

**A01**

**F/TH/19/0215**

PROPOSAL: Erection of a coffee shop with drive-through (use class A1/A3) with associated parking, servicing and landscaping.

LOCATION:

Land South Of Laundry Road Minster RAMSGATE Kent

WARD:

Thanet Villages

AGENT:

Mr David Harvey

APPLICANT:

Mr Garry Gatt

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 plan numbered 3812/P002a, received 14th May 2019; revised plan numbered 3812/P200 Rev A, received 29 November 2019; additional plan numbered 3670-08, received 18 November 2019; and plan numbered 3812/P100, received 21 February 2019.

**GROUND:**

To secure the proper development of the area.

3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

(i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority;

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

To ensure that features of archaeological interest are properly examined and recorded in accordance with the advice contained within the National Planning Policy Framework.

4 No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains.

5 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

6 Piling or any other foundation designs using penetrative methods shall not be 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 by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that the development does not contribute to, unacceptable levels of water pollution caused by mobilised materials in line with paragraph 170 of the National Planning Policy Framework.

7 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

8 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 Fridays: before 08:00 or after 18:00 hours on Saturdays or at any time on Sundays or Bank Holidays.

**GROUND:**

In the interests of neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

9 The use of the premises hereby approved shall not be used other than between the hours of 05:00 and 23:00 on any given day.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

10 Prior to the first use of the development hereby permitted, electric vehicle charging points shall be installed within the carpark at a ratio of one charging point per ten parking spaces. Prior to the installation of the charging points details of their location and design shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall thereafter be maintained.

**GROUND:**

To reduce harm to the environment in accordance with paragraph 110 of the NPPF.

11 Prior to the first use of the coffee shop hereby permitted, the noise level of the Order Point speaker/s at 0.5 metres shall be limited to no more than 82 dB L<sub>Amax</sub>. This shall be commissioned by a suitably qualified acoustic consultant, with a report submitted to and approved in writing by the Local Planning Authority, which details how this noise level has been met, and which includes a management method for ongoing maintenance of this noise level limit. The Order Point speaker facility shall be operated and maintained in accordance with the management and maintenance report.

**GROUND:**

In the interests of neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

12 Prior to the first occupation of the 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. This shall include block paved parking spaces and footways, as agreed by the agent in correspondence received 19th June 2019.
- 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.

13 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 first 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.

**GROUND:**

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

14 Prior to the commencement of development hereby permitted (including vegetation clearance), a detailed precautionary mitigation strategy for Hedgehogs and Badgers shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include (but is not limited to) the following:

- A pre-checks methodology, including timings and the responsible person to check for Hedgehogs and evidence of Badgers;
- A methodology to clear vegetation;
- Timing of the proposed strategy with development works.

Development shall be carried out in accordance with the mitigation strategy as approved.

**GROUND:**

To protect and enhance biodiversity, in accordance with paragraph 174 of the NPPF.

15 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

16 The construction of the development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

**GROUND:**

In the interests of highway safety.

17 The area shown on the approved plan numbered 3812/P002a for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first use of the development hereby permitted.

**GROUND:**

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

18 Prior to the first use of the development hereby approved visibility splays of 43m x 2.4m x 43m shall be provided to the access on to Laundry Road as shown on the approved plan no with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND:**

In the interest of highway safety.

19 Prior to the first use of the development hereby permitted, pedestrian visibility splays of 1 metre by 15 metres behind the footway on both sides of the vehicular access, with no obstructions over 0.6m above footway level, shall be provided and thereafter maintained.

**GROUND:**

In the interest of highway safety.

20 Prior to the first use of the development hereby permitted, the vehicular access and associated works, as shown on plan numbered 3812/P002a, shall be completed.

**GROUND:**

In the interests of highway safety.

21 Prior to the first use of the development hereby permitted, the widening of Laundry Road at the junction with Tothill Street, as shown on plan numbered 3670-08, shall be completed.

**GROUND:**

In the interests of highway safety.

22 Prior to the first use of the development hereby permitted, secure and covered cycle parking facilities shall be provided within the site at a ratio of 1 cycle parking space per 15 coffee shop seats (as a minimum). Details of the cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking spaces shall be installed in accordance with the approved details and thereafter maintained.

**GROUND:**

In the interests of sustainable forms of transport, in accordance with the NPPF.

23 Prior to the first use of the development hereby permitted, a solid timber fence, which shall be at a height that exceeds the height of the drive through speaker by 0.5m, shall be erected along the southern boundary of the site as shown on the approved plan numbered 3812/P002a, and thereafter maintained.

**GROUND:**

In the interests of neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

24 Prior to the construction of the external surfaces of the development hereby approved samples of the materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

**GROUND:**

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

25 Prior to the commencement of development hereby permitted, an emissions mitigation assessment, in accordance with Thanet District Council's Air Quality Technical Planning Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The emissions mitigation assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

**GROUND:**

To protect air quality, in accordance with the National Planning Policy Framework

26 The development hereby permitted shall be constructed at the level as shown on the approved plan numbered 3812/P200 Rev A.

**GROUND:**

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

## INFORMATIVES

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

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](http://www.southernwater.co.uk).

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

Piling can result in risks to groundwater quality by mobilising contamination or creating turbidity when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

## SITE, LOCATION AND DESCRIPTION

The site is located on the northern edge of Minster Village, adjacent to the existing roadside services. To the west of the site is the Premier Inn; north and north-west of the site are McDonalds, the petrol station and coach parking; to the east of the site is amenity land similar to the application site, with agricultural land beyond; and the south of the site are residential properties. The site itself is an area of undeveloped open scrubland. A footpath lies adjacent to the northern boundary of the site, along with a 3.5m deep area of hedging, which is not included within the application site but is to remain. To the southern boundary of the site a minimum 2m high, 13m deep, landscaped bund is present between the site and existing residential properties. The bund is also present along the boundary to the west of the site on the adjacent land, marking the edge of the original roadside services allocation.

## RELEVANT PLANNING HISTORY

**R/TH/02/1074** -Creation of HGV parking area in connection with roadside services area, being details (in part) pursuant to outline planning consent ref no OL/TH/02/0375. Granted - 19/02/2004

**R/TH/02/1073** - Erection of roadside services comprising refuelling area, car wash, shop and access roads being details (in part) pursuant to outline planning consent reference number OL/TH/02/0375. Granted - 25/05/2005

**OL/TH/02/0375** - Variation of condition 2 of planning permission reference TH/99/0295 for outline permission for the erection of petrol filling station, motorist restaurant and lodge, cafe and provision of lorry, coach and car parking, picnic area, woodland and landscaping, to extend the time period for the submission of reserved matters to the 30/05/2003. Granted - 10/07/2002

**OL/TH/99/0295** - Variation of condition 2 of planning reference 92/0953 to extend the time period for the submission of reserved matters to 30th May 2002. Granted - 27/05/1999

**OL/TH/92/0953** - Erection of petrol filling station, motorist restaurant and lodge, cafe and provision of lorry, coach and car parking, picnic area, woodland and landscaping - Granted

### PROPOSED DEVELOPMENT

The proposal is for the erection of a single storey retail/cafe unit with associated parking. The retail/cafe unit is setback from the road by 20m. The building has a maximum roof height of 5.3m and is approximately 16m long by 11m wide. The car park is located in the eastern half of the site and contains 31 no. parking spaces. A drive through is proposed with the access road running along the southern and western boundary of the site.

The building would be constructed using vertical black timber cladding, horizontal natural timber cladding, dark grey aluminium windows and doors, and grey painted steel roof. The carpark will consist of tarmac roads and permeable block paved parking spaces, with some modest landscaping. A 2m high solid timber fence is proposed to the southern boundary.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2006**

CC1 - Development in the Countryside  
CC2 - Landscape Character Area  
TC1 - New Retail Development  
HE11 - Archaeological Assessment  
TR12 - Cycling  
TR16 - Car Parking Provision  
D1 - Design Principles  
D2 - Landscaping  
EP13 - Groundwater Protection Zones  
SR11 - Private Open Space  
EP5 - Local Air Quality Monitoring



## NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. Two letters of objection have been received raising the following concerns:

- Noise and disturbance from drive-through speaker,
- Loss of privacy,
- Impact on highway - safety and increased congestion,
- Lack of visibility along Laundry Rd, require double yellow lines.

**Minster Parish Council** - No objection in principal to the application, but have the following concerns:

- The traffic information in the transport study is out of date, it is based on a survey dated May 2016. This should have current relevant data.
- The junction with Laundry Road into Tothill Street is already a problem junction with heavy traffic regularly backing up past McDonalds and it is difficult to pull out from. Can improvements be made to the junction to improve traffic by way of a developer contribution to Kent Highways.
- Concerns were raised regarding litter. Litter bins should be provided around the site and also a condition that Costa Coffee provide a litter picker the same as McDonalds to litter pick a certain distance outside the curtilage of their site to pick any litter relating to their business.

## CONSULTATIONS

**KCC Highways and Transportation** - (*final comment*) I refer to the above and confirm the proposals are now acceptable. The vast majority of trips to/from the site will be pass-by and/or diverted trips, and the number of new trips generated on the wider highway network is therefore unlikely to be significant or have a severe impact. The increase in turning movements at the Laundry Road/Tothill Street junction has been assessed and is acceptable with some widening of the Laundry Road arm to provide additional queuing capacity. These works will be carried out by the developer through a s.278 agreement with the highway authority. The proposed site access is acceptable and provides suitable visibility. The amount of car parking proposed is acceptable and cycle parking can be secured by condition. I therefore now have no objections in respect of highway matters subject to safeguarding conditions.

(*initial comment*) I refer to the above planning application and concur with the submitted Transport Statement that the proposals can provide an acceptable level of car parking and queuing capacity within the site. It is also accepted that the vast majority of trips to/from the site will be pass-by and/or diverted trips, and the number of new trips generated on the wider highway network is therefore unlikely to be significant. However, I would add the following:

1. Whilst 90% of trips will already be on the wider highway network, most of the trips to/from the site will be through the Tothill Street/Laundry Road junction, the site access/Laundry Road junction and the Tothill Street arm of the Tothill Street roundabout. Most of these will therefore be additional trips through these points and bearing in mind the identified 150-160 two-way trip generation during peak hours, the impact at these junctions needs to be

assessed. The applicant is advised to discuss and agree the parameters of these assessments with the highway authority prior to their implementation.

2. The proposed western boundary treatment is unclear but may obstruct the visibility for pedestrians crossing west to east at the site access. A splay of 1 metre x 15 metres is required to drivers exiting the drive-thru lane with no obstructions over 0.6 metres above footway level, and this should be shown on the plans. I wish to place a holding objection until the above matters have been satisfactorily resolved. I would add that the proposal to provide parking restrictions in Laundry Road to protect the site access is noted, however such restrictions are now already in place.

**KCC Archeological Officer** - The area is rich in archaeological remains, particularly of prehistoric and Romano-British as has been seen from investigations at the services, the Premier Inn and the East Kent Access Road. The application is accompanied by a desk based archaeological study that was written by Archaeology South East and which provides a good account of the archaeology found on the adjacent sites. In particular it highlights the finding on the hotel site to the east, part of a curved ditch that may be from a Bronze Age ring ditch or given a slightly later C14 dating obtained, a Middle Bronze Age enclosure. Aerial photography dated to 1980 suggests a more oval enclosure rather than a ring ditch and this would extend into properties to the south. Other remains known to cross the site include ditches of Iron Age and Roman date. Areas of later prehistoric settlement were found on the adjacent site but mostly concentrated away from the present site.

Given the above I recommend that in any forthcoming consent provision is made for an archaeological evaluation to be followed by appropriate mitigation works. Mitigation could include excavation or adjustment of foundations or landscaping to avoid features of particular significance that may be identified.

**KCC Biodiversity Officer** - We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided.

#### Protected Species

The proposed landscape plans show that development will take place up to boundaries of the site and the ecology report notes that some of the boundary vegetation (scrub) is suitable habitat for Hedgehogs. Hedgehogs are a species of principal importance for the conservation of biodiversity, under Section 41 (England) of the NERC Act 2006. To ensure that any potentially present Hedgehogs are not harmed during development works, we advise that a precautionary mitigation strategy is provided, which will include pre-works checks. The strategy should also include checks for evidence of badger setts (which may have colonised in the intervening period), as recommended in the ecology report. We are satisfied that any impact on protected/notable species can be avoided through the production and implementation of a precautionary mitigation strategy, which we advise is secured via an attached condition, should planning permission be granted. We recommend the following wording: "Prior to the commencement of development works (including vegetation clearance), a detailed precautionary mitigation strategy for Hedgehogs and Badgers will be submitted to, and approved by, the local planning authority. It must include (but is not limited to) the following: o A pre-checks methodology, including timings and the

responsible person to check for Hedgehogs and evidence of Badgers; o A methodology to clear vegetation; o Timing of the proposed strategy with development works. The works must be implemented as detailed within the approved strategy."

### Breeding Bird Informative

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent: "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 scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present."

### Designated Sites

The applicant site is within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). However, as the application is for the development of a 'coffee shop with drive-through', we advise that there is unlikely to be any adverse impacts to the designated site. Ecological Enhancements In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Examples include the installation of bird/bat nest boxes and the planting of native species. To ensure that ecological enhancements are incorporated in to the development, we advise that an associated condition is attached to planning permission, if granted. Suggested wording: "Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved by, the local planning authority. The approved details will be implemented and thereafter retained."

**Southern Water** - Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, an informative is attached to the consent.

**Environment Agency** - We have reviewed the information submitted and due to the scale, nature and setting of this proposal and the supporting information submitted, we do not object to the proposal in principle providing the following conditions are placed on any permitted development.

**TDC Environmental Health - (final comment)** I have reviewed the attached documents and am pleased to see that close boarded fencing will be erected along the boundary with noise sensitive properties which will offer a reduction in noise levels.

The report submitted is comprehensive and the suggested condition for the noise limit on the order point has been considered. My concern is that the noise limit will be open to interpretation and we would be relying on the limit being changed if practicable. I would therefore suggest that the condition be adapted to read:

Prior to the facility being brought into use the noise level of the Order Point speaker/s at 0.5 metres shall be limited to no more than 82 dB LAmax. This shall be commissioned by a suitably qualified acoustic consultant and a report issued indicating this has been met, including an accepted management method for ongoing maintenance of this limit, to the local authority for approval.

This would further protect the noise sensitive properties which back on to the location of the order point.

*(initial comment)* I have been asked to comment on the above planning application on behalf of Environmental Health. The application is for Erection of a coffee shop with drive-through (A3/A5) with associated parking, servicing and landscaping.

I have reviewed the application and note that an acoustic report has been prepared by Sharpes Redmore dated 8th February. This report has been undertaken using correct methodology, assessment and guidelines. The calculations are accepted for plant noise however no background measurement was undertaken at nearby residential which is likely to be lower than measured and although this achieves guideline levels this does not necessarily mean that the noise from drive thru activities (i.e ordering and use of intercom) or deliveries will not annoy or cause a nuisance to neighbours given the proximity and hours proposed.

Therefore concerns remain and I would request that an acoustic barrier is erected and maintained along the southern boundary.

I would also suggest restricting the time of any deliveries and would suggest the following condition:

- 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 Fridays: before 08:00 or after 18:00 hours on Saturdays or at any time on Sundays or Bank Holidays.

As the site is a major development and as such has the potential to impact on the air quality of the nearby UAQMA I would also request the following conditions to be added to any consent:

- 10% of parking spaces (ie. developments with >10 spaces) to be provided with Electric Vehicle charge points which may be phased with 5% initial provision and the remainder at an agreed trigger level

Prior to the commencement of the development hereby permitted, an emissions mitigation assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance shall be submitted and approved in writing by the Local Planning Authority. The emissions mitigation assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

## COMMENTS

The application is brought before members as a departure to Policy TC1 of the Thanet Local Plan.

### **Principle**

#### *- History*

The site originally fell within the area allocated for roadside services within Thanet Local Plan Policy TR7; however, in June 2009 the policy was not 'saved' by the Secretary of State and has therefore expired. As such no weight can be applied to this policy.

Whilst no weight can be applied to the policy, outline planning permission has previously been granted for the development of the application site for roadside services, in the form identified within the planning history section of this report. Whilst this consent is no longer extant, part of the overall site (which excludes the application site) has been developed for the roadside services, including the petrol station and shop, lorry parking, hotel and McDonalds. The application site, along with the adjoining area of land to the east, never formed part of a reserved matters application, and have therefore remained vacant; however, the intent to originally include these areas of land within the roadside services provision is still evident through the presence of an existing landscaped bund and buffer area along the southern and eastern boundaries of the application site and adjoining land, which was a requirement of the original outline consent.

#### *- Proposed retail/cafe unit*

The site is located outside of the urban and rural confines, and as such the proposed development would be considered under Policy CC1 of the Thanet Local Plan, which states that 'new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside'.

Policy TR7 of the Thanet Local Plan has not been saved as the roadside services as provided are considered to be adequate to fulfil the roadside services requirement in the area. Policy TR7 can therefore not be relied upon to justify a need for the proposed development in relation to the roadside services, as additional facilities are not considered to be necessary.

The proposed retail/cafe use is defined within the NPPF as a town centre use. Paragraph 86 of the NPPF, and Policy TC1 of the Thanet Local Plan, require that a sequential test is applied to planning applications for new town centre uses, which are not in an existing centre; with the sequentially preferable location being within the town centre, then the edge of town centre. Whilst there is a requirement for a sequential test to be submitted with this new retail application, given the modest size of the unit proposed, it is likely that a vacant unit exists within one of the existing town centres that could accommodate this development, and as such the proposed development would not accord with Policy TC1 of the Thanet Local Plan. Whilst contrary to this policy in the Thanet Local Plan, the proposal is not considered to be contrary to the NPPF, as paragraph 25 states that a sequential approach should not be applied to small scale rural development, which the proposal would be given its edge of village location.

Paragraph 28 of the NPPF supports economic growth in rural areas, including "*the sustainable growth .....of all types of business and enterprise in rural areas...through well designed new buildings; and through promoting the development .... of agricultural and land-based rural businesses*". The proposed development would incorporate the growth of a new business in the rural area. The proposed development would provide the equivalent of 11 no. full time jobs, and the retail/cafe use will provide a local shop/meeting space that could help to enhance the sustainability of the village and its existing and future community, as supported by paragraph 92 of the NPPF. As such the proposed development would provide economic and social benefits.

Whilst there is not a need for additional roadside services, and whilst the proposal is contrary to Policy TC1 of the Thanet Local Plan, which requires need retail development to be located within existing town centres, the proposed development will provide economic and social benefits for the village, which is supported by the NPPF.

The benefits provided by the development provide some justification towards the need, and therefore the principle of development could be considered acceptable as a departure to Policy TC1 of the Thanet Local Plan if the social and economic benefits of the proposal outweigh the environmental harm to the countryside, and subject to all other material considerations such as impact upon highway safety and neighbouring living conditions being considered acceptable.

## **Character and Appearance**

### *- Impact upon Countryside*

The application site is non-previously developed land, however, whilst it is located outside of the village confines, it is not currently agricultural land. The land was originally allocated as part of the Minster Services development, and through the original application, mitigation works in the form of a landscaped bund surrounding the site to the east and south was approved, and subsequently implemented. The application site, nor the adjacent land to the east, has ever been developed, and there are no extant consents covering the site; however, the bund remains in situ, creating a physical barrier between the application site and the surrounding agricultural land.

The site lies within the Manston Chalk Plateau Landscape Character Area. The area is characterised by elevated, flat landform with gently rolling undulations; predominantly regular, medium to large scale arable and horticultural fields on ALC Grade 1 and 2 soils with little defining features, which create a very open landscape; tree belts and linear woodland with localised areas of paddocks and pasture; settlement comprises low density, 1-2 storey detached properties including the small village of Manston and buildings along minor roads; a variety of building materials including traditional flint, plus red brick, render and timber cladding.

A landscape and visual appraisal has been submitted with the application. The appraisal comments on the visibility of the site from the surrounding area. To the north of the site the landscape rises up and is partially open in nature. Views of the site are possible from short sections of the A299 to the north, however beyond this is the private former Manston Airport site and no public access currently exists. Therefore northern views of the site are limited to very small areas predominantly associated with the A299 corridor. The existing Minster Co-op service station and McDonalds developments also provide partial screening of the site from locations to the north and north west.

The site is screened along the eastern boundary by the existing earth embankment and vegetation, which the appraisal suggests prevents views of the site and its interior from all locations to the east.

To the south the site is screened by the existing earth embankment and vegetation, which prevent views of the site and its interior from all locations to the south; although it is possible that some upper windows from a small number of residential properties to the south may gain a fragmented and partial glimpsed views of the site and its interior.

To the west the site shares an open boundary with the adjacent Premier Inn site and views of the site are possible from the car park and east facing windows of the building. The Premier Inn building and associated site vegetation provides heavy screening of the site and prevent views extending further west, except for a small viewing corridor created by the junction of Laundry Road and Tothill Street. The Prospect Inn site provides further extensive screening that prevents views extending any further west.

Overall, when considering the location of the site, the appraisal concludes that it has a very small, tight and contained visual envelope that does not extend more than 500m to the north and west. There are no views of the site to the east, and views to the south would occur only from a very small number of second storey windows of residential properties immediately adjoining the site boundary.

The proposal is for the erection of a single storey building with a mono pitched roof, measuring 5.3m to the highest point of the roof, and 4.5m to the lowest point. A section has been produced to show the relationship between the proposed building and surrounding development, and between the proposed development and surrounding land levels. Land levels in the area are highest at the airport and the adjoining A299. Levels drop moving south into Minster. As such, the application site is at a significantly lower level than the A299, with the submitted section plan showing the application site falling at least 2m below the level of the petrol station Co-op building. The section taken through Laundry Road shows

that the proposed building would fall below the ridge height of the closest section of the Premier Inn by at least 3.5m.

The landscape assessment advises that the potential for the development to impact upon views is restricted to locations immediately adjacent to the north and west of the site, and predominantly from either public highways or adjacent car park areas associated with adjacent commercial and retail development.

Views to the east and south are prevented by the existing perimeter bund and associated scrub / tree planting; and overall the site and proposed development is considered to have a very small and contained visual envelope. As a result, the assessment advises that the proposal would affect only a very small number of individuals on a local scale, and at locations associated with existing low visual amenity levels, being predominantly functional, transport and retail areas.

The assessment concludes that the proposed development is highly characteristic and appropriate for its setting. Whilst the site is currently undeveloped it is clearly visually contained and visually part of the wider existing Minster Services Complex. The character of this location is already significantly informed by the existing Premier Inn, McDonalds and Co-op Service Stations building and associated surrounding areas. Where views of the new development would be seen, these occur in locations where either, the existing extensive developments of the Co-op service station, McDonalds and Premier Inn sites are clearly visible and already large and prominent features of the views, or from locations with low existing visual amenity value due to the proximity to the A299 and the associated fast moving traffic. As such the inclusion of this fairly modest sized building is considered to have no impact or effect upon the existing character of this site and little influence upon the wider landscape character. Overall the visual landscape is assessed to have a Low susceptibility to the proposed development.

Paragraph 17 of the NPPF requires that when determining planning applications consideration is given to protecting 'the intrinsic character and beauty of the countryside'. In this case the site is not open agricultural land but land formerly allocated for a commercial use. The Landscape and Visual Appraisal concludes that the visual impact upon the countryside and surrounding character of the area would be limited and this is agreed by officers. The impact upon the countryside and landscape character area is therefore considered to be acceptable, and in accordance with Policies CC1 and CC2 of the Thanet Local Plan, and the NPPF.

- *Design, scale, layout and materials*

The building is single storey, with the ridge height falling below the height of the adjacent premier inn hotel. The design has a mono-pitch roof, which will appear in keeping with the style of buildings in the surrounding area. Rather than using a standard unit type for the Costa retail unit, the proposed building has a unique design to reflect its rural location. Whilst the roof form is typical for this type of unit, its solid clad design, and more specifically its use of black and natural timber cladding materials, is considered to be sympathetic to its village edge location, with features that are characteristic of a rural building.



The building is setback on the site, with parking to the front and side and the drive through to the rear. This is in keeping with the surrounding pattern of development, in particular the premier inn building, which is similarly located.

With regards to landscaping, the bund will remain to the southern boundary and the far eastern boundary. Within the site itself there would appear to be limited potential for soft landscaping, with only a slim soft landscaped border achieved in the areas adjoining the northern, western and southern boundaries of the site. Improvements to these spaces may be possible through the later submission of a landscaping plan, although an increase in the soft landscaping provision is unlikely. Outside of the application site boundary to the north, adjacent to Laundry Road, a soft landscaped verge exists, which is maintained by KCC and is to remain. This verge contains some hedging, which will help to soften the views into the site, as can be seen with the Premier Inn site.

The majority of the site is hard surfaced for either access provision, off-street parking, or pedestrian links. The applicant has agreed to the use of varied hard surfacing materials within the site, with tarmac allocated for the access areas, and permeable block paving proposed for the parking spaces and pedestrian links. Given the restricted size of the site, the retention of the landscaped bunds and landscaped verge, and the use of permeable block paving within the site, the landscaping strategy is considered to be acceptable and in keeping with the area.

## **Living Conditions**

The site is located adjacent to an existing serving area, with existing commercial development to the west and north, and amenity land to the east. To the south of the site are residential properties, and therefore consideration needs to be given to the impact upon the amenity of these neighbouring occupiers.

The southern boundary of the applicant site is located 30m from the rear elevation of the nearest neighbouring dwelling in Southall Close. The proposed building is at least 40m from the nearest neighbouring dwelling. The building is single storey so there will be no issues regarding loss of light, outlook or privacy to neighbouring occupiers.

Concern is raised, however, with the potential impact on residents from noise and disturbance associated with the proposed use. A noise assessment has been submitted with the application, which considers the impact from fixed mechanical plant, car-parking, and noise from the use of the drive-thru facility. The report concluded that the noise levels identified are likely to be predominantly less than the pre-existing background noise levels, and therefore the proposed development would not cause significant adverse noise impact on neighbouring occupiers.

Environmental Health has been consulted and upon assessing the report concerns were raised regarding the lack of specific information regarding the order point speaker system. Concerns have been received from neighbouring occupiers regarding this issue, with some residents advising that they are currently able to hear the order point speaker at McDonalds, which is located a further 70m at least from the proposed speaker system when viewed in relation to the neighbouring occupiers.

A further technical note has been submitted by the applicant. The technical note contains a survey of similar order points in order to assess the potential impact. The technical note concludes that the inclusion of a close boarded fence to the southern boundary of the application site will reduce the noise level within the residential garden areas to at least 5 db below the background noise level. An amended plan has been submitted showing the provision of a new solid fence along the southern boundary, at a height that exceeds the height of the order point speaker by 0.5m. This provision, in conjunction with the existing bund, is considered to reduce any potential noise to an acceptable level.

In addition, the technical note advises that a restriction is placed on the order point speaker to ensure that the noise level is set, with the level to reduce during the hours of 23:00 and 07:00. A courtesy sign to remind drivers to give consideration to neighbouring occupiers is also recommended.

Subject to safeguarding conditions to restrict the noise level of the order point speak system, the impact upon the neighbouring occupiers is considered to be acceptable and in accordance with Policy D1 of the Thanet Local Plan and the NPPF, which requires that a high standard of amenity for neighbouring occupiers is maintained.

## **Transportation**

The proposal requires the provision of a new access onto Laundry Road from the application site, and provides 31no. off-street parking spaces to serve the new coffee shop use. Concerns have been raised by residents and the parish council regarding the impact upon highway safety.

The application has been submitted with an accompanying transport statement. KCC Highways and Transportation were consulted and advised that the level of parking provision was acceptable, but they had concerns that the Tothill Street/Laundry Road junction had not been assessed in relation to the additional 150-160 trips expected to be generated during peak hours from the proposed use. They also felt that a lack of information had been submitted on the achievable visibility from the site access.

An additional plan has been submitted proving that pedestrian visibility splays of 1m x 15m can be achieved at the site access, which KCC are satisfied with subject to a safeguarding condition.

A junction capacity assessment has also been submitted, along with a plan showing improvements to the Tothill Street/Laundry Road junction, consisting of the widening of the Laundry Road arm in order to provide additional queuing capacity. KCC has advised that these mitigation works are considered necessary given the increase in turning movements at the junction.

KCC have advised that they have no objections in principle to the development as the vast majority of trips to/from the site will be pass-by and/or diverted trips, and therefore the number of new trips generated on the wider highway network is unlikely to be significant, or have a severe impact upon highway safety.

Cycle parking provision will be provided in the form of one space per 15 seats, and electric vehicle charging points will be provided in the form of one charging point per two spaces.

Overall, subject to safeguarding conditions requiring the off-site highway works to Tothill St/Laundry Rd junction to be carried out, along with the necessary on site highway works and visibility, the impact upon highway safety is considered to be acceptable and in accordance with the NPPF.

## **Ecology**

An ecological assessment has been submitted with the application. KCC Biodiversity have commented and advise that sufficient information has been submitted. The ecology report notes that some of the boundary vegetation is suitable habitats for hedgehogs, and as such KCC advise that a precautionary mitigation strategy should be requested via condition, along with details of ecological enhancements to be provided within the site. Subject to these safeguarding conditions the impact upon biodiversity is considered to be acceptable, and in accordance with the NPPF.

## **Archaeology**

The area is rich in archaeological remains, particularly of prehistoric and Romano-British as has been seen from investigations at the services, the Premier Inn and the East Kent Access Road.

An Archaeological desk based assessment has been submitted with the application. The KCC Archaeology Officer has been consulted, and advises that the archaeological study, written by Archaeology South East, provides a good account of the archaeology found on the adjacent sites. In particular it highlights the finding on the hotel site to the east, part of a curved ditch that may be from a Bronze Age ring ditch or given a slightly later C14 dating obtained, a Middle Bronze Age enclosure. Aerial photography dated to 1980 suggests a more oval enclosure rather than a ring ditch, and this would extend into properties to the south. Other remains known to cross the site include ditches of Iron Age and Roman date. Areas of later prehistoric settlement were found on the adjacent site but mostly concentrated away from the present site.

Given the presence of archaeological remains on adjacent/nearby sites, KCC's Archaeological Officer recommends that in any forthcoming consent, provision is made for an archaeological evaluation, to be followed by appropriate mitigation works. Mitigation could include excavation or adjustment of foundations or landscaping to avoid features of particular significance that may be identified.

Subject to this safeguarding condition, the impact upon archaeology is considered to be acceptable and in accordance with the NPPF.

## **Drainage**

A foul and service water drainage strategy has been submitted with the application. Southern Water has advised that they can provide foul sewerage disposal to service the development, along with a water supply, and therefore subject to safeguarding conditions the impact upon the public water supply is considered to be acceptable. No other concerns have been raised by consultees in relation to the submitted application with respect of drainage provision.

## **Conclusion**

There is no evidential 'need' for additional facilities within the roadside services in planning policy terms, which has led to the allocation policy for this site expiring, and it is likely that there would be a sequentially preferable location for the retail unit within an existing town centre. However, there would be economic and social benefits for the village through the provision of a facility that provides job provision, a meeting place for the community, and an additional local service that helps to support the sustainability of the village. When considering the visual impact, the site is located within an area that has historically been granted planning permission for roadside services development, and has since been removed from agricultural use and enclosed by a landscaped bund, reducing any impact upon the open countryside. The proposed development is modest in size, and setback on the site, in keeping with the surrounding pattern of development. The site lies adjacent to existing commercial development forming part of the roadside services, and will therefore appear in keeping with the character and appearance of the area. The impact upon neighbouring living conditions has been assessed, and mitigation put in place to limit any impact upon amenity to an acceptable level. Subject to off-site improvements to improve the junction on Tothill Street and Laundry Rd, along with the necessary parking provision and visibility splays, the impact upon highway safety is considered to be acceptable.

On balance, whilst there is not a retail need for the development in this location enshrined in policy, there will be very limited impact upon the countryside; and this limited environmental harm needs to be weighed against the economic and social benefits of the coffee shop use on the edge of a village, where it is sustainably located to serve the community. In this instance the economic and social benefits are considered to warrant a need for the development that outweighs the impact to the countryside, and on this basis the proposal is considered to accord with Policy CC1 of the Thanet Local Plan, and provide a sustainable form of development in line with the NPPF. The proposal is therefore considered to form an acceptable departure to Thanet Local Plan Policy TC1, and it is therefore recommended that members approve the application.

## **Case Officer**

Emma Fibbens

TITLE: F/TH/19/0215

Project Land South Of Laundry Road Minster RAMSGATE Kent

Scale:

