

**A04**

**F/TH/17/1397**

PROPOSAL: Change of use of land to a 90 space lorry and coach park for a temporary period of 24 months

LOCATION: Dock Hereditament And Premises Port Of Ramsgate Royal Harbour Approach Ramsgate Kent

WARD: Central Harbour

AGENT: No agent

APPLICANT: Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

1 At the expiration of a period ending on 19th January 2020, unless further permission has been granted, the use of the land for lorry and coach parking shall cease.

GROUND:

In view of the temporary nature of the proposal.

2 The development hereby approved shall be carried out in accordance with the submitted drawing numbered 3602\_502A, received 25 September 2017.

GROUND:

To secure the proper development of the area.

3 The noise rating level (LAr,Tr) associated with the development site shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

GROUND: In the interests of residential amenity

#### SITE, LOCATION AND DESCRIPTION

The Port of Ramsgate was constructed in 1979 (previously known as Ramsgate New Port) and has three operational Roll on Roll off ship berths, an aggregate berth and a concrete batching plant. There are also 3 large pontoon berths which serve two wind farm operators who maintain 320 offshore turbines. There are no listed buildings/structures within the port and it is not within the Ramsgate Conservation Area (which starts at the top of the cliffs to the north of the port).

The application site is located to the northwest corner of the port, to the west of the passenger terminal building and is currently not used. The area measures some 1.22 hectares in area, hard surfaced, contained within a fence, floodlit and is covered by CCTV.

The area has previously been used (between 1998 and 2013) to accommodate the parking of Heavy Goods Vehicles (HGVs) (maximum of 90 44 tonne HGV units) which were either waiting to be shipped from Ramsgate or had arrived into Ramsgate by ferry. Prior to this the land was used as car assembly lanes for cross channel passenger ferries. Most recently, the application site was used to store new cars that had arrived by sea.

### RELEVANT PLANNING HISTORY

Whilst this current application site has no specific planning history relating to it, the wider port has the following recent planning history.

F/TH/13/0400 - Erection of 11.7m high turbine tower for purposes of training. Approved 26th July 2013

F/TH/98/0661 - Variation of conditions 2 and 5 attached to planning consent reference F/TH/97/0310 in respect of the permanent retention of rock bund wall and the continued use on a permanent basis of the contained area for the storage of dredged chalk fill material and use for purposes in connection with ferry terminal. Approved 8th October 1998.

F/TH/98/097 - Construction of a floating mooring/reception pontoon incorporating four driven piles, incorporating a temporary aggregate discharge facility. Approved 30th June 1998.

### PROPOSED DEVELOPMENT

This application seeks consent for a 90 space lorry and coach park for a temporary period of two years.

The information submitted to support the application highlights that the proposal be a complimentary land based facility at the port. It goes onto advise that at the present time there are limited facilities for the parking of commercial vehicles and particularly for coaches within Thanet as a whole with off street coach parking only available at Vere Road, Joss Bay in Broadstairs, Dreamland in Margate Minnis Bay in Birchington, Royal Esplanade and Victoria Parade in Ramsgate. It advises that land adjacent to the Manston Airport site was considered as a potential site for such parking, but this would not pursued due to the distance that coach drivers would need to travel, having dropped passengers at their destinations.

The park would operate 24 hours a day, 365 days a year and would be managed by staff at all times.

Vehicular access and egress to and from the site would be via the A299 Royal Harbour Approach and Military Road.

The site would be laid out to provide pedestrian walkways around and through the parking areas. The walkways would be designed to link to the existing terminal building to the west of the application site which would be used by HGV/coach drivers for toilets, showers, waste and recycling facilities together with payment facilities. There is lighting on site and there would be no changes to this existing lighting.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006**

EC9 - Ramsgate New Port  
TR10 - Coach Parking  
TR12 - Cycling  
TR16 - Car Parking Provision  
D1 - Design Principles  
T1 - Tourist Facilities

## NOTIFICATIONS

Letters were sent to the occupiers of adjoining residents, site notices placed close to the site and the application publicised in a local newspaper.

Eight letters raising objections to the proposal have been received. Their comments are summarised below:

- o There is no proof that the facility is needed. A recent Council study found only 4 lorries parked inappropriately overnight;
- o Would damage the Royal harbour and prevent the use of the port for a ferry. This space would be required to serve the forthcoming ferry;
- o Increase in traffic and pollution;
- o No footpaths on Military Road - danger to pedestrians;
- o Traffic congestion - single carriageway to port tunnel and there is already an issue when the traffic is closed for maintenance;
- o Traffic will use Military Road if the tunnel is close;
- o Inadequate access and safety issues from lorries using Military Road;
- o Negative impact on local businesses particularly those in the arches flanking Military Road;
- o Spoil the town for both locals and tourists;
- o Conflict with the Local Plan:
- o The harbour should be used solely for leisure;
- o Enjoying a day at the beach will be a thing of the past;
- o What facilities would be provided for the lorry drivers parked overnight? and
- o An unimaginative proposal for the site unlike the more imaginative and lucrative proposals desired by the local community.

**Ramsgate Town Council:** Concerns with traffic rerouted when tunnel closed via Military Parade. Will support if tunnel maintenance is conducted at night via agreement with Kent County Council.

## CONSULTATIONS

**KCC Highways:** The proposals are unlikely to generate more trips on the highway network than the permitted uses for the movement of freight through the port. No objection in principle to the proposals subject to the following:

1. Note the proposal aims to alleviate current unwanted parking on the highway by lorries and coaches but there will presumably need to be suitable associated enforcement to prevent such parking and to encourage the use of the port facility. The applicant may wish to discuss this with the enforcement authority.

2. Am aware that the Royal Harbour Approach is closed for regular maintenance to the tunnel and this would prevent access/egress to/from the site. There will, therefore need to be a strategy in place for the use of the parking area during such closures. Bearing in mind the difficulties for large vehicles in exiting the site via the Military Road/Royal Parade roundabout to the east and nature of Military Road with no footways outside seating areas for cafes and on street parking, it may be necessary to prevent the use of the site when the Royal Harbour Approach is closed. Alternatively it may be possible to carry out the tunnel closure outside of likely arrival and departure times for lorries and coaches. Further consideration needs to be given to this matter before planning consent is given and suggest that the applicant discusses this further with the team that organises the tunnel maintenance.

**Conservation Officer:** No objection in principle, however, raises concerns about the information provided to assess the impact on heritage assets in the vicinity.

**Environmental Health:** Would request that the applicant provides an assessment on noise from parked HGV refrigeration units as well as a statement on air quality based on the transport assessment. Given that air quality is a significant issue in Thanet consider that this issue needs to be considered at this stage to ensure that the proposal is adequately assessed.

Understand that similar lorry parks in Kent have had problems with anti-social behaviour of some drivers in terms of litter and use of the surrounding areas as toilets. Would, therefore, request that details of litter bins and waste collections as well as toilet facilities are submitted.

**Environmental Health;** Additional comments - Would request that a condition be included on any permission to control noise from the site including noise from idling vehicles and HGV refrigeration units.

I would also like to clarify the requirement for the applicant to provide further information on air quality, I do not consider that an air quality assessment is necessary. However, the applicant should demonstrate that the air quality impacts of the development have been considered and determined to be insignificant. The design and access statement states that

the development will not add significant vehicle movements to the existing road network. This information should be used to assess the impact on air quality from the operation of the proposed development. Given that the location of the development is of a significant distance from residential properties and other sensitive receptors I do not consider that an air quality condition is appropriate for this development and would not wish to raise an objection.

## COMMENTS

This application falls to be determined by the Planning Committee as it is a Thanet Council planning application and a departure from the Local Plan.

### **Principle**

As set out above, the site lies within the Port of Ramsgate. Saved policy EC9 of the Council's Local Plan specifically relates to the port and states

"Further development will be permitted at the Ramsgate New Port, as shown on the proposals map, if it facilitates the improvement of Ramsgate as a port for shipping, traffic through the port, new routes and complementary land based facilities, subject to the following criteria:

1. A demonstrable port related need for any proposed land based facilities to be located in the area of the new port, and also a demonstrable lack of suitable alternative inland locations; and
2. Compatibility with the character and function of Ramsgate seafront and the Royal Harbour as a commercial and leisure facility; and
3. An acceptable environmental assessment of the impact of the proposed development upon the harbour, its setting and surrounding property, and the impact of any proposed land reclamation upon nature conservation, conservation of the built environment, the coast and archaeological heritage, together with any proposals to mitigate the impact.

Land reclamation will not be permitted beyond the western extremity of the existing limit of reclaimed land.

The Council's Emerging Local Plan also has makes specific references to the port. Policy SP02 - Economic Growth- states that the growth of the Port of Ramsgate is supported as a source of employment and as an attractor of inward investment. Policy SP09 relates specifically to Ramsgate and states that in relation to Ramsgate Port that further development at Ramsgate Port which would facilitate its improvement as a port for shipping, increase traffic through the port, and introduce new routes and complementary land based facilities including marine engineering, is supported subject to the same criteria as the current policy.

The proposal for a lorry/coach park would technically be a departure from the Council's planning policies for the port as it cannot be considered as development that needs a port location. It, therefore, falls to consider whether the proposal would undermine the purpose of the policy and whether such a departure could be considered acceptable.

Both the current policy and emerging policy for the port support reuse of the port and activity and job creation within it. The parking of lorries and coaches would be akin to uses that have previously taken place on the application site and a redundant piece of land would be returned to an active use. There would be minimal physical development required to implement the consent and it is considered that such works that would be undertaken are reversible in nature. Given the above, and the fact that the consent is sought for a temporary period of two years, it is not considered that this proposal would undermine the future use of port.

It is also noted that proposal would bring economic benefits to the area both in terms of payments directly for the lorry/coach parking and also from potential tourism/visitor spending from the occupiers of coaches parked at the application site.

It is, therefore, considered that the use of the site as a 90 space lorry/coach park for a temporary two year period could be considered an acceptable departure from Policy EC9 in principle, subject to all other material considerations.

### **Character and Appearance**

Whilst the site lies adjacent to the south of the conservation area, the application site is clearly commercial in nature and of a different character and appearance to that of the conservation area. The significant land level change between the built development within the conservation area and the port means that the land is seen in a different context to the conservation area.

As stated above the application site is already fenced and hard surfaced and seen as part of the port and there would be minimal works required on site to implement the proposal. The presence of lorries and coaches on the site would be a kin to the previous uses on the site and it is considered that these vehicles would be seen against the surrounding port related development and would be considered acceptable within this commercial environment.

The concerns of the Conservation Officer are recognised, but it is noted that he raises no objection to the proposal in principle. It is considered that adequate information has been submitted in support of the application to sufficiently assess the impact of the proposed development on the nearby conservation area and listed buildings/structures and their settings. Therefore no additional information is required from the applicants.

It is not, therefore, considered that there would be an adverse effect on the character and appearance of the nearby conservation area or the architectural and historic interest of nearby listed buildings/structures or their settings.

### **Living Conditions**

Given its commercial nature the application site is located away from any residential dwellings and with other surrounding noise sensitive uses. It is, however, noted that the Council's Environmental Health Team have raised concerns about the potential of noise generation from HGV refrigeration units. They advise that a noise assessment should be

carried out and a condition will be attached to secure this assessment. It is noted that the front elevation of the nearest residential property to the application site is approximately 97m from the application site and at a significantly higher level being on the adjacent cliff. It is not considered that any noise/disturbance generated from this proposal would be significantly higher than the extant planning use of the site and the working harbour adjoining the site, which would allow the whole area in question to be used by vehicles for the purposes of shipping. This is a legitimate fall-back position that could occur at any time. It is therefore not considered appropriate that a condition requiring an assessment is required, however a restrictive condition on the level of noise at the closest residential facade is considered sufficient to safeguard residential amenity.

Concerns have also been raised in relation to air quality and that a statement should be produced on air quality based on the transport assessment. A condition to secure this statement would be imposed. The supporting information advises that the majority of vehicles using the proposed lorry/coach park would use the dedicated access road via the tunnel which links directly to the A299 and, as such, HGVs and coaches would not, in most instances, have to travel through the town of Ramsgate to reach the site. It is, however, acknowledged that there are some instances, albeit infrequent, where the tunnel is closed for maintenance and vehicles would have to use alternative routes to reach the port. It is noted that the maximum anticipated number of HGVs/coaches movements to and from the proposed park would be 100 vehicles per day. It is noted that a port related use (such as the cross channel service which operated until 2013 and which frequently generated freight movements in excess of 500 vehicles per day) could commence without the need for a further grant of planning consent. This is a legitimate fall-back position which could result in significantly higher levels of large vehicles entering and exiting the site under the current arrangements for tunnel maintenance which could have the potential to result in issues with air quality.

Notwithstanding this, whilst there may be some limited impact from the proposal in terms of air quality it is not considered that this would be so severe to warrant a recommendation of refusal.

Toilet, shower and waste facilities would be provided for users of the lorry/coach park in the existing terminal building and, as set out above, park would be managed 24 hours a day, all year.

It is not, therefore, considered that there would be an adverse effect on the residential amenities of adjoining occupiers.

## **Transportation**

Whilst it is noted that the majority of lorries and coaches that would use the park would access and exit the site via the tunnel, concerns have been expressed by both local residents and KCC as the Highway Authority as how the park would be accessed when the tunnel is closed for maintenance. Local residents advise that Military Road is not suitable for large vehicles such as HGVs and that the use of the road by them would result in highway safety issues, together with congestion whilst the large vehicles manoeuvre and also be

detrimental to the businesses located along Military Road and the attraction of Ramsgate as a tourism destination in general.

The supporting information advises that the majority of vehicles using the proposed lorry/coach park would use the dedicated access road via the tunnel which links directly to the A299 and, as such, HGVs and coaches would not, in most instances, have to travel through the town of Ramsgate to reach the site. It is, however, acknowledged that there are some instances, albeit infrequent, where the tunnel is closed for maintenance and vehicles would have to use alternative routes to reach the port. It is noted that the maximum anticipated number of HGVs/coaches movements to and from the proposed park would be 100 vehicles per day. It is noted that a port related use (such as the cross channel service which operated until 2013 and which frequently generated freight movements in excess of 500 vehicles per day) could commence without the need for a further grant of planning consent. This is a legitimate fall-back position which could result in significantly higher levels of large vehicles entering and exiting the site under the current arrangements for tunnel maintenance.

Notwithstanding this, whilst some inconvenience would occur on the highway network from the proposed use, particularly on Military Road, if the tunnel was closed for maintenance in the daytime, these occasions would not be so prevalent to result in severe harm to the highways network to warrant refusal of the application, and no objection is raised by KCC Highways. However, it is understood that the applicant is in discussions with the Highways Authority about when tunnel maintenance occurs to minimise any disruption (as requested by the KCC Highways Officer), and an informative is put forward to encourage a separate agreement between the two parties.

## **Flooding**

The application is supported by a Flood Risk Assessment and it is noted that the majority of the application site lies in flood zone 1 (at least risk of flooding), however, a small part of the site (the western boundary of the proposed site) lies within flood zone 2 (between 1 in 100 and 1 in 1000 annual probability of flooding).

The storage of vehicles is considered to be a less vulnerable use and it is noted that the site is managed 24 hours a day, 365 days a year by staff located in the existing terminal building which is located within flood zone 1. Given the uses that take place at the port, the weather is already constantly monitored and the port already has action plans in place in case of flooding. In the case of the proposed lorry park, should monitoring pick up an elevated risk of potential flooding, staff will not permit parking adjacent to the western boundary fence.

Whilst this will slightly reduce the area available for parking, it is considered that this action will satisfactorily mitigate any risk of flooding.

In terms of surface water, the area is already hard surfaced and the proposal will not result in additional hard surfacing. It is not, therefore, considered that there would be any additional risk of surface water flooding from the proposal.



## **Other Matters**

Concerns have also been raised by residents that the proposal would prevent the use of the port for a ferry and that the scheme is an unimaginative scheme for the site and there are more lucrative and imaginative proposals from the local community. Each point will be considered in turn below.

The applicants have confirmed that the proposal would not prevent the use of the port by a ferry.

The proposal under consideration is for the change of use to a 90 space lorry and coach park for a temporary two year period and this is the only proposal under consideration.

## **Conclusion**

As set out above, the application is reported to Members of the Planning Committee as a Council application and on that it is a departure. Saved policy EC9 relates to the port and supports port related activities. Whilst the proposed lorry/coach park is not a port related activity, it is akin to previous uses on the site, would require limit works to facilitate it and such works that would be required would be reversible. Given the above, and the fact that the consent is sought for a temporary period of two years, it is not considered that this proposal would undermine the future use of port and has the potential to bring economic benefits to the area. It is, therefore, considered that the use of the site as a 90 space lorry/coach park for a temporary two year period could be considered an acceptable departure from Policy EC9 in principle, subject to all other material considerations.

Concerns have been raised in relation to potential noise from the proposed use, air quality issues and traffic movements to and from the port especially when the tunnel is shut for maintenance. It is noted that the application site is within a working port which generates noise and attracts vehicles with the potential to generate air quality issues which access and exit the port generally through the tunnel, but also when the tunnel is closed for maintenance. It is noted, however, that a port related activity generating both significant noise and traffic generation could commence on the site without the need for a further grant of planning permission which is a legitimate fall-back position. It is, therefore, considered that given the distance between the application site and the nearest resident properties and the significant changes in level together with the safeguarding conditions proposed and that the use would be for a temporary period of two years that the proposal use would have an adverse effect on the amenities of the area.

The officer recommendation is, therefore, approval.

## **Case Officer**

Annabel Hemmings

TITLE: F/TH/17/1397

Project Dock Hereditament And Premises Port Of Ramsgate Royal Harbour Approach Ramsgate Kent

Scale:

