in mind the above and the extant permission on the site, I confirm I now have no objection to the proposals in respect of highway matters subject to conditions relating to the following:

- o Provision of construction vehicle loading/unloading and turning facilities on site
- o Provision of parking facilities for site personnel and visitors on site
- o Provision of wheel washing facilities on site
- o Provision of measures to prevent the discharge of surface water onto the highway.
- o Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- o Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans

- o Provision and maintenance of 4.5 metres x 100 metres visibility splay to the west of the exit with no obstructions over 0.6 metres above carriageway level within the splay

Kent County Council Biodiversity Officer - We have reviewed the Update Extended Phase 1 Habitat Survey Report and we are satisfied that sufficient ecological information has been provided for the determination of the planning application. We require no additional ecological information to be submitted prior to determination of the planning application but the detailed mitigation/enhancement requirements must be implemented as a condition of planning permission if granted.

Reptiles

In our previous comments, we stated that it appeared that the site was left unmanaged and showed areas of rough, vegetated ground on site to provide suitable habitat for reptiles.

The updated ecological survey indicates that habitats on site have become more established with vegetation in the centre and in the boundaries becoming denser. However, the updated ecological report states that the site remains unlikely suitable for reptiles as it is small, has limited suitable habitat for reptiles and has poor connectivity with outside habitat for reptiles to colonise the site.

As such, we will not require a specific reptile survey but a precautionary approach will have to be undertaken in order to minimise any residual risk of harm or impact to reptiles (if present). This should be secured by a condition/informative.

We are aware that planning permissions (when granted) may not be implemented immediately. And in this situation we advise that if works do not commence until October 2019 (or after) there will be a need for an updated reptile scoping survey to be carried out to ensure the conclusions of the updated survey have not changed.

However, the Officer subsequently advised that the precautionary approach outlined above would be sufficient and further surveys would therefore not be required.

Breeding birds

The site contains suitable habitat for breeding birds and all nesting birds are protected under the wildlife and countryside act 1981 (as amended). We advise that if planning permission is granted informatives to this affect are added.

Bats lights

Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design for the works undertaken and the new buildings built. If planning permission is granted we suggest that a lighting condition is attached.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

We are very supportive of the ecological enhancements suggested in the ecological report to enhance the site for biodiversity and we recommend that the applicant confirms what enhancements will be incorporated in to the site if planning permission is granted and suggest that this is secured by condition.

Natural England - raises no objection in terms of statutory nature conservation sites, advising that the application is not likely to have a significant effect on the interest features for which Thanet Coast & Sandwich bay Ramsar and SPA and Sandwich Bay SAC have been classified. Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the Thanet Coast SSSI has been notified.

Environment Agency - We have reviewed the information submitted and have no objections in principle to the proposed development at this site. This is providing that conditions relating to unexpected contamination, foul drainage, surface water drainage, and fuel, oil and chemical storage are included on any planning permission granted at this site.

The site lies on the chalk formation, the chalk is classified as a principle aquifer. The site also lies in Source Protection Zone 2 for a public water supply borehole. Groundwater supplies are therefore at risk from activities at this site and all precautions should be taken to prevent accidental spillages and discharges to ground during and after construction.

Southern Water - The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public water main, so long as this would result in no unacceptable loss of hydraulic capacity. Consents will be necessary for excavations in proximity to water mains.

1. The water main requires a clearance of 6 metres either side of the water main to protect it from construction works and allow for future access for maintenance.
2. No development or new tree planting should be located within 6 metres either side of the centreline of the public water main.
3. No new soakaways should be located within 5 metres of a public water main.
4. All other existing infrastructure should be protected during the course of construction works.

In order to protect water apparatus, Southern Water requests that if consent is granted, a condition in relation to any diversion/protection of the water main.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. An informative to that effect should be attached to any grant of planning permission.

We request that should this application receive planning approval, a condition is attached to the consent to secure details of foul and surface water drainage.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

COMMENTS

The application has been brought before members as a departure to Policy CC1 of the Thanet Local Plan as the site is located within the open countryside.

Thanet Local Plan Policy CC1 states that new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.

Principle

The site constitutes previously developed land as it once accommodated a service station development. The site is now vacant and comprises a large area of hardstanding, stretching across the site. The petrol filling station closed down several years ago, and the building and petrol pumps associated with the use have been removed as part of an extensive decontamination exercise. The Planning Inspector, when considering an appeal concerning an unlawful mobile catering unit and other temporary buildings at the site in September 2012 considered that there was no longer a lawful use on the site.

The application site is located within the countryside where Thanet Local Plan Policy CC1 states that development will not be permitted unless there is an overriding need for it, which outweighs the need to protect the countryside. The proposal is for commercial uses, which could otherwise be located within the existing urban confines, or on one of the allocated employment sites within the District, meaning that little weight can be given to the need for the proposed development within the countryside.

However, Paragraph 28 of the National Planning Policy Framework supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. As such, the National Planning Policy Framework supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings.

It is therefore considered that whilst the proposed development is located within the countryside and consists of commercial uses that do not require a rural location, or solely serve the needs of the village, there would be a benefit resulting from local job creation, an aspect that has been supported by the Parish Council and Members of the planning committee when assessing previous applications on this site. Weight must also be given to the previously developed nature of the site, its historic use as a petrol station, and the planning permissions granted in 2012 and 2016 for the redevelopment of the site, following which there has been no material change in local or national policy.

On balance, given the benefits of local job creation and the previous planning permissions for the site, it is considered that the proposed development is acceptable in principle as a departure from Thanet Local Plan Policy CC1 subject to all other material considerations.

Character and Appearance

The proposed car showroom building would be part two, part single storey, centrally located within the site and set back from the road, whilst the building housing the 2no. mixed business units would be positioned to the rear of the site, behind the car showroom.

The proposed building to the rear would be constructed of materials and in a finish which would be in keeping with the car showroom to the front of the site. Having regard to the previously developed nature of the land, the scale and positioning of the proposed mixed use business units, together with the positioning of the proposed car showroom building, which has previously been considered acceptable in this location (and is the subject of the extant planning consent), and that the site is contained on three sides by mature trees and vegetation. it is not considered that the impact of the current proposed development would be more visually intrusive than the previously approved application which is still extant.

It is, therefore, not considered that the impact of the proposed development would have any greater visual harm on the character and appearance of its countryside setting or the Landscape Character Area.

Living Conditions

There is a residential caravan park, Smugglers Leap, adjacent to the east of the application site. One letter has been received from a resident of the park raising concerns with regards to potential noise. Whilst the static homes are positioned in the former chalk quarry, with a significant land level change which would provide a barrier to the noise, static homes do not benefit from the same degree of sound insulation as conventional brick built homes. As such, Environmental Health have been consulted and the Officer recommends conditions requiring the submission of full details for any plant or ducting system prior to the first use of the premises together with a limit on the level of noise this can generate, and a condition restricting the hours for the loading and unloading of goods and the arrival and departure of delivery vehicles to the site, in order to safeguard the residential amenity of neighbouring property occupiers.

There is a property to the north of site, Tan-Et Lodge, sited approximately 27 metres from the rear boundary of the application site. Whilst the proposed mixed business unit building is larger in scale than the previously approved storage building set off the rear boundary of the site, having regards to the retention of the existing closed boarded fence to the shared boundary with this property, natural screening, separation distances, the design of the proposed building comprising a reduction in eaves height to the rear and the positioning of openings within the pitch of the roof, allowing primary views in a skyward direction, it is not considered that the proposed development would have a harmful impact on the living conditions of these neighbouring property occupiers through a unacceptable sense of enclosure, overbearing impact or loss of light or privacy.

A condition requiring the submission of details relating to external lighting is considered appropriate in order that the potential impact on neighbouring amenity can be fully assessed.

Given the safeguarding conditions proposed, and having regard to the existing relationship and change in land level with the adjacent residential caravan park, and the previously approved consent, it is not considered that the proposal would cause harm to the amenities of neighbouring residential properties, in accordance with Thanet Local Plan Policy D1 and the National Planning Policy Framework.

Transportation

The main consideration is whether the demand that would be generated by the proposed uses would be adequately absorbed by the existing highway arrangements without causing risk to the safety and convenience of users of the highway.

The site would be accessed from the existing slip road off the A299.

The scheme proposes 31no. car parking spaces and a shelter for the storage of cycles. Following the submission of further information and bearing in mind the extant permission on site, the Kent County Council Highways Officer confirms that he has no objection to the proposals subject to the imposition of safeguarding conditions relating to vehicle loading/unloading and turning facilities, vehicle parking spaces, wheel washing facilities, discharge of surface water and visibility splays.

The impact upon highway safety and amenity is therefore considered to be acceptable subject to safeguarding conditions.

Ecology

The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible.

Whilst a large part of the site is covered by concrete, there is an extensive area of rough, vegetated ground on the site that may provide a suitable habitat for reptiles, the Kent County Council Biodiversity Officer therefore considered that an updated ecological scoping survey, along with any recommended specific species surveys (if required) and details of any

mitigation (if required) must be submitted prior to determination. As a result, the agent submitted an Update Extended Phase 1 Habitat Survey Report. Following review of this report, the Biodiversity Officer confirms that they are satisfied that sufficient ecological information has been provided for the determination of the planning application and they require no additional ecological information to be submitted prior to determination of the planning application but the detailed mitigation/enhancement requirements must be implemented.

It is considered that informatives relating to vegetation clearance as a precautionary approach to protect any reptiles and the protection of breeding and nesting birds would be appropriate. The Biodiversity Officer considers that no development should take place until the lighting strategy as described in Paragraph 4.6 of the Extended Phase 1 Habitat Survey for the site boundaries has been implemented as lighting can be detrimental to roosting, foraging and commuting bats. However, it is also necessary to ensure that any lighting strategy protects the amenities of neighbouring residential occupiers. As such, a condition requiring the submission of details for any external lighting would be appropriate.

A condition requested to secure ecological enhancements to provide net gains for biodiversity on the site, in line with advice contained within the National Planning Policy Framework, is considered appropriate.

Contamination

The site lies on the chalk formation; the chalk is classified as a principle aquifer. The site also lies in Source Protection Zone 2 for a public water supply borehole. Groundwater supplies are therefore at risk from activities at the site and all precautions should be taken to prevent accidental spillages and discharges to ground during and after construction.

Southern Water has advised that they will rely on the consultation with the Environment Agency to ensure the protection of the public water supply. Southern Water has recommended that a number of informatives are attached to a consent in order to guide the applicant and ensure the protection of the public water supply.

The Environment Agency has confirmed that they have no objection, in principle to the proposed development, subject to the imposition of safeguarding conditions relating to contamination, drainage and fuel, oil and chemical storage.

The Contaminated Land Officer considers that the site has previously undergone remediation works to remove contaminants associated with the former petrol filling station use. The site is not anticipated to pose a significant risk to the proposed commercial units following these works. To safeguard the development given potentially contaminative past uses, a watching brief condition is recommended.

The impact upon the source protection zone is therefore considered acceptable subject to safeguarding conditions.

Conclusion

Whilst the proposal would result in development within the countryside for which there is no identified need, the proposal is on previously developed land and will provide the benefit of local job creation to support the rural economy. In addition, a redevelopment scheme for the site has previously been approved and remains extant. The current proposal under consideration would have greater impact on the character or appearance on its countryside setting or the Landscape Character Area than the extant consent and it is considered that the same weight can be given to the balancing of the proposal when considering its impact as development in the countryside against the benefits of job creation and other economic benefits as the extant consent.

It is therefore recommended that members approve the application.

Case Officer

Helen Johnson

TITLE: F/TH/17/1322

Project Cross Channel Service Station Mount Pleasant Minster RAMSGATE Kent

Scale:

