

D02

F/TH/19/0709

PROPOSAL: Erection of a retail unit of 1,838 sqm (use class A1) with associated works, access and parking

LOCATION: Land And Buildings On The North Side Of Boundary Road
RAMSGATE Kent

WARD: Eastcliff

AGENT: Mr Daniel Harley

APPLICANT: ALDI Stores Ltd

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the satisfactory completion of Section 106 agreement within six months of the date of this resolution securing the required planning obligations as set out in the Heads of Terms, and the following safeguarding 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 site and landscape plans numbered 2427-CHE-110 Rev E, and V2427-L01 Rev B, received 9th March 2020, and the additional tree planting plans numbered V2427-D01 and V2427-D02, received 9th March 2020 ; revised plan numbered 2427-CHE-113 Rev A, received 7th February 2020; highway plans numbered 17130-010 Rev B, and 17130-011 Rev A, received 9th September 2019; and submitted plans numbered 2427-CHE-111, 2427-CHE-112, 2427-CHE-114, and 2427-CHE-115, received 23rd May 2019.

GROUND;

To secure the proper development of the area.

3 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, 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 (excluding site clearance and demolition) until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site, through a proven connection to the sewer system at an agreed discharge rate. Development design shall also assess and mitigate any off-site overland surface water flows, which may impact the development site without any increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

GROUND:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with the NPPF.

5 The development hereby permitted shall not be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

GROUND:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

6 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

GROUND:

To prevent pollution of controlled waters and comply with the National Planning Policy Framework (NPPF).

7 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

GROUND:

To prevent pollution of controlled waters and comply with the National Planning Policy Framework (NPPF).

8 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.

9 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.

10 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, 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 109 of the National Planning Policy Framework.

11 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.

12 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.

13 The area shown on the approved plan numbered 2427-CHE-110 Rev E, 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.

14 Prior to the first occupation of the development hereby permitted, the vehicle loading/unloading and turning facilities shown on the submitted plan numbered 2427-CHE-110 Rev E shall be provided and permanently retained.

GROUND;

In the interests of highway safety.

15 Prior to the first use of the development hereby permitted, the covered cycle parking facilities, as shown on approved drawing no. 2427-CHE-110 Rev E, shall be provided and thereafter maintained.

GROUND;

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

16 Prior to the first use of the development hereby permitted, the new vehicular access and associated off-site highway works as shown on drawings numbered 17130-010 Rev B and 17130-011 Rev A, shall be completed, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of highway safety.

17 Prior to the first use of the development hereby permitted, vehicular visibility splays shall be provided to the access onto Hardres Road, as shown on drawing numbered 17130-010 Rev B, with no obstructions over 1 metre above carriageway level within the splays. The visibility splays shall thereafter be maintained.

GROUND:

In the interests of highway safety.

18 Prior to the first use of the development hereby approved, the redundant vehicle crossing to Boundary Road shall be removed and the footway reinstated in accordance with the specifications set out in the Kent Design Guide.

GROUND;

In the interests of highway safety.

19 Prior to the first use of the development hereby permitted, the new central island pedestrian crossing point in Boundary Road, as shown on the approved plan numbered

17130-010 Rev B, shall be completed, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

In the interests of highway safety.

20 All hard and soft landscape works, as shown on the approved plan numbered V2427-L01 Rev B, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use 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

21 The use of the premises hereby approved shall not be used other than between the hours of 07:00 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.

22 There shall be no deliveries to the site other than between the hours of 06:00 and 23:00 Monday to Saturday and bank holidays; and between the hours of 07:00 and 23:00 on Sundays.

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.

23 The rating level of noise emitted from the proposed plant and equipment to be installed on the site shall be at least 5dB below the background noise level (>30dB LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

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.

24 An acoustic assessment of compliance with condition 23 shall be submitted to the Local Planning Authority no later than two months after commencement of the operation of the development hereby permitted. Any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition 23 shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment and all works which form part of the approved scheme shall thereafter be

implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

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.

25 The development hereby permitted shall be constructed and managed in accordance with the recommendations as set out within section 5 of the Environmental Noise Report produced by Sharps Redmore, dated 22nd March 2019.

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.

26 Prior to the installation of the acoustic fence required through the recommendations as set out within section 5 of the Environmental Noise Report produced by Sharps Redmore, dated 22nd March 2019, details of its location, design and materials shall be submitted to, and approved in writing by, the Local Planning Authority. The fence shall be installed in accordance with the approved details.

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.

27 Prior to the first use of the development hereby permitted, 2no. active and 20no. passive electric vehicle charging spaces, in the location as shown on the approved plan numbered 2427-CHE-110 Rev E, shall be provided and thereafter maintained. Prior to their installation, details of the type/design of the electric vehicle charging points shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

In the interests of air quality, in accordance with the NPPF.

28 Prior to the first use of the development hereby permitted, details of the boundary treatment to be provided along the north western boundary of the site (adjoining the approved residential scheme) shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment shall be erected in accordance with the approved details.

GROUND:

In the interests of visual amenity, in accordance with Policy D1 of the Thanet Local Plan, and paragraph 127 of the NPPF.

29 At no time shall the retail unit hereby permitted be subdivided into separate retail units below the approved floor area.

GROUND:

To protect the vitality and viability of the town centre, in accordance with Policy TC1 of the Thanet Local Plan, Policy E05 of the Draft Thanet Local Plan, and paragraphs 86 and 89 of the NPPF.

INFORMATIVES

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 likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub 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.

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

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.

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made on submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

SITE, LOCATION AND DESCRIPTION

The site is located on the corner of the junction of Boundary Road and Hardres Road, and backs onto St.Lukes Avenue. The site is a former gasworks, and contains a Grade II Listed Building. The application is for the development of the eastern side of the former gasworks site, which excludes the listed building and adjoins Hardres Road. The site is mostly undeveloped and overgrown, although the remains of the former gas holding are visible on the site, along with a substation. The site is enclosed by a tall brick boundary wall of approximately 2.3m in height, which is considered to be curtilage listed. Vehicular access into the site is currently from Boundary Road.

Opposite the site in Boundary Road is the existing Aldi supermarket and car park; opposite the site in Hardres Road is a public amenity area with equipped play space; and opposite the site in St.Lukes Avenue are residential properties of 2-3 storey in height.

Planning permission has recently been granted for the redevelopment of the western part of the former gasworks site for residential use, including the change of use and conversion of the listed building to residential flats.

RELEVANT PLANNING HISTORY

F/TH/19/0644 - Erection of 2no. 4-storey blocks and conversion of existing building to provide 63no. one and two bedroom self-contained flats, and erection of 7no. 3-storey dwellings, with associated access, parking and amenity space - Granted - 24th January 2020

L/TH/19/0753 - Application for Listed Building Consent for internal and external alterations/repairs to facilitate the change of use to residential (use class C3) - Granted - 16th August 2019

L/TH/07/1240 - Application for listed building consent for internal and external alterations in connection with the change of use of the existing buildings to residential use, together with part demolition of existing boundary wall - Granted - 16th October 2007

OL/TH/01/0260 - Outline application for residential development including change of use and conversion of existing buildings to residential use, with associated access and parking - Granted - 23rd August 2004

Relevant off-site planning history for existing Aldi store

F/TH/98/0566 - Erection of a single storey pitched roof retail unit comprising 1117sqm gross retail floor space - Granted - 8th December 1998

PROPOSED DEVELOPMENT

The proposal is for the redevelopment of the eastern part of the former gasworks site for retail use. It includes the erection of a new 1,900 sqm supermarket building, with associated parking, landscaping, and a new vehicular access onto Hardres Road (following the removal of the existing vehicular access from Boundary Rd).

The new supermarket building measures 55m by 37m, and has a monopitch roof, which reaches 8.4m in height. Within the proposed car park, 118no. car parking spaces are proposed, along with a new pedestrian access onto St.Lukes Avenue. The proposal also involves the part demolition of the curtilage listed boundary wall, in order to create the new vehicular access, along with the soft and hard landscaping of the proposed car park area.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

H1 - Housing
D1 - Design
TC1 - New Retail Development
TR12 - Cycle Parking
TR16 - Parking Provision
EP5 - Local Air Quality Monitoring

Draft Local Plan (2020)

H01 - Housing
E05 - Sequential and Impact Test
SE03 - Contaminated Land
SE05 - Air Quality

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. One letter of objection has been received, raising concerns with the impact upon the listed building, which is not shown through the application to be preserved.

A letter of support has also been received, commenting that the proposal will boost the local economy.

Ramsgate Town Council - Welcome the development of the site, but suggest that the applicant looks at bringing the store to the front of the site, and car parking to the rear.

Ramsgate Heritage and Design Forum - No objection in principle but the forum would like to make the following observations:

The landscaping proposed is very poor, further details should be made conditional along with details for maintenance. It should reference the adjacent open space, through choice of trees and other planting. Paving blocks might pick up historic details such as the position of the gasometers for example. This is a prominent corner position, more attention needs to be made to make it a more attractive space.

The crossing point from the open space to the store should be considered. It is very close to the children's play area.

The gas governor is very prominent - could this be hidden /fenced off with landscaping?
An information board about the history of the site and previous uses would be an advantage.

Aldi could improve their environmental credentials by a more innovative design - such as a green roof.

CONSULTATIONS

KCC SUDs - The applicant's consultant, Stirling Maynard provided a response on 6 August 2019 to comments as provided by Kent County Council on 22 July 2019. For clarification we provide the following comments:

a) We require that a Drainage Strategy considers the local drainage issues that exist in the site locality, irrespective of the site area and any need for a Flood Risk Assessment. It is particularly important in an area which has sewer capacity issues and is subject to an overland flow path. In this instance there is a risk that the site will be subject to overland surface water flows. This will need to be considered, assessed and mitigated if necessary within any detailed design for the development proposal.

b) No information has been presented on the existence of any connection to the sewer system. It is usual that we would seek confirmation of an existing connection from the site owner as it confirms the right to connect, capacity and condition of any connection. Section 4.2.6 of the Drainage Strategy Report states that the ability to discharge is "based on the assumption that there is an existing positive surface water drainage connection from the existing impermeable surfaces into the public sewer system." There is a risk that connection may not be provided if the connection is not demonstrated. Please note that the correspondence included in Appendix C from Southern Water is incomplete so the reference cannot be confirmed.

c) We would re-iterate our earlier comment that "the availability of capacity within the adjacent combined sewer is not the only factor to be considered in the definition of the appropriate discharge rate to the sewer system."; therefore capacity as stated by Southern Water may not be the determined discharge rate. We would agree that a low rate as proposed will be acceptable but that it may not necessarily be limited to 5 l/s.

Not with standing these comments we agree that the development may include appropriate measures to manage surface water so as not create additional flood risk and manage potential flood risk to the site.

This is dependent upon confirmation of an existing drainage connection and acceptance by Southern Water of the connection to the sewer system and an assessment of the overland surface water flow path. We would strongly recommend that this is dealt with through a pre-commencement condition to assess the drainage connection and confirm the discharge point as well as a detailed assessment of potential for impact from any overland flow flood risk.

Should your local authority be minded to grant permission for this development, we would recommend safeguarding conditions.

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

Whilst the site offers potential habitat for protected species, the site is ecologically isolated and has little or no connectivity to the wider natural environment. Therefore, it is unlikely that

terrestrial protected species will be present. Additionally, no roosting bats were found within any of the structures on-site.

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 an informative is included with any planning consent.

Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. As recommended in the ecology report, enhancements should include the removal of invasive species, planting of native species and provision of bird/bat boxes. As such, an enhancement plan should be submitted and a condition attached to planning permission, if granted, to secure implementation.

KCC Highways and Transportation - (final comment) I refer to the Technical Note 04 submitted for the above and confirm the proposals are now acceptable in highway terms. The impact of the proposed retail unit on the highway network has been assessed and is not severe, with the junctions assessed still operating within capacity. The proposed access onto Hardres Road is acceptable, providing suitable visibility for drivers and pedestrians. The provision of this access and associated parking restrictions require the removal of five existing on-street parking spaces currently in use on the eastern side of Hardres Road, however the parking surveys submitted indicate that this parking can be accommodated elsewhere in the vicinity of the site. The proposals include an additional pedestrian crossing point in Boundary Road with dropped kerbs, tactile paving and a central island, to further assist pedestrians crossing Boundary Road. These works will be carried out by the applicant through a s.278 agreement with the highway authority. The amount of parking proposed within the site is acceptable and sufficient to meet likely demand. The parking/manoeuvring room for delivery vehicles is also acceptable, as is the proposed cycle parking.

Taking all of the above into account I would not recommend refusal in respect of highway matters, subject to safeguarding conditions.

(Revised comment) I refer to the Technical Note TN-02 submitted for the above and would comment as follows:

1. The re-routing of trips from the existing store to the new store is acceptable. With regard to the re-use of the existing store, it appears the floor area used in clause 4.8.2 of the original TA was incorrect (1898 sq m instead of 1417 sq m) and the calculations made in Table 4.5 of that document were also incorrect. Clarification is required on the correct floor

area for the existing store and the revised traffic flow diagrams (including re-occupation) should also be submitted.

2. The comments on existing on-street parking are noted and it is accepted that the loss of 4 spaces in Hardres Road to accommodate the site access proposals is unlikely to have a severe impact on the highway network.

3. The provision of a new pedestrian island and crossing point in Boundary Road is accepted in principle, however dimensions have not been shown as requested and vehicle tracking should be checked, particularly for articulated delivery vehicles turning right out of Hardres Road.

4. The visibility splays shown at the site access are acceptable.

5. It is accepted that the level of car parking provision is more than sufficient for the anticipated demand.

6. The comments on electric vehicle charging points are noted, however I understand Thanet District Council have a policy requirement for the provision of the same and this will therefore presumably need to be adhered to. I shall therefore be pleased to receive the additional information requested above.

(Initial comment) I refer to the above planning application and would comment as follows:

1. The redistribution of existing Aldi trip rates appears to make no allowance for non-store trips that occur along School Lane. The trip rates used for re-use of the existing store are lower than those for a discount store, whereas use as a discount store would still be possible. The trip rates used for the new store appear low, and using sites in edge of town centre/suburban locations in the default TRICS period of 2011-2018 gives higher rates. The trip distribution assumes all drivers will access/egress via Hardres Road and the A255 Boundary Road, whereas some drivers going to/from the A254 Margate Road or A255 Hereson Road may use St Lukes Avenue. I therefore do not agree with the assessment carried out to date and it will need to be reviewed to take account of the above. As advised at pre-app stage the baseline traffic will effectively be the existing situation gleaned from traffic counts. The traffic generation from the proposed development can then be added in the usual fashion, making allowance for trip types and any changes to distribution (the trip types suggested in the assessment are agreed). Again as advised at pre-app stage the necessary study area and associated capacity assessments required can be confirmed once the trip generation and distribution have been agreed. It should also be noted that the survey count data will need to be submitted.

2. The parking survey in Hardres Road indicates that the peak parking demand is not during the working day, suggesting that it arises from resident parking rather than commuters as suggested. The loss of this parking and alternatives available therefore need to be considered, including bearing in mind that the ability to park on the west side of Hardres Road overnight and on Sundays will also be lost as a result of the proposals.

3. I note that an additional pedestrian island and crossing point is proposed in Boundary Road. Whilst additional facilities are welcome the applicant should carry out an assessment in accordance with LTN 1/95 to demonstrate that the type of crossing proposed is suitable. A pedestrian crossing is also required across the Hardres Road junction and it may be that a central island is required due to the width of road and the increase in traffic as a result of the proposals. All proposed highway alterations should be detailed to show dimensions and

visibility requirements, and will need to be accompanied by a safety audit and designer's response to any issues raised.

4. Suitable visibility needs to be provided between pedestrians crossing the proposed site access and drivers exiting the site. Splays have not been shown and I have concerns that visibility will be obstructed by parked cars/landscaping/signage near the entrance.

5. The amount of proposed store parking at 118 spaces appears reasonable, however the accumulation calculation should be reviewed bearing in mind the comments above on trip generation.

6. The amount of cycle parking proposed is acceptable, however I would wish to see the spaces covered.

I wish to place a holding objection until the above matters have been satisfactorily resolved. If possible I would also wish to see a minimum of 10% of parking spaces fully fitted out for the charging of electric/hybrid vehicles ('active spaces') and a further 10% constructed with ducting, etc. to allow their conversion to charging spaces in the future.

KCC Public Rights of Way - Public right of way TRX28 passes adjacent to the proposed site as shown on the attached extract of the Network Map of Kent. The Network Map is a working copy of the Definitive Map. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the definitive map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

TRX28 is a recorded public footpath on the definitive map and statement. Having reviewed the application of the proposed erection of the new food store, there will not be a significant impact on public footpath, therefore I raise no objections to the application.

KCC Senior Archaeological Officer - Thank you for consulting on the application at the former gas works site in Boundary Road. The site includes a former gas holder and a listed office building associated with the former gas works. I note that the proposals seek to retain and convert the listed building and another building on the site which is welcome. Given the proposals involve alterations to the heritage asset and its setting it would be appropriate for a programme of recording to be carried out in advance of works. The recording would build on the work undertaken in compiling the heritage statement.

With respect to archaeology, the area has seen limited investigation though Roman findings have been made within 500m to the west and east of the site. The site appears to have been affected by development of the gas works as evidenced in the Heritage Statement. Remains associated with the gas works use can contribute to the evidential value of the listed building and earlier remains may still survive at the site. Given the disturbed nature of the site I am satisfied that the archaeological mitigation can be secured through a watching brief as long as that records the evidence of the former gas works during monitoring. I would therefore recommend safeguarding conditions.

Environment Agency -The proposed development will be acceptable if safeguarding conditions are included on the planning permissions decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

The previous use of the proposed development site as a gas works presents a high risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer.

The reports submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

Southern Water - It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Foul and surface water onsite network shall remain separate until the boundary of the site or final connection to the public sewer.

TDC Conservation Officer - The proposed site is a large piece of land that has been designated for residential development which is being proposed to divide into two separate uses including residential but also commercial. There is a listed building to the South of the site which has remained derelict for many years now of which there has since been an application granted for its conversion into flats (application number F/TH/19/0644). A separate application was also submitted (L/TH/19/1668) detailing the partial demolition of the listed boundary wall which encompasses the site, which was granted. This application is for the development of the rest of the site to a retail unit alongside associated works. The main considerations from a heritage perspective of this application is the possible impact to the character and appearance and setting of the nearby listed property and associated listed boundary wall.

Policy HE02 (Draft Thanet Local Plan) Section 8 it states that appropriate materials and detailing should be proposed and the extension would not result in the loss of features that contribute to the character of the conservation area. Within The NPPF (National Planning Policy Framework) Section 16, paragraph 192 it highlights that local authorities should take into account the positive contribution that conserved heritage assets can make to sustaining communities including their economic vitality.

Additionally under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2, which states when considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Guidance under the National Design Guide Section C2, Paragraph 45 highlights that when determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape and paragraph 47 which states Well-designed places and buildings are influenced positively by the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.

Reviewing the drawings associated with this application it would appear the aesthetic appearance of the proposed retail space is relatively neutral in colour palette, albeit very contemporary in design. This creates a very obvious and visual contrast with the more historic setting of the rest of the site, resulting in the retail space that would be visually understood as its own entity, rather than impeding on the existing character. Appreciating these two elements as separate entities, which are not trying to compete against one another, but instead are existing cohesively, creates a balance for the site which demonstrates its progressional phases of development.

The amalgamation of these two styles is further reinforced by the retention of the historic grade II listed wall which largely encloses the boundary of the entire site, wrapping partially in front of the proposed retail space. Visually this means that the the two contrasting design approaches are appreciated as part of the same palette, whilst fundamentally appearing to differ from one another. Granting the development of a site like the one in question within this application ensures the ongoing maintenance and subsequent sustainability of the listed boundary wall to the custodians of the site who will need to monitor and upkeep the protected structure.

The height of the proposed retail development is less than that of the ridge height of the shortest phase of the residential development, somewhat reducing its stance amongst the rest of the built form which is proposed for the heritage site, despite its larger and much longer footprint. The impact is also somewhat reduced by its positioning amongst the sites proposed development. The retail unit itself is quite a distance from the listed property and is positioned at an orientation meaning it would not be obviously prominent or distracting from the listed building when viewing it from its principle facade, view from Boundary Road. Therefore impact to the setting of the listed property is caused but not at a substantial level.

Areas amongst the retail unit, and the spaces between the site and listed property are proposed to be occupied by strategic landscaping which would also somewhat assist in softening the development and its associated impacts.

Approaching the design of the proposed retail unit in a way that cohesively joins contemporary design with a historic palette assists in the retention of the significance of the grade II listed property at the forefront of the site, despite the proposed large footprint of the retail unit. The prevailing character is still that of a more historic influence whilst the rest of the site has developed under a more recent and subsequently contemporary style. I acknowledge that there is a level of impact to the setting of the listed aspects however I believe steps have been taken to reduce this impact and therefore the harm caused is less

than substantial. I believe this application meets with local and national legislation and therefore I do not object to work proposed.

TDC Contaminated Land Officer - I am writing following review of the above application for residential redevelopment of the former Boundary Road gasworks site and review of the Desk Study and Ground Investigation Report (Ref. RAM-HYD-XX-GI-RP-GE-1000, Hydrock, Jan 2018), the Remediation Method Statement (Ref.RAM-HYD-XX-XX-RP-GE-3000, Hydrock, February 2019) and associated reports submitted in connection with this application.

Although some remediation of the site has been undertaken, there remains the possibility of historic contamination impacting parts of the development. In addition, and notwithstanding the submission of the new Remediation Method Statement, the report identifies an outstanding requirement for additional measures to monitor and protect the development from ground gas impacts (see Remediation Statement sections 3.2.2 Permanent Gas Risks and 5.4 Additional Gas Monitoring).

As such, this department recommends that safeguarding conditions should be applied should planning permission be granted.

TDC Environmental Health Officer - (final comment on air quality) Thank you for the update regarding our agreed position regarding funding for offsite EV charging provision. Our air quality policy (SE05) requires that the 10% EV parking provision is included within the development proposal to encourage uptake and public confidence in choosing EV and it remains unclear why this has not been incorporated within the scheme from the outset. However, given the proposed scheme includes 2 active EV charging points, infrastructure for 20 passive spaces, a commitment to a demand led review of EV provision and a financial contribution to offsite EV provision, Environmental Health can accept the benefits to air quality remain consistent with our air quality policy.

(updated comment on air quality) Aldi's approach is extremely disappointing given the government's announcement this week that a ban on all diesel, petrol and hybrid vehicles will be brought forward from 2040 to 2035. As well as, The Environment Bill reintroduced to parliament this week which will 'ensure the environment is at the heart of all government policy..including meeting net-zero by 2050' and 'improve air quality by introducing measures to reduce pollution so children and young people can live longer healthier lives'.

It is essential that all new development put in place EV charging now to enable this transition and to assist with public confidence that the infrastructure is available to enable the transition to full EV. We have agreed, inline with our AQ Technical Planning Guidance that of the 10% parking provision 5% can be phased in by 2030 but 5% must be in operation when use commences. Thanet District Council has declared a climate change emergency which resolves to do what is within our powers to achieve carbon neutral by 2030 and we have both emerging Local Plan policy and an Air Quality Action Plan which makes 10% EV charging a requirement for all new commercial development. It is also a requirement that Aldi submit a proposed Emission Mitigation Assessment with offsetting measures, to be agreed and incorporated within the development before use commences.

(initial comment)

Noise

The report was undertaken by Sharpes Redmore who have been involved with similar issues regarding noise at a nearby site and have fully assessed the potential significant noise issues at the site. There are a number of conditions that are required to secure compliance and safeguard new and existing neighbours from both road noise along Boundary Road as well as plant and delivery noise associated with the proposed food store.

Air Quality

I have had the opportunity to review the assessment which has been carried out using appropriate methodology, criteria and in accordance with TDC's AQ & Planning Technical Guidance.

The conclusions are accepted; the development will have an insignificant impact on air quality. The damage costs analysis has determined £145,084.55 is required to offset emissions from the development. This is in addition to the requirement to implement standard EV mitigation (attached EV Guide for developers).

COMMENTS

The application is brought before members as a departure to Policy H1 of the Thanet Local Plan, and Policy H01 of the Draft Local Plan.

Principle

Site Allocation

The site is allocated for housing under Policy H1 of the Thanet Local Plan (2006) for a notional 67no. residential units. The policy states that 'alternative development on sites allocated for residential purposes will not be permitted unless there is an overriding local need, which cannot be met on an alternative site'. The Council's updated 'Retail and Leisure Assessment 2018' identifies the need within Ramsgate for new convenience goods floorspace up until the year 2021 is -163sqm, which increases to only 309sqm up to the year 2026. As such there is not considered to be a local need within Ramsgate for the proposed 1,838sqm retail unit that could override the policy requirement for residential development on the site. The proposal therefore represents a departure to Policy H1 of the Thanet Local Plan.

Within the Draft Local Plan, the site has been included within Appendix B as a non-strategic urban area site suitable for housing development of a capacity of 96no. dwellings, with delivery up to 2026 (the increase in the notional number of units to be accommodated on the site is based upon the 2004 outline planning consent for 96no. units). Policy H01 of the Draft Thanet Local Plan advises that land allocated for residential use will need to be safeguarded for that purpose in the interest of maintaining a suitable, sustainable and sufficient land

supply and reducing the need to find less sustainable alternatives, and as such the policy states that 'alternative development on sites allocated for residential development will not be permitted'. The Draft Policy clearly states that only residential development can be provided on sites allocated for residential development, and as such the proposed development represents a departure to Policy H01 of the Draft Local Plan, which given its current position following the Inspector's examination, is considered to have weight in the decision making process.

Whilst the proposal is contrary to both housing policies, the proposal is for the development of only part of the allocated housing site, with the western part of the allocated site having recently received planning permission for the erection of 70no. residential units. This number exceeds the number of residential units expected to be provided through the adopted housing policy, and falls short of the notional allocation within the draft local plan policy by 26no. residential units. When considering the sustainability of the proposed development, the benefits of the proposal need to be weighed against the harm resulting from the undersupply of housing units on the site as a whole, and the impact that this has upon the Council in trying to meet housing supply targets for the plan period.

A viability assessment was submitted with the residential planning application for the former gasworks allocated housing site (reference F/TH/19/0644). The viability assessment was independently reviewed, with the outcome showing that the residential development of the total allocated site for housing was not a viable option due to the costs associated with the contamination remediation across the whole site, and the conversion and refurbishment of the Grade II listed building. The outcome of this viability review is a material consideration for this planning application, as it has been proven that a full policy compliant scheme in accordance with Policy H1 of the adopted Local Plan, and Policy H01 of the Draft Local Plan, is not achievable. The viability review further concluded that the residential development of part of the site (as approved under reference F/TH/19/0644) is also unviable as a stand alone development, with a profit margin that falls significantly below that which could reasonably be expected to bring the site forward for development. Whilst alternative options such as the residential development of the total site for an increased number above the notional allocation have not been explored, it seems reasonable to assume that one of the few viable options for the site would be a mixed use development that enables the injection of a financial subsidy in order to create a fully viable scheme.

Retail Development

The proposal is for the erection of a new retail foodstore of 1,838sqm, which will follow the closure of the existing Aldi store opposite the site in Boundary Road. The application site falls outside of Ramsgate Town Centre.

Policy TC1 of the Thanet Local Plan (2006) states that 'the first sequential preference for the location of new retail development in Thanet should be in the core commercial centres....outside these defined core areas, all applications for retail development will be required to demonstrate the need for the proposed development, that there is no sequentially preferable location, there is no unacceptable impact upon the vitality and viability of existing centres, and the location is accessible'.

Policy E05 of the Draft Local Plan requires that proposals for main town centre uses be located within the designated town centre, and where this is not possible due to size, format and layout, town centre uses should be located on the edge of town centres. Outside of these areas, applicants are required to demonstrate that there is no sequentially preferable location within the catchment of the proposed development. Policy E05 further requires that for new retail development within the urban area that exceeds a threshold of 1,000 sqm, an impact assessment be carried out, which assesses the impact of the proposal on existing, committed and planned public and private investment in the town centre within the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. Policy E05 states that 'where an application fails to satisfy the sequential test or is likely to have an adverse impact on one or more of the above factors, it will be refused'. The requirements of this policy follow closely the requirements of paragraphs 86, 87, and 89 of the NPPF.

The applicant claims within their retail statement that the existing Aldi store is cramped and congested, which is causing trading difficulties. They state that there are no further extension opportunities within the site due to physical constraints, and that they lack adequate parking provision, causing pressure at peak times. The retail statement states that Aldi has considered all options, but believes that the relocation of the existing store to an alternative site where a larger, modern foodstore can be accommodated is their only option. Aldi have carried out a public consultation exercise with customers, and have found that half of their customer base arrive at the store by foot, and therefore their view is that any relocated store needs to be within close proximity of the existing store in order to serve a large number of their existing customer base. Whilst there is not a local need for additional convenience good floorspace of this scale, as confirmed by the updated 'Retail and Leisure Assessment 2018', the need expressed by Aldi is in relation to their business model, with the inefficiencies experienced through the existing store meaning that it no longer meets their business requirements, resulting in a need for the store to either relocate, or close.

A Sequential Site Assessment has been submitted, which explores options for alternative sites within Ramsgate for the relocation of the Aldi store. Consideration is given to both Staffordshire carpark, and Ramsgate waterfront, but both are deemed unsuitable for a retail store use of the size proposed. In terms of vacant units within Ramsgate, 25-27 King Street and 64-68 High Street are both identified, but again due to their limited size of less than 655sqm, and the lack of designated parking, the units have both been discounted. It is therefore accepted that there are no sequentially preferable locations for the proposed retail development within the catchment of the application site.

In terms of accessibility, the application site lies opposite the existing Aldi site, and is therefore equally as accessible. Vehicular access to the site is proposed via Hardres Road, which is served off Boundary Road, a main through road within Ramsgate, and through the scheme additional parking, when compared to that existing, is proposed. The site is walking distance of Ramsgate Town Centre, and therefore whilst not falling within the primary or secondary frontage of the town centre, the site is within close proximity of King Street, which contains a range of commercial uses just outside of the town centre. Pedestrian access has been created from the application site onto St.Lukes Avenue, which further improves accessibility to the proposed development from properties north of the site.

When considering the impact of the proposed development upon the viability and vitality of the town centre, Aldi have advised that their proposal seeks the enlargement of the existing Aldi store by only 493sqm, with an increase of only 296sqm of retail floorspace when compared to that existing. Whilst this increase falls significantly below the threshold for an impact assessment, consideration needs to be given to the entire proposed floor space of 1,900sqm, which will be in addition to the 1,407sqm currently provided at the existing store, the intention for which is to attract an alternative retailer to occupy the unit, which is currently restricted by condition to a foodstore use. As such, the proposed floor area will be additional retail convenience goods floor space to that existing, and needs to be assessed as such. This full assessment has not been provided within the submitted retail statement, and therefore does not fully comply with Policy E05 of the Draft Local Plan. It is acknowledged, however, that this draft policy does not yet have full weight, and the requirement within paragraph 89 of the NPPF is that impact assessments are carried out for new retail floorspace of 2,500sqm or more, and as such under the NPPF a retail impact assessment is not required.

In any case, the submitted retail assessment does consider the provision of convenience good stores within Ramsgate. Whilst Waitrose is in an edge-of-centre location, all other convenience good stores are in an out-of-town centre location, including Aldi; so there is likely to be limited use of the town centre for large scale weekly shops. Customer research has shown that of the customers who completed the survey, 51% of customers come to the store by foot, which is likely to be the mode of transport for their other shopping needs, and therefore it is accepted that when considering the replacement store, given the small increase in floor area above that existing, there is unlikely to be a significant change in shopping habits locally. The presence of the existing store for alternative uses may have some impact upon the town centre, especially if the intention were to subdivide the unit to smaller retail uses that could draw attention away from the town centre. However, the planning history for the existing retail unit shows that there is a condition restricting the use of the building to a foodstore, which would prevent the subdivision of the unit, or the creation of a comparison goods unit that could compete with the centre, affecting its vitality and viability. Instead, the retention of the unit as a foodstore only would result in providing additional choice for consumers locally, in an area within close proximity of the town centre, thereby resulting limited harm.

In terms of the economic benefits of the proposed development, the proposal will result in the retention of 50no. jobs, although some weight should also be applied to the re-use of the existing store by an alternative retailer, which could result in a further 50no. jobs approximately being provided locally.

Given all of the above considerations, if the site were not allocated for residential use, then the development of this previously developed site for retail use may be acceptable in principle, as no sequentially preferable site for the proposed use has been identified within Ramsgate, the site is accessible and falls just outside of the town centre, and the impact upon the viability and vitality of the town centre is accepted. If such a development is considered acceptable when considering all other material considerations, then a condition restricting the subdivision of the unit is considered essential in order to protect the town

centre and justify the development of this site for a retail unit of a size and scale that cannot be accommodated within the town centre.

Character and Appearance

The site lies adjacent to Boundary Road, St.Lukes Avenue and Hardres Road. Boundary Road contains some commercial units and some residential units, with the site located close to King Street, a road extending from the town centre. Opposite the site in Boundary Road is the existing Aldi store. Within St.Lukes Avenue the area is predominantly residential, with 3-storey dwellings opposite the site, and a public amenity space is located opposite the site in Hardres Road.

The site itself is previously developed land being a former gasworks site. Adjoining land to the application site contains a Grade II listed building; and gas tanks still appear across the site as a whole. Historic maps show that varied outbuildings have occupied the site over the years. As such, given the former commercial use of the site, and the presence of a retail unit opposite the site, the development of the site for an alternative commercial use is not considered to be significantly out of keeping with the character of the surrounding area, especially if the proposed development were to be seen in the context of Boundary Road, a main through road of mixed character.

The proposed retail unit is setback on the site, with the principal elevations fronting the car park area, which is viewed from both Boundary Road and Hardres Road. Whilst a more active street frontage would usually be encouraged, in this case the setback location of the retail unit reduces any impact upon the setting of the Grade II listed building on the adjoining site, with continued views of the listed building maintained across the proposed open car park area. The Conservation Officer has commented that the retail unit is quite a distance from the listed property and is positioned at an orientation meaning it would not be obviously prominent or distracting from the listed building when viewing it from its principle facade view from Boundary Road, and is therefore of the view that the impact to the setting of the listed property would not be at a substantial level.

The design of the proposed Aldi store is typical for a retail unit of this scale. A monopitch roof is proposed, with the highest point being at the furthest distance from the listed building, resulting in a tall facade of 8.4m fronting Hardres Road. The Boundary Road elevation contains the more varied roof form, along with a fully glazed shopfront at ground floor level, creating a lighter appearance when viewed from Boundary Road. The Hardres Road elevation contains a stretch of high level windows and glazed entrance, within an otherwise grey metal clad elevation, with the only interest being a variation in the cladding colour. Whilst greater interest within this elevation would have been encouraged, it is appreciated that for practical reasons there are limitations as to the extent of glazing that can be incorporated within a retail unit where aisle display and storage requirements dictate the space available for such features. The Conservation Officer has advised that whilst the proposed retail unit is very contemporary in its design, which creates a very obvious and visual contrast with the more historic setting of the rest of the site, the aesthetic appearance of the development is relatively neutral in colour palette, with the retail space visually understood as its own entity, rather than impeding on the existing character. Appreciating these two elements as separate entities, which are not trying to compete against one

another, but instead exist cohesively, creates a balance for the site which demonstrates its progressional phases of development.

As part of the proposal there is an intention to demolish part of the curtilage listed boundary wall (also subject to a pending listed building application). It was originally envisioned by the applicant that the majority of the Hardres Road boundary wall would be demolished, along with part of the Boundary Road boundary wall. Through our assessments, concern has been raised with the Hardres Road demolition, as the wall is understood to be one of the older walls on the site, and visually is characteristic of the original boundary wall enclosing the site. Amendments have been made, which enable the majority of the Hardres Road boundary wall to be retained, which in turn will limit shorter views of the proposed retail unit from Hardres Road. These amendments are supported, as they enable the historic use, understanding and appearance of the site as a former gasworks site to be appreciated through the proposed scheme. Part of the curtilage listed wall close to the junction of Boundary Road and Hardres Road will need to be removed, but the supporting evidence, along with the design and materials of the wall in question, show that this element of the wall is newer than the majority of the curtilage wall, and in failing to incorporate the same design, brick materials, detailing, and bonding as the historic wall, offers less significance. Given the less than substantial harm resulting from the loss of this element of the wall, consideration is to be given as to whether the public benefits outweigh the harm.

A landscaping plan has been submitted for the parking area to the front of the site. It shows that whilst the vehicular areas of the car park will be constructed using tarmac, the pedestrian areas will be constructed using conservation paving. In addition, soft landscaping is proposed across the car park area, including low level shrub planting to all boundaries, the planting of 14no. Trees (including tree pits to enable the ongoing growth of the trees and limit damage to surrounding hard surfacing/boundaries), and mixed native boundary planting to the rear of the retail unit. Ecological enhancements are also proposed, including log habitat piles, bat boxes and sparrow boxes.

The commercial development of this previously developed site within this mixed character road, with a building that is setback allowing the setting of the listed building and the curtilage listed wall to be retained, whilst also introducing some biodiversity and landscaping benefits within the site, is not considered to result in significant harm to the character and appearance of the area. The proposal is therefore considered to be in accordance with Policy D1 of the Thanet Local Plan, and paragraph 127 of the NPPF.

Living Conditions

The site is a former gasworks site, which given its commercial nature would have resulted in some impact to surrounding residents. The nearest residential occupiers are those opposite the site in St.Lukes Avenue, and those on the adjacent development site, which have recently been granted planning permission. Properties in Denmark Road are not considered to be affected due to the significant distance, and the presence of the recently approved adjacent development in between the Denmark Road properties and the proposed retail unit.

The proposed development is unlikely to have a significant impact upon either light, outlook or neighbouring privacy due to the distance of at least 17m to the nearest neighbouring

property in St.Lukes Avenue. There is a distance of 5m between the proposed development and the side elevation of the recently approved residential development, but given that the neighbouring development contains only secondary or non-habitable room windows, severe harm to the amenity of future occupiers is unlikely to result.

Of greatest concern is the potential for noise and disturbance resulting from the hours of use and the vehicle movements associated with the proposed commercial unit on the committed housing development adjacent and on existing residents in St Lukes Avenue and Denmark Road. An acoustic report has been submitted, which identifies aspects of the development that have the potential for noise and disturbance. Mechanical equipment could result in noise and vibrations, which cause harm to neighbouring occupiers, and as such details of any mechanical ventilation are required to be submitted and approved prior to their installation, along with the installation of an acoustic fence around the mechanical equipment. An acoustic fence is also required adjacent to the loading bay. Furthermore, opening hours and hours of deliveries are required to be restricted, with opening hours of 07:00 to 23:00 daily agreed, along with delivery hours of 06:00 to 23:00 Monday to Saturday and bank holidays, and 07:00 to 23:00 on Sundays; and environmental health have requested a condition that requires an acoustic assessment to be submitted within 2 months of the commencement date, in order to prove that the impact upon neighbouring residents is acceptable.

Given the relationship with the neighbouring occupiers, and subject to safeguarding conditions, the impact upon neighbouring amenity is considered to be acceptable, and in accordance with Policy D1 of the Thanet Local Plan, and paragraph 127 of the NPPF.

Transportation

A transport assessment has been submitted with the application, which looks at the trip rates for the proposed development, and whether there is likely to be an impact upon any existing junctions. Following amendments and the submission of further information in relation to the trip rates, KCC Highways and Transportation has advised that the impact upon the highway network from the proposed retail development is not considered to be severe, with the junctions assessed still operating within capacity.

An additional plan has been submitted for the new access onto Hardres Road, which shows adequate visibility splays for vehicles and pedestrians of 43m x 2.4m x 43m, along with tactile paving for ease of crossing. In order to achieve the visibility, double yellow lines are proposed either side of the access and on the eastern side of Hardres Road. A requirement for the applicant to pursue a traffic regulation order with KCC highways using best endeavours to secure the double yellow lines, is to be included within the legal agreement.

Whilst a central island crossing point within Hardres Road has not been achievable due to the obstruction that this would cause for pantechicians entering and leaving the retail site, an additional plan has been submitted, which shows tactile paving to either side of Hardres Road at the junction with Boundary Road, to assist in the pedestrian crossing of Hardres Road. KCC have raised no objections with this provision.

Within the site, 118no. parking spaces are proposed, including 6no. disabled spaces, 11no. parent and child spaces, and 2no. active electric vehicle charging spaces. As a result of the

new access point, 5no. on-street parking spaces will be lost. A parking survey has been submitted in support of the application, which proves that there is capacity for on-street parking within the vicinity of the site, and as such the loss of this on-street parking is not considered to cause a significant highway safety concern. In terms of the on-site parking provision, KCC has advised that the number of parking spaces provided is acceptable for the size of the development, and sufficient to meet the likely demand. The parking and maneuvering space for delivery vehicles is also acceptable, with tracking plans having been submitted to prove that delivery vehicles can enter and leave the site in a forward gear. The proposal is therefore considered to be in accordance with Policy TR16 of the Thanet Local Plan.

A pedestrian island and crossing point is proposed within Boundary Road to address the desire line to the entrance of the proposed store, and to facilitate pedestrian movement across this main through road. These off-site works would improve the sustainability of the development, and are to be secured through a S.278 agreement with the highway authority in line with the safeguarding planning condition requiring these works to be completed prior to the first use of the development.

Cycle parking has been provided to the front of the store for 10no. bikes, in accordance with Policy TR12 of the Thanet Local Plan.

Overall the impact upon the highway network from increased vehicle movements as a result of the proposed development is not considered to be severe, safe and suitable accesses to the site have been achieved, and adequate mitigation through off-site highway works has been proposed in order to facilitate sustainable modes of transport to the site. The impact upon highway safety is therefore considered to be acceptable, and in accordance with paragraphs 108 to 110 of the NPPF.

Archaeology

KCC Archaeology advises that the area has seen limited investigation, though Roman findings have been made within 500m to the west and east of the site. The site appears to have been affected by development of the gas works as evidenced in the Heritage Statement. Remains associated with the gas works use can contribute to the evidential value of the listed building and earlier remains may still survive at the site. Given the disturbed nature of the site KCC are satisfied that the archaeological mitigation can be secured through a watching brief, and therefore raises no objections subject to safeguarding conditions.

Ecology

An ecological assessment has been submitted as part of the planning application. KCC Biodiversity has advised that sufficient information has been provided, and that whilst the site offers potential habitat for protected species, the site is ecologically isolated and has little or no connectivity to the wider natural environment. KCC are therefore of the view that it is unlikely that terrestrial protected species will be present. Additionally, no roosting bats were found within any of the structures on-site. Any developer will also be required to accord

with the provisions of the Wildlife and Countryside Act 1981 when clearing the site, separate from any planning conditions imposed.

Ecological enhancements have been shown on the submitted landscaping plan, including 3no. Log habitat piles to the rear of the building, 2no. Bat boxes and 2no. Sparrow boxes. KCC Biodiversity have advised that this level of ecological enhancement works within the site are acceptable, and as such the impact upon biodiversity is considered to be acceptable, and in accordance with the NPPF.

Flood Risk and Drainage

Concern was initially raised with the lack of information provided for surface water runoff, as the Drainage Strategy submitted advises that the ground conditions are not suitable for infiltration and soakaway drainage is not considered viable at this site due to contamination. Southern Water has confirmed that the site is not connected to the sewer system, and therefore it is assumed that surface water runoff currently infiltrates directly to the ground. Through any proposal for new development, KCC's drainage policy requires that the peak runoff rate from the development must be as close to the greenfield runoff rate from the development as reasonably practicable, in order to prevent any risk of increased off-site flooding.

A response has been received from the applicant's drainage consultant advising that whilst they have no information on existing connections, it is likely given the gradient of the site that a private connection previously existed to the combined sewer within St.Lukes Avenue. The consultant further advises that the site is previously developed land, and historically has contained hard surfacing and buildings, and therefore it is unlikely that the surface water runoff would significantly exceed that which has previously existed.

KCC has advised that whilst they still have concerns regarding the likely discharge rate to the sewer, it is likely that the proposed development could include appropriate measures to manage surface water so as to not create additional flood risk. As such KCC have recommended safeguarding conditions requiring the submission of details confirming the existing drainage connection, details of the discharge point, and a detailed assessment of the overland surface water flow path.

The impact upon flood risk is therefore considered to be acceptable subject to a safeguarding condition requiring details of surface water drainage, in accordance with the NPPF.

Contamination

The previous use of the proposed development site as a gas works presents a high risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer. It is accepted that some remedial activities have already been undertaken at this site.

A Remediation Method Statement has been submitted with the application. The Environment Agency has advised that the report submitted in support of this planning application provides them with confidence that it will be possible to suitably manage the risk posed to controlled waters by the proposed development, although they do require further detailed information before built development is undertaken.

The Council's Contaminated Land Officer has advised that although some remediation of the site has been undertaken, there remains the possibility of historic contamination impacting parts of the development. In addition, and notwithstanding the submission of the new Remediation Method Statement, the submitted report identifies an outstanding requirement for additional measures to monitor and protect the development from ground gas impacts (see Remediation Statement sections 3.2.2 Permanent Gas Risks and 5.4 Additional Gas Monitoring).

The proposed development is therefore considered to have an acceptable impact upon the districts water supply, subject to a safeguarding condition requiring the submission of a remediation strategy with ongoing monitoring, in accordance with policy SE04 of the Draft Local Plan, and paragraph 178 of the National Planning Policy Framework.

Air Quality

The site lies within Thanet's Urban Air Quality Management Area, and therefore consideration needs to be given to the potential for the proposal to cause impacts at sensitive receptors during the construction and operational phases.

An Air Quality Assessment has been submitted, which contains an emissions damage cost figure of £145,084.55, which is used as an indicator for the level of mitigation required to offset the air quality impact from the proposed development. A list of the mitigation proposed and its costing has been submitted, which includes significant sums towards electric vehicle charging, landscaping and pedestrian walkway improvements. Whilst the landscaping sum is higher than expected, this is to allow for the construction of tree pits, which will enable the trees to survive in their restricted space.

With regards to the electric vehicle (EV) charging, concern has been raised throughout this application with the refusal of the applicant to provide the necessary on-site provision for electric vehicle charging, in the form of 6no. active EV spaces and 6no. passive EV spaces, which is the standard mitigation for this type and size development, as required through Policy SE05 of the Draft Thanet Local Plan, and the Council's Air Quality Technical Planning Guidance.

The applicant has agreed to the provision of 2no. active spaces on-site, and following negotiation has increased their offer of on-site passive provision to 20no. EV spaces. Following this offer concern has still been raised by Environmental Health that the lack of on-site active EV spaces still does not meet planning policy requirement, which supports government aims of providing zero emission vehicles by 2035 and improving air quality by introducing measures to reduce pollution so children and young people can live longer healthier lives.

Thanet District Council has declared a climate change emergency, and has resolved to do what is within our powers to achieve carbon neutral by 2050, with both the emerging Local Plan policy and Air Quality Action Plan making 10% EV charging a requirement for all new commercial development. Whilst the applicant has persistently justified their offer on the grounds that they do not consider there to be a need for the full 6no. active spaces, no evidence has been submitted to justify this position, and in any case, the active provision is sought to address future as well as existing need, with an increase in electric vehicle ownership only possible where it is encouraged through the visible presence of electric vehicle parking provision within all new residential and non-residential sites.

Following further negotiation, the applicant has agreed to the provision of an off-site financial contribution of £22,000 to Thanet District Council, to be used by the Council for the provision of electric vehicle charging points within public car parks within Ramsgate. The parking team within Thanet District Council have advised that a project exists to bring two electric charging points forward within at least two public car parks within Ramsgate, and this contribution would help towards the delivery of this project. Furthermore, the applicant has agreed to a requirement within the legal agreement for ongoing monitoring of the 'local need' for electric vehicle charging spaces within the application site, with delivery of further active spaces as and when required.

On balance, whilst the proposal fails to meet the standard mitigation requirement of 6no. active vehicle parking spaces as set out within Policy E05 of the Draft Local Plan and supplementary planning guidance, the provision of 2no. active spaces, 20no. passive spaces (fourteen more than required), ongoing monitoring of need with the potential for the provision of future active spaces, and an off-site contribution of £22,000 towards electric vehicle charging provision within Ramsgate, are considered to mitigate the harm to air quality resulting from the proposed development. The impact upon air quality is therefore considered to be, on balance, acceptable, and in accordance with paragraphs 102 and 110 of the NPPF.

Heads of Terms

The legal agreement to be submitted in support of this application will contain the following commitments:

Off-site financial contribution of £22,000 towards the provision of active electric vehicle charging spaces within Ramsgate car parks, with a claw-back of the contribution if not spent within 5 years of payment,

A requirement to submit an electric vehicle demand report within five years of the store opening to assess the need for active electric vehicle charging provision, which shall then be provided (upto a maximum of an additional 20no.active spaces); with a further report of the same to be submitted within ten and fifteen years of the store opening,

A requirement to pursue a traffic regulation order with KCC highways using best endeavours to secure the double yellow lines required for vehicular visibility.

Conclusion

The site is previously developed land within the urban confines, and is allocated for housing within both Policy H1 of the Thanet Local Plan, and Policy H01 of the Draft Thanet Local

Plan. The proposed retail development is contrary to both policies, which fail to support any alternative development on sites that are allocated for housing, unless in the case of the adopted policy there is a need for the alternative development, which cannot be justified in this case.

Planning permission has recently been granted for the residential development of the adjoining site (forming part of the same housing allocation site) for 70no. residential units, which meets the adopted plan allocation unit numbers, but results in a shortfall of 26no. residential units when considered against the notional site allocation number within the Draft Local Plan. A viability assessment for the development of the site was independently reviewed as part of the recent residential planning application, and found that the full residential development of the site for the number allocated within the Draft Local Plan is unviable, leaving one of the only options to enable the full development of the site (including the delivery of the approved 70no. Residential units) being the agreement to a mixed use development.

The proposed retail development falls outside of the town centre, however, no sequentially preferable location within Ramsgate has been identified for the retail unit due to its size, scale and specific business requirements. The proposed retail unit is considered to be accessible in its location, which given its proximity to the existing retail unit is likely to continue to serve its existing customer base; and the submitted retail assessment (whilst inadequate) does not identify any significant impact upon the existing town centre from the additional convenience retail floorspace.

No highway safety concerns have been identified, and given its setback location on the site, the setting of the Grade II listed building is considered to be protected, with only less than substantial harm caused through the provision of a modern retail unit within the curtilage of the listed building. Furthermore, given the proximity to neighbouring occupiers there is considered to be only limited harm to neighbouring living conditions.

The impact upon air quality has been thoroughly debated through this application, and whilst the proposed development does not meet the standard mitigation requirements as set out within the districts Air Quality Action Plan for this type of development (with the active on site provision falling short by four spaces), the applicant has offered alternative mitigation in the form of increased on site passive spaces, ongoing monitoring at Aldi as to the need for active spaces with their implementation when required, and an off-site financial contribution of £22,000 towards electric vehicle charging space provision within Ramsgate's public car parks. In conjunction with the on site works to offset damage costs to mitigate the impact upon air quality from the increased car emissions from the site, the impact upon air quality is considered acceptable in this instance subject to all measures being secured through a legal agreement.

On balance, whilst there will be social harm resulting from the reduced number of residential units that are achieved on this allocated housing site, which will have an impact upon the districts housing supply, the proposed development will enable the viable delivery of the 70no. approved residential units and secure the optimum use of the Grade II listed building, whilst also achieving economic benefits from job creation. Whilst there will be some environmental harm to both the setting of the Grade II listed building and air quality, the

proposed layout, which includes improved landscaping, the retention of the most significant element of the historic wall, and the maximum possible separation distance to between the proposed retail unit and Grade II listed building; along with the off-site highway improvement works to improve pedestrian accessibility to the site, and the mitigation provision and review mechanism for electric vehicle charging points, are considered sufficient to avoid significant harm to both the built and natural environment. Therefore the application is recommended to be deferred and delegated to officers for approval, subject to the submission of an acceptable legal agreement securing the heads of terms above within 6 months and safeguarding conditions.

Case Officer

Emma Fibbens

TITLE: F/TH/19/0709

Project Land And Buildings On The North Side Of Boundary Road RAMSGATE Kent

