

A02

F/TH/19/1137

PROPOSAL: Change of use from restaurant (Use Class A3) to restaurant and hot food takeaway (Use Class A3 and A5) erection of single storey side extension following partial demolition of building, alterations to external materials finish and fenestration, alterations to site layout, reconfiguration of car parking, landscaping and associated works, including installation of drive through with 2No. customer order displays and mini-roundabout, together with erection of 3m high acoustic fencing to southern boundary

LOCATION:

The David Copperfield Westwood Road BROADSTAIRS Kent CT10 2NN

WARD: St Peters

AGENT: Mr Benjamin Fox

APPLICANT: McDonald's Restaurants Ltd

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND;

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 7762-SA-8046-P002 H, 7762-SA-8046-P004 L, 7762-SA-8046-P005 D, 7762-SA-8046-P004 D and 16138-VL-MCD_L01 Rev C received 04 March 2020, the amended lighting details and plan entitled 'Lias Design Notes and Luminaire Schedule' and 'Proposed Lighting Layout' received 11 May 2020 and the submitted 'Standard Patio Area Supporting Specifications' and 'Goal Post Height Restrictor and COD/Canopy' details received 20 August 2019

GROUND;

To secure the proper development of the area.

3 Prior to the commencement of the use hereby permitted, all of the recommended odour abatement measures as set out within '7.0 Recommended Odour Abatement Measures' and the odour and grease treatment measures as outlined within 8.0 'Odour

Control Measures' to 9.0 'Maintenance', including 8.4 'Odour and Grease Treatment Stage 2' within the submitted Odour Control Assessment report received 24 October 2019 shall be provided and thereafter maintained. The external extraction flue shall terminate 1m above the eaves and discharge vertically unimpeded at 15m/s flue discharge efflux velocity. Carbon filters must be replaced every 6 months or in accordance with the manufacturer recommendations.

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 and paragraph 127 of the National Planning Policy Framework.

4 Prior to the commencement of the use hereby permitted, full design and installation details of the external extraction flue, including detailed specifications shall be submitted to, and approved in writing by, the Local Planning Authority. The external extraction flue shall be installed in accordance with the approved details and thereafter maintained in accordance with the manufacturers recommendations.

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 and paragraph 127 of the National Planning Policy Framework.

5 The rating level of noise emitted from the plant and equipment associated with the development hereby approved to be installed on the site shall be at least 5dB below the background noise level (LA90,T) or 35dBA,r, whichever is highest, 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 and paragraph 127 of the National Planning Policy Framework.

6 4No. Electric Vehicle Charging points shall be provided within 6 months of the commencement of the use hereby permitted and thereafter maintained and kept in good working order thereafter as specified by the manufacturer, as shown on the approved plan numbered 7762-SA-8046-P004 L received 04 March, and confirmed in the email correspondence received from the agent dated 01 April 2020.

GROUND;

In the interest of air quality and amenity in accordance with EP5 of the Thanet Local Plan and paragraph 181 of the National Planning Policy Framework.

7 The mitigation measures as set out in Section 6 of the Emission Mitigation Assessment reference J3983A/F1 received 21 February 2020 for the construction and operational phases of the development shall be implemented in accordance with the details and timescales specified.

GROUND;

In the interest of air quality and amenity in accordance with EP5 of the Thanet Local Plan and paragraph 181 of the National Planning Policy Framework.

8 The use of the premises hereby approved shall not be used other than between the hours of 03:00 - 23:00 Monday - Sunday including Bank Holidays.

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 and paragraph 127 of the National Planning Policy Framework.

9 Prior to the commencement of the first use of the development hereby approved, details of the proposed 3m high acoustic barrier as shown on the approved plan 7762-SA-8046-P004 L received 04 March 2020, to be erected along the southern boundary of the development site, including details of its ongoing maintenance, shall be submitted to and approved by the Local Planning Authority. The 3m acoustic barrier shall be installed in accordance with the approved details and thereafter permanently retained and 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 and paragraph 127 of the National Planning Policy Framework.

10 The overflow car park to the south east of the application site shall not be used between the hours of 21:00 - 07:00 Monday - Sunday including Bank Holidays and shall be closed to vehicles through the proposed retractable bollards between these hours, as shown on the approved plan numbered 7762-SA-8046-P004 L received 04 March 2020 and as confirmed in the email correspondence received from the agent dated 19 December 2020.

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 and paragraph 127 of the National Planning Policy Framework.

11 Prior to the commencement of the use hereby permitted, the noise level of the Customer Order Point speaker/s at 0.5 metres shall be limited to no more than 82dB LAeq, 1min. 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. The report shall be submitted to and approved by the Local Planning Authority and the Customer Order Display Facilities shall be implemented in accordance with the approved report, 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.

12 Prior to the commencement of the use hereby permitted the proposed lighting provision as outlined within the submitted lighting details and plan entitled 'Lias Design Notes and Luminaire Schedule' and 'Proposed Lighting Layout' received 11 May 2020 and the proposed CCTV provision as outlined within the submitted CCTV Details Entitled 'NB8046 Broadstairs McDonald's VSS' received 21 November 2019 shall be provided and thereafter maintained.

GROUND;

In the interest of public safety in accordance with Thanet Local Plan Policy D1 and paragraph 95 of the National Planning Policy Framework.

13 Prior to the commencement of any development on site, a Construction Management Plan to include the following details shall be submitted to and approved by the Local Planning Authority:

- (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

The construction of the proposed development shall be carried out in accordance with the approved details.

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.

14 Prior to the commencement of the use hereby permitted, the proposed highway and parking layout, including the vehicle parking spaces, as shown on the approved plan numbered 7762-SA-8046-P004 L received 04 March 2020 shall be provided and thereafter maintained for that purpose.

GROUND;

In the interests of highway amenity and highway safety, in accordance with Policies D1 and TR16 of the Thanet Local Plan.

15 Prior to the commencement of the use hereby permitted, the secure cycle parking facilities, as shown on the approved plan numbered 7762-SA-8046-P004 L received 04 March 2020 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 commencement of the use hereby permitted, details of the 'Keep Clear' marking in the retail park access road as shown on the submitted proposed highway site entrance plan numbered AMA/50006/SK006 received 21 February 2020 shall be submitted to, and approved by the Local Planning Authority. The 'Keep Clear' markings will be implemented in accordance with the approved details and thereafter maintained.

GROUND;

In the interests of highway amenity and highway safety, in accordance with Policies D1 and TR16 of the Thanet Local Plan.

17 Prior to the commencement of the use hereby permitted, a Delivery and Servicing Management Plan, to include the following details:

Timing of delivery/service vehicle visits to ensure sufficient manoeuvring room for such vehicles and adequate customer parking is available;

Area required for maneuvering/parking of delivery/service vehicles;

Measures to be taken to ensure the necessary manoeuvring/parking area is available when required,

shall be submitted to, and approved in writing by, the Local Planning Authority. Deliveries and servicing shall be carried out in accordance with the approved Delivery and Servicing Management Plan.

GROUND;

In the interests of highway amenity and highway safety, in accordance with Policies D1 and TR16 of the Thanet Local Plan.

18 Prior to the commencement of the use hereby permitted, all hard and soft landscaped works shall be carried out in accordance with the approved landscaping plan numbered 16138-VL-MCD_L01 Rev C received 04 March 2020 and shall be thereafter maintained for the lifetime of the development. 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 and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The application relates to the former Harvester site which includes the currently vacant restaurant, grounds and car park. The application site forms part of a moderate commercial area to the south of Westwood Road which includes a KFC restaurant and takeaway and an Asda Supermarket to the east accessed via Westwood Road to the north.

The site is located adjacent to Westwood Road, a main route within Thanet which connects Broadstairs with Westwood, and is located just over 1km from Westwood, a commercial core within Thanet which contains the Westwood Cross retail development and several surrounding retail parks.

Immediately opposite the site to the north of the application site and Westwood Road are open agricultural fields which form part of the green wedge which separates Margate and Broadstairs. To the north west is St Georges Secondary School and to the rear of the site is mid-density residential development primarily in the form of two storey semi-detached dwellings.

RELEVANT PLANNING HISTORY

The previous planning history relates to the former use of the site as a Harvester Restaurant.

PROPOSED DEVELOPMENT

The application proposes the change of use of the existing building from restaurant (Use Class A3) to restaurant and hot food takeaway (Use Class A3 and A5), together with the erection of single storey side extension following partial demolition of the building, and alterations to external materials and fenestration.

The application also proposes alterations to the site layout including the reconfiguration of car parking, landscaping and associated works, the formation of a drive through around the building with 2No. customer order displays and a mini-roundabout to the east of the building. Acoustic fencing is proposed to the southern boundary. No alterations are proposed to the main vehicular access to the site from the eastern boundary.

The application has been amended through the course of the application. The changes to the original scheme include:

The original proposed unrestricted 24/7 opening hours have been amended to 03:00 - 23:00 each day. The use of the remote car park to the south of the application site is now proposed to be restricted to between the hours of 07:00 - 21:00 only, with retractable bollards used to control this.

The site layout has been amended and the provision of soft landscaping has increased, with the widening of the soft landscaped strip at the northern boundary of the site adjacent to Westwood Road, together with more robust landscaping proposed. The layout of the proposed drive-through has been re-configured to accommodate this increased provision of landscaping, and the scale of the proposed side extension has been reduced by approximately 1m in width.

The originally proposed 2.4m high acoustic fence to the southern boundary, which is adjacent to the rear boundary and gardens of adjacent residential properties to the south which front Rumsfield Road, has been increased in height to 3m.

In terms of proposed Highway works, it is proposed to introduce a 'Keep Clear' box adjacent to the site access/egress.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 (Saved Policies)

D1 - Design Principles
D2 - Landscaping
TC9 - Hot Food Takeaways
TR12 - Cycling
TR16 - Car Parking Provision

Thanet Draft Local Plan

SP04 - Economic Growth
QD02 - General Design Principles
QD03 - Living Conditions
SE06 - Noise Pollution
SP38 - Healthy and Inclusive Communities
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. 12 letters of objection have been received overall.

5 letters of objection have been received in relation to the amended scheme. The letters raise the following concerns:

- The police have had to attend to ease congestion at KFC before there is a McDonalds drive through.
- Concern regarding the noise, disturbance and odours deriving from the proposed development.
- Sound pollution from cars that will be going through the new drive through which is located adjacent to the rear gardens of adjacent residential neighbours.
- Air pollution from the cars and cooking at the site.
- Anti-social behaviour, at present the car park is used as a race track by young drivers. The proposal would likely lead to more of this.
- The site is located very close to an existing McDonalds.
- Concern regarding the proposed late opening.
- Concern regarding the likely increased provision of litter at the site and surrounding areas from the proposed use.
- The smell of cooking from the former restaurant use and KFC permeates through the whole area on warmer days. The proposed use as a takeaway will exacerbate both problems.

- The proposal in such close proximity to a school is inappropriate and would be detrimental to the health of children and is not in the best interest of the pupils.
- Retain my observations and reservations about traffic waiting to enter the site. The combined number for KFC and McDonalds is likely to cause queuing traffic which will adversely affect the adjacent roundabout and traffic on Westwood Road.
- There is a risk of backup and the statistics are for one day/weekend only in Autumn and does not account for seasonal differences.

7 letters of objection have been received in relation to the original scheme. The letters raise the following concerns:

The development for a takeaway is not in the best interest of the local community given its close proximity to a number of schools.

The proposal will be detrimental to the surrounding local community.

The location appears to have been chosen to exploit the close proximity to the schools in the area, showing the companies greed and disregard for the health and safety of children of all ages.

There is a similar outlet within a mile of this site and I cannot see the justification for this application.

The proposal will result in increased littering to the local area and potentially attract groups of people with antisocial tendencies.

The proposal will cause an increase in traffic in the area, resulting in harm to highway safety. Concern regarding the noise, disturbance and odours deriving from the proposed development.

Broadstairs and St Peters Town Council - The Planning Committee of the Town Council has considered this application and resolved by a majority to recommend no objection.

CONSULTATIONS

Environmental Health:

(Final Comment)

Thank you for consulting Environmental Health on the application for; 'Change of use from restaurant (Use Class A3) to restaurant and hot food takeaway (Use Class A3 and A5) erection of single storey side extension following partial demolition of building, alterations to external materials finish and fenestration, alterations to site layout, reconfiguration of car parking, landscaping and associated works, including installation of drive through with 2No. customer order displays and mini-roundabout, together with erection of 2.4m acoustic fencing to southern boundary and erection of 1m green screen fencing to northern boundary'

Environmental Protection would like to make the following recommendations for conditions pursuant to discussions with the consultants acting on behalf of the applicant and review of submitted Noise Impact Assessment, Odour Impacts Assessment and provision for air quality mitigation.

Odour

There is a significant potential for cooking odours to impact neighbouring properties in Rumsfield Road. The Odour Control Report suggests the nearest receptor is 63m away, however, the rear gardens of properties in Rumsfield Road are only a couple of metres away from the application site and it is entirely reasonable for the planning authority to consider odour impact on outdoor amenity space.

For all risk assessment criteria the scores are accepted save the proximity element which I would advise as 'close i.e. <10m' but this wouldn't change the overall score which is high risk in any event. Therefore a high level of odour control must be implemented and maintained.

Assuming discharging at 1m above roof ridge is unacceptable in planning terms then the stack must terminate 1m above eaves and discharge vertically unimpeded at 15m/s. Given the extremely high risk odour score the measures set out in 'future or stage 2' are required before commencement and not at a later stage.

Therefore Environmental Protection recommend conditioning all recommendations for odour control contained within in the Odour Assessment Report including carbon filters which must be replaced every 6 months or in accordance with manufacturer's recommendations for such high risk site.

Air Quality

The proposal will generate additional traffic and therefore the applicant was required to carry out Emissions Mitigation Assessment which has been reviewed and accepted; it also seeks to have 43 parking spaces of which 4 have EV charging provision. This is in accordance with our Air Quality policy SE05 and Thanet Council's Air Quality Technical Planning Guidance 2016 require 10%. The following air quality safeguarding conditions are recommended:

EV Charger details to be provided

Four Electric vehicle charging points (EVCP) shall be maintained and kept in good working order thereafter as specified by the manufacturer.

Emissions Mitigation Statement

The Emission Mitigation Assessment reference [J3983A/F1] dated [18th February 2020] measures set out in Section 6.5 are to be implemented to achieve air quality improvements through the development. Details shall be submitted to and approved in writing by the Local Planning Authority.

Noise

The application is accompanied by an Environmental Noise Assessment dated 12th August 2019. Having reviewed the noise report, I am satisfied it has been carried out by a competent acoustic consultant using relevant noise impact assessment criteria and appropriate measurement methodology. I have had the opportunity to speak with the applicant's acoustic consultant and clarify matters and there is still some argument about whether even a 1dB increase could still have an impact given the intermittent nature of the development traffic in this location as it is not a continuous noise source, the chart indicates this impact is likely between 23:00hrs - and 2am, along with L90 background levels shown in

5.2, I would recommend that opening hours are restricted between 23:00hrs -03:00hrs. The consultant has also advised that the acoustic barrier height will be increased from 2.4m to 3m.

Although the Noise Assessment indicates there will not be an unacceptable impact from noise on neighbours in Rumsfield Road, it is important to safeguard this with the following conditions:

Opening Times - Public

The premises shall not be open to the public between the hours of Monday to Sunday [03:00]; and [23:00hrs]

Acoustic Barrier

Prior to the commencement of the development hereby approved, details of the proposed 3m acoustic barrier, to be erected along the southern boundary of the development site, including details of its ongoing maintenance shall be submitted to and approved by the Local Planning Authority and once approved this shall thereafter be installed and permanently retained.

Antisocial Behaviour

We have had experience of antisocial behaviour occurring within Mcdonalds car parks from vehicle occupants grouping together to socialise, often playing music from car sound systems and generally causing a disturbance. The 'overflow' car park is only 15m from residential properties windows and given the application is for 24/7 operation Environmental Protection would ask that this area is barrier-ed off between 9pm and 7am.

Mechanical Plant Noise Rating Level

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 (LA90,T) or 35dBA,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Customer Order Display

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 82dB LAeq, 1min. 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.

KCC Highways:

Final Comment

I refer to the additional information and amended plans submitted for the above on 19th December 2019, 14th January 2020 and 10th March 2020.

The vast majority of trips associated with the proposals are likely to already be on the highway network, with visits from drivers going past the site as part of a linked trip to/from

other destinations or visiting this site instead of another, similar restaurant/drive-thru in the locality. The latter visits may reduce existing trips through Westwood. The number of new trips generated by the proposals is therefore likely to be limited and the proposals are overall unlikely to have a severe impact on the highway network.

The proposals will increase turning movements at the site access junction with the retail park access road and potentially increase queuing on the retail park access road arm of the Westwood Road roundabout. If such queuing blocks the site access it will prevent drivers from turning right into the same and potentially lead to vehicles queuing back towards the roundabout and impacting on the highway. Keep clear markings will therefore be provided at the site access to prevent this, and these can be secured by condition.

The proposed site layout and car parking are acceptable. The delivery arrangements will require delivery vehicles to utilise some parking spaces for manoeuvring and deliveries should only therefore take place outside peak times for the site, when the demand for parking spaces can be met without those required for a delivery vehicle. This can be resolved by the imposition of a Delivery/Service Management Plan, secured by condition.

Taking all of the above into account I have no objection in respect of highway matters subject to the following being secured by condition:

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (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

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

Completion and maintenance of keep clear markings in the retail park access road prior to the use of the site commencing, in accordance with details to be submitted to and approved by the Local Planning Authority.

Deliveries/service to be carried out in accordance with a Delivery/Service Management Plan to be submitted to and approved by the Local Planning Authority, to include the following:

- (a) Timing of delivery/service vehicle visits to ensure sufficient manoeuvring room for such vehicles and adequate customer parking is available
- (b) Area required for manoeuvring/parking of delivery/service vehicles
- (c) Measures to be taken to ensure the necessary manoeuvring/parking area is available when required

Kent Police:

Final Comment

We have reviewed amendments to this application in regard to our former response of 4 October 2019 the points of which remain valid. We have not been contacted by the applicant/agent.

If this application is to be approved, we request a Condition be included to address the points in our earlier response and below, in regard to the amended plans.

Having reviewed the amended application on-line, the following issues need to be addressed including:

The proposed retractable rising bollards

1. We are concerned that these plans will not address the potential for vehicles gaining access (cars, bikes, motorbikes and similar) causing ASB and Nuisance. The proposed bollards for the "overflow" parking area are unlikely to adequately deter this as there is potential for motorbike and cycles to gain access between or around them. A suitable gate with fencing to secure that parking area is essential. Management to enforce the securing of that, a certain time is essential - signage can help.

2. The proposed CCTV must be monitored and at least on screen should be seen from inside the unit to demonstrate that it is live.

3. The perimeter treatments must not reduce the security to existing neighbouring properties and be maintained.

4. We understand from the application, that the opening hours are proposed to quote: "restrict the hours of operation to 03:00 - 23:00 rather than an unrestricted operation. In addition, it has been agreed to restrict the use of the 'remote' car park area between 9pm - 7am." However, does not clarify if this is for every day.

5. The physical security standards should meet SBD ([www.secured by Design.com](http://www.securedbydesign.com)) Commercial standards or above. The glazing on all elevations to be laminated and protected from potential vehicle damage.

6. If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction suite" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We request an informative to cover the following points:

7. We suggest that the proposed cycle facilities are covered by direct CCTV and of a standard that meets SBD approved standards.

8. The lighting should be approved by a Member of the ILP or the Society of Light and Lighting to aid security, support the CCTV and avoid causing conflict and light pollution.

COMMENTS

This application has been called to Planning Committee by Councillor Garner due to concerns regarding an increase in traffic, pollution, noise, disturbance and litter associated with the proposed use and concerns regarding health given the proximity of the site to the adjacent Secondary School.

The main consideration with regard to this application is the principle of development, the impact of the proposed development on the character and appearance of the area, the impact upon residential amenity, and the impact upon highway safety.

Principle

The application site is located within the urban confines and forms part of a commercial cluster which includes a restaurant and takeaway and a supermarket. The proposed development seeks to change the use of the existing restaurant (Use Class Class A3) to a restaurant and takeaway (Use Class A3 and A5).

Policy TC9 of the Thanet Local Plan states that applications for hot food takeaways will be judged against the character of the area; the sensitivity of neighbouring uses and the likelihood of quick turnover of kerbside parking.

There are no policies within the Draft Local Plan which directly relate to hot food takeaways. Policy SP04 of the Draft Local Plan states that within the urban area, proposals for employment generating development on non-allocated sites will be supported in principle, subject to meeting the requirements of other policies in the plan. Policy SP38 of the Draft Local Plan states that The Council seeks to promote, protect and improve the health of Thanet's residents, and reduce health inequalities.

There is a presumption in favour of sustainable development at the heart of the National Planning Policy Framework (NPPF). Paragraph 91 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.

The application site is located within a commercial cluster, and is a detached building with associated parking, with a minimum of 40m separation distance to the nearest residential dwellings. The application site is located opposite a secondary school and is within relatively close proximity of a further two secondary schools and a primary school.

The proposed change of use to a restaurant and takeaway will result in some intensification of the existing restaurant use and will introduce an additional takeaway unit within this commercial cluster.

Given the location of the application site within the commercial cluster and its detached position the proposed takeaway use is not considered to be out of character with its surrounding environment. The proposed restaurant and takeaway unit will be provided with off-street parking and will incorporate a drive-through which is likely to accommodate the majority of the takeaway provision. As such, it is not considered that the proposal is likely to result in significant kerbside parking.

It is appreciated that there may be some potential for adverse impacts regarding health given the proximity of the proposed takeaway use to nearby schools. There is an existing similar takeaway unit to that proposed immediately adjacent to the application site, and as such the situation of a takeaway use in this location currently exists. Environment Health have not raised any objections to the location of the proposed use, and I have no evidence

before me to demonstrate that the proposed use would result in significant additional harm to health by virtue of its location in proximity to schools. Furthermore, there are no policies within the Local Plan or Draft Local Plan which prevent takeaway uses in proximity to schools.

Whilst it is acknowledged that the proposal will result in an intensification of the former use, given the proposal will be an addition to an existing situation, and the limited information before me, it is not considered that the proposed development would, on balance, significantly alter or increase the existing situation and result in significant harm to sensitive neighbouring uses.

The principle of the change of use, in this location is therefore considered to be acceptable subject to the assessment of all other material considerations.

Character and Appearance

The National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place. Policy D1 of the Thanet Local Plan outlines that the design of all new proposals must respect or enhance the character or appearance of the area particularly in scale, massing, rhythm and use of materials.

The proposed development will increase the provision of hardstanding at the application site through the provision of the drive-through around the building and the mini-roundabout to the east. Whilst these elements will intensify the use of the site and increase the hard surfacing, this arrangement and configuration is currently present at the adjacent KFC unit, and is therefore not considered to be significantly out of character with the area.

The development has been amended through the course of the application, and the provision of landscaping has been increased. The development will now be provided with a meaningful soft landscaped strip at the northern boundary comprising varying widths, containing a hedgerow, mown grass and ornamental bark finish, together with increased landscaping within the application site. This proposed landscaping is considered to provide a clear distinction between the application site and the adjacent footway and Westwood Road, breaking up the hardstanding in this location, and softens the proposed development. As such, this provision is considered to adequately reflect the soft landscaping to the adjacent commercial sites and suitably integrate the development into its surrounding environment.

In terms of the application building, the proposal seeks to partially demolish and remodel the existing building. This will involve the demolition of part of the south of the building to provide space for the proposed drive-through, together with the existing conservatory/circular feature to the north of the building, which will be replaced by an angled extension to the west. The development also involves external alterations including alterations to fenestration and materials to redesign the building.

The proposed demolition and extension of the building is considered to be a moderate alteration which will provide a coherent form to the building. The proposed external alteration

and alterations to fenestration are considered to provide a cohesive appearance and design to the building which is compatible with its surrounding environment.

The proposed development will increase vehicular movements within the site by virtue of the proposed drive through, and its proposed takeaway use may increase the activity associated with the site in comparison with the existing use. Whilst this will be an increase to the existing situation, given the location of the site within an established commercial cluster, which contains a similar use, together with its position adjacent to a main road, the proposed development is not considered to be out of character or incompatible with the surrounding area.

The proposed development is therefore considered to be acceptable in terms of the character and appearance of the area, in accordance with Policy D1 of the Thanet Local Plan, Policy QD02 of the Draft Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

Policy D1 of the Thanet Local Plan requires all new development to provide a high quality layout and paragraph 127 of the National Planning Policy Framework requires a high standard of amenity for existing and future users.

Policy QD03 of the Draft Thanet Local Plan states that all new development should be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions, and Policy SE06 states that in areas where noise levels are relatively high, permission will be granted for noise sensitive development only where adequate mitigation is provided and the impact of noise can be reduced to acceptable levels.

The application site is located adjacent to a row of residential properties which front Rumsfield Road, with the rear boundary of their back gardens forming the southern boundary of the application site. There is a separation distance of approximately 38m from the southern boundary of the application site adjacent to the application building to the two storey rear elevation of these adjacent properties. There is a separation distance of approximately 18.6m from the southern boundary of the overflow car park to the two storey rear elevation of these adjacent properties.

The proposed development will involve the re-configuration of the existing building, with some additional built form located to the west of the building. Given the single storey height of the additional built form, together with its detached location and separation distance to adjacent neighbours, the proposed development is not considered to result in harm by way of loss of light, outlook or the creation of a sense of overlooking.

In terms of overlooking, no window openings are proposed to the southern elevation which faces the rear of the adjacent residential neighbours. This elevation will contain opaque doors at ground level which will be a modest alteration to the similar arrangement to the existing building and is not considered to result in harmful overlooking. The remaining alterations to fenestration do not directly face residential neighbours and are considered to be minor alterations, which will not materially alter or increase the existing arrangement.

The proposed development will result in odour and fumes and it is necessary to safeguard adjacent residential neighbours against unacceptable harm to residential amenity arising from the food production taking place. An Odour Control Assessment has been submitted with the application which provides an odour risk assessment to identify the recommended equipment and techniques to minimise the impact of extraction systems. This states that the proposed development should provide odour control measures for a 'high risk' control band, and that the application proposes stage 2 grease and odour control measures which exceeds the requirements of the next 'very high risk' control band.

Environmental Health have considered the submitted Odour Control Report and consider that a high level control must be implemented and maintained. It is considered that the external extraction flue should terminate 1m above the eaves of the building, and given the high risk odour score, that the measures set out in 'stage 2 grease and odour control' are required to be in situ prior to the commencement of development. This will be secured by condition, together with conditions for all of the recommendations for odour control contained within the Odour Assessment Report. It is therefore considered that subject to these requirements being secured by condition, that the odour and fumes associated with the proposed development will be adequately mitigated.

The proposed development would generate additional traffic and vehicular movements. The applicant has carried out an Emissions Mitigation Assessment which has been reviewed and accepted by Environmental Health. The development will contain 43 off-street parking spaces, of which 4 will have electric vehicle charging provision, in accordance with Policy SE05 of the Draft Local Plan and Thanet Councils Air Quality Technical Planning Guidance which requires provision of 10% EV charging parking spaces. The measures set out within the Emissions Mitigation Assessment and the provision of EV charging points shall be secured by condition to ensure the development is acceptable in terms of air quality.

The proposed development will intensify the existing restaurant use through the proposed part takeaway use, the provision of a drive through which is partially sited adjacent to the rear boundary of rear gardens to residential properties on Rumsfield Road, and the proposed openings hours which were originally proposed to be 24/7. This will result in impacts of noise and disturbance above the existing use and it is necessary to safeguard the adjacent residential neighbours from unacceptable impacts resulting from this.

The application is accompanied by an Environmental Noise Assessment. The proposal has been amended during the course of the application following concerns raised regarding the impact of the proposed development with regards to noise and disturbance upon the adjacent neighbours.

The proposed opening hours have now been reduced to 03:00-23:00, and the overflow car park which is located in closer proximity to the adjacent neighbours than the remainder of the application site shall be closed between 07:00 - 21:00, controlled with retractable bollards. The acoustic barrier to the southern boundary has been raised in height to 3m. The noise emitted from any mechanical plants and the customer order display units will be limited to an acceptable level.

These amendments, which will be secured through suitable conditions, have been reviewed by Environmental Health and found to be acceptable. It is therefore not considered that the proposed amended scheme will result in unacceptable impacts with regards to noise and disturbance to the adjacent neighbours to warrant refusal of the application.

The proposed development is therefore considered to be acceptable in terms of residential amenity, in accordance with Policy D1 of the Thanet Local Plan, Policies QD03 and SE06 of the Draft Thanet Local Plan and the National Planning Policy Framework.

Highways

The application has been amended throughout the course of the application, and further information provided in the form of a Technical Note, a Junction Assessment and a Highways Site Entrance plan.

The amended scheme has been reviewed by KCC Highways. It is considered that the majority of trips associated with the proposal would likely already be on the highway, with visits from drivers going past the site as part of another trip, and may reduce existing trips through Westwood (where a similar takeaway and restaurant unit is located). It is therefore considered that the number of new trips generated by the proposal shall be limited and are unlikely to have a severe impact on the highway network.

The proposal will increase turning movements at the site access junction with the retail park access road, and potentially increase queuing back towards the roundabout. It has been agreed that 'Keep Clear' markings will be provided at the access to the site, which will be secured by condition, which is considered to be sufficient to address this factor.

KCC Highways considers the proposed site layout and car parking provision to be acceptable. It is considered that the delivery arrangement and layout will likely require delivery vehicles to utilise some parking spaces for manoeuvring, and therefore deliveries should only take place outside peak times, which will be secured by condition.

KCC Highways raise no objection to the proposed development subject to conditions, which will be secured should planning permission be granted. As such, the proposed development is considered to be acceptable in terms of highway safety and highway amenity, in accordance with Policy TR16 of the Thanet Local Plan and Policy TP06 of the Draft Thanet Local Plan, and the National Planning Policy Framework.

Cycle storage provision will be provided in the form of cycle stands sited adjacent to the entrance of the restaurant which will provide suitable cycle storage, in accordance with Policy TR12 of the Thanet Local Plan and Policy TP03 of the Draft Thanet Local Plan.

Other Matters

Kent Police have raised concerns regarding the proposed development regarding the potential for anti-social behaviour. The application proposes the installation of CCTV cameras and lighting provision to deter instances of anti-social behaviour which are set out within the submitted CCTV information document and a lighting plan. These provisions are

considered to be sufficient to address anti-social behaviour associated with the proposed development. Whilst concerns are raised about the use of retractable bollards to prohibit access to the overflow car park between 9pm and 7am rather than a barrier, it is considered that the bollards provide a sufficient deterrent to larger groups congregating in this area (which is also an existing car park currently open 24hours).

Conclusion

Overall the proposed amended development is considered to be acceptable in principle, and shall not be out of character with the commercial cluster to which it forms a part. The proposed development is considered to be suitably compatible with its surrounding environment, and shall not result in unacceptable harm to the living conditions of adjacent residential neighbours, subject to the conditions and restrictions agreed. The development is not considered to be likely to have a severe impact on the highway network, and will be provided with sufficient parking and cycle storage provision. It is therefore recommended to members that the development is approved, subject to safeguarding conditions.

Case Officer

Jenny Suttle

TITLE:

F/TH/19/1137

Project

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