

**A04**

**F/TH/19/1548**

**PROPOSAL:** Erection of single storey building comprising 2no. mixed use retail/cafe units (Use Classes A1 and A3), provision of 2no.

**LOCATION:** lorry bays and parking, together with associated landscaping

Mount Pleasant Lorry Park Tothill Street Minster RAMSGATE  
Kent

**WARD:** Thanet Villages

**AGENT:** Mr Doug Brown

**APPLICANT:** Mr M Trinder

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised plan numbered 01 Rev U, received 24th March 2021; the revised plan numbered 05 rev J, received 28th September 2020; the plan numbered 06, received 18th December 2020; and the drainage plans received 21st January 2021.

**GROUND:**

To secure the proper development of the area.

3 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 Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

4 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 protect vulnerable groundwater resources in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

5 Prior to the first use of the development hereby approved, full details of both hard and soft landscape works, to include

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- the treatment proposed for all hard surfaced areas beyond the limits of the highway
- walls, fences, other means of enclosure proposed
- ecological enhancements to be provided within the site

shall be submitted to, and approved in writing by, the Local Planning Authority.

#### **GROUND**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

#### **GROUND**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

7 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

#### **GROUND**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

8 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

#### **GROUND**

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

9 The development hereby permitted shall be carried out in accordance with the drainage plans submitted 21 January 2021.

#### **GROUND**

To protect the district's groundwater, in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

10 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
- (h) Access arrangements

#### **GROUND**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

11 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 01 Rev U shall be provided and thereafter maintained.

#### **GROUND**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

12 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan

numbered 01 Rev shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

#### **GROUND**

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and the advice as contained within the NPPF

13 Prior to the first use of the retail/cafe units hereby permitted, details of the location of the 10no. parking spaces to be made available for general public use shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces identified on the approved plans shall be made available for general public use and not restricted to use by patrons of the proposed units hereby permitted.

#### **GROUND:**

In the interests of highway safety.

14 The development hereby approved shall be used as an mixed retail and cafe (mixed A1 and A3) and for no other purpose including any other purpose in Class A1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

#### **GROUND:**

To secure the proper development of the area as an acceptable departure from Policy E05 of the Thanet Local Plan.

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

#### **GROUND**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

16 The roof of the development hereby permitted shall be finished with Sea Hardened Sedum, as shown on the approved plan numbered 05 rev J, received 28th September 2020.

#### **GROUND**

In the interests of visual amenity and to limit the impact upon the countryside and landscape character area, in accordance with Policies QD02, SP24 and SP26 of the Thanet Local Plan

17 Prior to the first use of the retail/cafe units hereby permitted, the 2no. lorry parking spaces as shown on the approved plan numbered 01 Rev U, shall be provided and made operational. The lorry parking spaces shall thereafter be maintained.

#### **GROUND:**

To retain lorry parking spaces for which there is a current need, in accordance with highway safety.

## **INFORMATIVES**

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. We note all foul drainage is intended to connect to mains sewer.

## **SITE, LOCATION AND DESCRIPTION**

The site is located on the northern edge of Minster Village, adjacent to the existing roadside services. To the west of the site is the Petrol Station and McDonalds, to the south and southwest of the site is Premier Inn and a newly constructed Costa Coffee building, and to the east of the site is amenity/agricultural land. North of the site is Hengist Way (A299).

The site is mostly hard surfaced, with the majority of the land used for lorry parking, and part of the land previously approved for additional overflow parking space, which has been implemented with gravel and surrounding timber fencing.

## **RELEVANT PLANNING HISTORY**

F/TH/19/0794 - Retrospective application for change of use of amenity land to carpark - Granted - 27/09/2019

F/TH/18/0349 - Change of use of existing parking area to storage facility (use class B8) to include the siting of 77no. Storage container units, office unit, the erection of 3m high palisade fence to all boundaries, the erection of 7no. 4m high CCTV camera poles, and associated parking; and change of use of amenity land to a hand car wash (use class sui generis), to include car wash canopy and 2no. Storage units - Refused - 29/06/2018

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

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

OL/TH/02/0375 - Variation of condition 2 of planning permission reference TH/99/0295 for outline permission for the erection of petrol filling station, motorist restaurant and lodge, cafe and provision of lorry, coach and car parking, picnic area, woodland and landscaping, to

extend the time period for the submission of reserved matters to the 30/05/2003. Granted - 10/07/2002

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

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

### PROPOSED DEVELOPMENT

The proposal has changed over the course of the application. The original proposal was for a MOT centre, cafe unit, office unit, and retention of the mobile food truck, with associated parking. The current amended proposal is for the erection of 2no. single storey retail/cafe units (mixed A1/A3 use class) with external seating space, associated car parking, and the creation of 2no. lorry parking spaces.

The units measure 11.5m by 33m in total (348sqm floor area), with a maximum height of 3.7m. The roofs will be green using sea hardened sedum, with metal clad fascias; the walls will be vertically timber clad; and the windows and doors will be grey aluminium.

Parking is provided for 35no. cars, and the two lorry parking spaces are provided in a layby design to be accessed via the adjacent access within the petrol station.

The retention of the mobile food truck has been omitted from the application, with the intention being that the business would move into one of the proposed units.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2020**

SP24 - Development in the Countryside

SP26 - Landscape Character Area

E05 - Sequential and Impact Test

E13 - Development for new businesses in the countryside

CM01 - Provision of New Community Facilities

HE01 - Archaeology

TP03 - Cycling

TP06 - Car Parking Provision

QD02 - Design Principles

QD03 - Living Conditions

SE04 - Groundwater Protection

SE05 - Air Quality

### NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. One objection has been received raising the following issues:

- Affect on local ecology
- Close to adjoining properties
- Inadequate access
- Increase in traffic
- Increase of pollution
- Over development
- Strain on community facilities.
- Additional litter.

**Minster Parish Council** - Minster Parish Council have NO OBJECTION IN PRINCIPAL however if the application is recommended for approval should a financial contribution be considered, towards the agreed highways improvements under a s278 with kent highways for the approved development opposite for a costa coffee shop and drive through as this development will add further traffic at the Laundry Road junction.

## CONSULTATIONS

### **KCC Highways and Transportation** - (Final comment)

I refer to the amended plan received for the above on 6th May and confirm my previous comment that the proposals are unlikely to have a severe impact on the highway that would warrant a recommendation for refusal. The amount of car parking proposed (35 spaces) is in excess of that required for the the development itself (25 spaces), however this means that additional parking can be available for the wider services/amenities available at Minster Services and therefore reduce the potential for parking on the highway. I therefore have no objection in respect of highway matters subject to safeguarding conditions.

### (Interim comment)

I refer to the revised Transport Statement and amended plans submitted for the above on 2 October and concur that the proposals are unlikely to have a severe impact on the highway that would warrant a recommendation for refusal. However, the amount of parking proposed appears excessive compared to the likely demand and it appears around 25 spaces would be sufficient rather than the 38 shown, so I would ask for clarification on the need for the number of spaces proposed.

### (Interim comment)

I refer to the revised Transport Statement (TS) and amended floor plans submitted for the above on 9th July and would comment as follows:

1. The description of the development has been amended again and the proposals now appear to be for 1 no. A1 retail unit and 1 no. A3 cafe unit, although it is not clear if the retail unit is intended to be food or non-food.
2. The revised TS submitted does not consider the latest proposals, however I consider it is unlikely that they will generate more traffic than that already considered. Nevertheless, the assessment of the Laundry Road/Tothill Street junction indicates there is a significant

increase in delay for vehicles turning out of Laundry Road, particularly in the pm peak, when the development is added to the approved Costa Coffee development. The assessment also does not appear to include the completely new trips generated by the proposals (as opposed to diverted and pass-by trips), which will further add to the impact at the junction. The approved Costa Coffee development included minor improvements at the junction to provide a short two-lane approach from Laundry Road, and a further extension to this flaring is likely to reduce the impact of the current development and the associated delay. The strip of verge behind the footway on the south side of Laundry Road is part of the highway so a flare extension could be accommodated. The applicant should therefore assess the impact of extending the flare and provide a plan showing the additional length of flare required.

3. As previously advised there should be an assessment of likely parking demand and how this is to be accommodated within the site. The same applies to deliveries/servicing of the proposed units, which does not appear to have been taken into account in the site layout/manoeuvring room provided.

I therefore wish to maintain a holding objection until the above matters have been satisfactorily resolved.

(Interim comment)

I refer to the additional information submitted for the above and would clarify that a simple Transport Statement is not all that was requested in our previous comments.

The amount, nature and timing of trips generated by the proposals will depend to a large extent on the particular uses of the units and the goods to be sold. The description of the development now appears to have changed to 4no. A1 retail units (2 food and 2 non-food), from the food, MOT/Tyre centre, office and warehousing previously proposed. The range of potential uses within this use class is such that the units could generate trips in their own right as well as pass-by and diverted trips, and I do not agree that none of these trips would be during network peak hours. In addition, whilst some of the visits to the units may be by drivers already using the services, the rest would not and would therefore be additional trips through the Laundry Road/Tothill Street junction and the Minster Roundabout.

An assessment therefore needs to be made of the amount, nature and timing of trips likely to be generated by the proposals. The parking requirements need to be assessed in a similar manner, i.e. the likely peak demand needs to be established and accommodated. The same applies to deliveries/servicing of the proposed units, which also does not appear to have been taken into account in the site layout/manoeuvring room provided.

The applicant is advised to first agree the trip generation and distribution with the highway authority so that the extent of highway network to be subsequently assessed can then be agreed.

I wish to maintain a holding objection until the above matters have been satisfactorily resolved.

(Initial comment)

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

1. An assessment needs to be made of the trip generation, parking demand and potential

impact of the proposals on the highway network. I would advise the applicant to agree the scope of this assessment with the highway authority.

2. Although likely to be considered in the above assessment, the arrangement of lorry parking

shown is not acceptable as vehicles manoeuvring into the spaces would obstruct vehicles exiting the services. The parking arrangements shown outside units 2 and 3 also require drivers to reverse unacceptable distances.

I wish to place a holding objection until the above matters have been satisfactorily resolved.

**KCC Archeological Officer** - Thank you for consulting on the above application. As was outlined in the pre-application advice, the site lies in an area of archaeological interest. I note that the area involved was included in an area of archaeological investigation undertaken at the time of the original services construction. At that time the works were semi-completed with areas agreed at the eastern end of the site to be investigated following protection during later phases of development. Unfortunately due to the archaeological works not having been reported on following the original development I am unable to fully confirm whether this area is an area fully investigated or an area where archaeological remains were left for late investigation. It would be helpful if this aspect could be assessed further so we are able to determine the extent of archaeology measures that may be required. I am happy for this to be undertaken as the initial stage of a programme of archaeological works that can be secured through the following condition.

**KCC Biodiversity Officer** - No information in regards to protected species has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos, habitat surveys and biological records) and the information submitted with the planning application, we consider that the application will have limited impacts upon protected species.

The site is predominantly hard standing with areas of rough grassland around the perimeters of the site. These areas do contain suitable habitat for reptiles, however the area is not well connected to the wider landscape and has a history of major disturbance reducing the likelihood of reptiles being present. It is our understanding that the grassland around the perimeters is to be retained and so we advise this vegetation to be improved and managed to provide net gains for biodiversity.

#### Ecological Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity".

We are very supportive of the proposed landscape plan and advise its implementation to be secured as a condition of the part retrospective permission if granted.

**Southern Water** - Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the water supply is required in order to service this development.

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

**Environment Agency** - Based on the submitted information we consider that planning permission could be granted for the proposed development if the following planning conditions are included as set out below. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.

**TDC Environmental Health** - I have reviewed the above application for environmental health considerations. I note that the application comprises of a single storey building comprising an MOT/Tyre Centre, a retail/Cafe (Use Class A1) and an Office/Warehouse (Use Class B1)

My initial concerns over the MOT/Tyre Centre was possible noise caused to residential properties especially as the doors to the centre open out to face the properties at the top of the village. I do note however that the nearest residential is approximately 150 metres away and that planning permission has been granted for a COSTA which will be sited in between these 2 points. I believe that this would reduce the potential for noise nuisance. I would however like to condition opening times of this centre and would propose 8am - 6pm Monday to Saturday and 10am - 4pm on a Sunday.

The application seeks permission for a retail/cafe (listed as A1) and the design and access statement seeks permission for a retail/food and drink unit. If the application is for a cafe I would not have thought that A1 would be an appropriate class. Can the applicant clarify what the unit will be used for?

(following clarification of A1/A3 units)

Thank you for clarifying. I do not have any further comments as I feel that the premise is some distance from residential.

**Natural England** - No objections

#### COMMENTS

The application is brought before members as a departure to Policy E05 of the Thanet Local Plan.

## **Principle**

### *History*

The site originally fell within the area allocated for roadside services within Thanet Local Plan 2006 Policy TR7, and permission was granted on this site for the provision of 10no. lorry parking spaces. These spaces were provided and utilised, but approximately ten years ago the site was sold off and the lorry parking area was blocked off. Within the last few years the lorry parking area has been made available again, with gated access provided to the parking area during the opening times of a food van, which is located within the site. Planning permission for the food van has recently been applied for, but the application was withdrawn when officers advised that the application was unlikely to be successful, and now it is the intention of the food van owners to relocate the business to one of the retail/cafe units being applied for through this application.

### *Loss of Lorry Parking*

The site currently consists of 10no. lorry parking spaces, which were originally required to help serve the airport and port. A number of lorries come through the petrol station, with evidence contained within the submitted design and access statement confirming that over a 7 day period of recording lorry movements, 231 lorries passed by the site through the adjacent petrol station, with a maximum of 49 lorries identified during a single day. It is also evident from my own site visits that lorries passing through the petrol station often pull over to park up within the curtilage of the petrol station, causing some restriction of the passing width for lorries within the petrol station. Within Laundry Road, double yellow lines have recently been added in order to limit parking within the road, which had been causing visibility issues and therefore highway safety problems. It would therefore be necessary to retain some lorry parking within the site given the number of lorries that use it and the lack of any alternative lorry parking in the immediate services area.

The site has not been retained for lorry parking through a Local Plan Policy, and the countryside policy no longer requires consideration to be given to the need for the proposed development; as such limited weight can be applied to the need to retain the whole lorry parking area.

The proposed layout provides for two lorry parking spaces. These are accessed from the petrol station, and are provided in a layby design for ease of access. The agent advises that this proposal has been provided on the basis of the evidence from the 7 day survey, which found a maximum of 3 lorries to be parked at any one time. The layby parking would provide for two designated lorry parking spaces.

Given the lack of conditions requiring the retention of the lorry parking from the previous planning permissions and the lack of Local Plan Policy retaining the lorry parking use, the principle of the change of use away from the lorry parking area to a mixed use that provides

two designated lorry parking areas along with additional off-street parking, is considered to be acceptable, subject to other material considerations.

### *Development in the Countryside*

The site is located outside of the urban and rural confines, and as such the proposed development requires consideration under Policy SP24 of the Thanet Local Plan, which states that 'development on non-allocated sites in the countryside will be permitted for the retention and/or development of accessible local services and community facilities; or the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings'.

The site is a brownfield site, having previous consent for lorry parking, and being almost entirely hard surfaced. Furthermore, the proposed retail/cafe uses would be accessible local services/community facilities for nearby residents within Minster Village; with the preamble of the communities section within the Thanet Local Plan defining community facilities as village shops and meeting places. For these reasons the proposed development would comply with Policy SP24 of the Thanet Local Plan.

### *Proposed Retail and Cafe Use*

The proposed retail/cafe use is defined within the NPPF as a town centre use. Paragraph 86 of the NPPF, and Policy E05 of the Thanet Local Plan, require that a sequential test is applied to planning applications for new town centre uses, which are not in an existing centre; with the sequentially preferable location being within the town centre, then the edge of town centre. Whilst there is a requirement for a sequential test to be submitted with this new retail application, given the modest size of the units proposed, it is likely that a vacant unit exists within one of the existing town centres that could accommodate this development, and as such the proposed development would not accord with Policy E05 of the Thanet Local Plan. Policy E05 states that 'where an application fails to satisfy the sequential test.....it will be refused'.

Whilst contrary to this policy in the Thanet Local Plan, the proposal is not considered to be contrary to the NPPF, as paragraph 25 states that a sequential approach should not be applied to small scale rural development, which the proposal would be given its edge of village location. Furthermore, the floor area of the proposed units is 348sqm, which falls below the threshold for an impact assessment.

Paragraph 28 of the NPPF supports economic growth in rural areas, including "the sustainable growth ....of all types of business and enterprise in rural areas...through well designed new buildings; and through promoting the development .... of agricultural and land-based rural businesses". Furthermore, Policy E13 of the Thanet Local Plan permits 'well-designed new development for economic development purposes for new businesses in sustainable location, at a scale and form compatible with their rural location'. The proposed development would incorporate the growth of two new businesses in the rural area, which are sustainably located at the edge of Minster Village. The proposed development would provide the equivalent of approximately 6no. full time jobs, and the retail/cafe use will provide a local shop/meeting space that could help to enhance the sustainability of the

village and its existing and future community, as supported by paragraph 92 of the NPPF. As such the proposed development would provide economic and social benefits.

Whilst there is not a need for additional roadside services, and whilst the proposal is contrary to Policy E05 of the Thanet Local Plan, which requires new retail development to be located within existing town centres, the proposed development will provide economic and social benefits for the village, which is supported by the NPPF.

The benefits provided by the development provide some justification towards the need, and therefore the principle of development could be considered acceptable as a departure to Policy E05 of the Thanet Local Plan if the social and economic benefits of the proposal outweigh the environmental harm to the countryside and landscape character area, and subject to all other material considerations such as impact upon highway safety and neighbouring living conditions being considered acceptable.

## **Character and Appearance**

### *Impact upon Countryside*

Policy SP24 states that all development proposals to which the policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics.

The original proposal was for a MOT centre with retail units. The MOT unit was a taller building close to the northern boundary of the site, and concern was raised that a building of this height and scale would have had a detrimental impact upon the surrounding landscape area. Concern was also raised with the mobile food truck, and the impact that this temporary building would have upon visual amenities in this prominent location.

Amended plans have been submitted that omit the mobile food truck from the scheme, and provide two single storey, low level, retail/cafe units. Whilst the buildings are located only 2m from the northern boundary, a hedge exists along the northern boundary, along with a raised embankment, meaning that the application site falls below the raised road level of Hengist Way to the north. The units have been designed with very shallow mono-pitched roofs to a maximum height of only 3.7m (3.1m closest to the northern boundary) that are green with Sea Hardened Sedum. A submitted section plan shows that the proposed building will be approximately one metre above the ground level of Hengist Road, with landscaping between the road and proposed buildings. The buildings are clad with vertical timber cladding, a material characteristic of rural locations. A basic 'Visual Impact Assessment' has been submitted, which shows that with both the drop in land level, retention of soft landscaping to the boundary, and limited height of the units, along with the use of green roofs, the proposed units will have limited impact upon long views across the countryside and landscape character area. There is a backdrop of existing development within the services, and given the presence of surrounding cafe/retail units in the vicinity, including the recently approved Costa unit, which is located opposite the site, the proposed development will appear in keeping with the surrounding commercial character of the Minster services.

This is a brownfield site, with the majority of the site already hard surfaced for the existing parking area, and as such whilst the site is located within the designated countryside, it will not result in the loss of agricultural or soft landscaped land, and will not therefore have an impact upon the intrinsic character and beauty of the countryside, a consideration under paragraph 170 of the NPPF.

A landscaping plan has been submitted with the application. The plan shows the retention of existing hedge planting to the northern and eastern boundary, and the provision of new tree planting around the site along with shrub planting. The new landscaping will help to soften the appearance of the site, which is currently predominantly hard surfaced with minimal landscaping.

It is therefore considered that subject to conditions requiring the submission of timber cladding samples, and the provision of the sedum roof and proposed landscaping, that the impact upon the surrounding countryside and landscape character area is acceptable. The proposed landscaping could even be viewed as an enhancement of the site. As such, the proposed development is considered to comply with Policy QD02 of the Thanet Local Plan.

### **Living Conditions**

The site is a significant distance from the nearest neighbouring residential property, which is south of the site behind the recently constructed Costa unit. As such there will be no light, outlook or privacy issues caused by the proposed development. Whilst the proposed use and associated parking may cause some noise and disturbance, this is no worse than that provided through the existing lorry parking use or existing commercial units within the services area.

Environmental Health has been consulted. Whilst concern was raised with the previous MOT centre proposal, due to the distance to neighbouring occupiers Environmental Health has raised no objections to the proposed retail/cafe units.

The impact upon the neighbouring occupiers is therefore considered to be acceptable and in accordance with Policy QD03 of the Thanet Local Plan and the NPPF, which requires that a high standard of amenity for neighbouring occupiers is maintained.

### **Transportation**

The proposal provides for a single access point into the site from the adjacent petrol station, and the provision of 35no. car parking spaces, along with 2no. Lorry parking spaces. Within the parking area, 4no. spaces have designated electric vehicle charging points.

KCC Highways were consulted, and concerns were raised with the originally submitted plans regarding the lack of a transport assessment considering trip generation, parking demand and highway network impact.

A Transport Statement and amended floor plans were submitted, with the use changing from the original MOT centre to the currently proposed retail/cafe units, and with the parking layout changing to incorporate two layby lorry parking spaces. Concerns were raised with

the assessment, including a lack of information on the impact on the Laundry Road/Tothill Street junction, and the number of new trips generated by the development.

A revised Transport Statement and further amended plans addressing the use of the units and parking layout were submitted. The Transport Statement concludes that whilst it can be seen that the additional trips will affect the capacity of the junction with the committed housing, Costa and the proposed development, the junction does not exceed the critical value on the basis that the widening takes place (which has occurred). The benefits of further widening at the junction have been discussed, however it was considered that this would be of little benefit as the queueing/delays were primarily for right turning vehicles.

In terms of vehicle trips, the Transport Statement concludes that the site has the potential to generate a fair number of daily trips, however many of these will be linked trips, visitors to the site already visiting the adjacent facilities such as the service station, convenience store etc. The proposed redevelopment will use existing accesses on Laundry Road and most traffic will access the wider network via the Laundry Road/Tothill Road junction, but even with other committed development that will increase the demand on the junction, it will still be able to operate within its capacity following the recent junction widening works.

KCC Highways has advised that following the submission of the revised Transport Statement and amended plans that the proposals are unlikely to have a severe impact on the highway that would warrant a recommendation for refusal; although KCC are of the view that the 35no. parking spaces proposed are excessive, and should be reduced to the necessary 25no. spaces. The applicant is keen to keep the parking provision as shown, and has agreed to a condition that allows for ten of the parking spaces to be publicly available spaces, rather than spaces solely for use by users of the proposed cafe/retail units. The forecourt area of the development will be set out to allow all cars and delivery vans to be able to turn on site to allow for entry and exit in a forward gear onto the internal access road of Minster Services.

On the basis of this condition, which provides for additional public parking within the services, including electric vehicle charging areas (of which there are currently not many), the impact upon highway safety is considered to be acceptable. The proposal is therefore considered to be in accordance with Policy TP06 of the Thanet Local Plan, and the NPPF.

## **Ecology**

No information in relation to protected species has been submitted; however, the site is predominantly hard surfaced, so it is likely that the application will have limited impacts upon protected species.

KCC Biodiversity has been consulted and advise that there is the potential for the areas of rough grassland around the perimeters of the site to contain suitable habitat for reptiles; however the area is not well connected to the wider landscape and has a history of major disturbance reducing the likelihood of reptiles being present.

The retention of the grassland around the perimeters is supported, and a condition recommending further ecological enhancements of this area is recommended, in order to provide net gains for biodiversity.

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

## **Archaeology**

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

The KCC Archaeology Officer has been consulted, and advises that the site was included in an area of archaeological investigation undertaken at the time of the original services construction. At that time the works were semi-completed with areas agreed at the eastern end of the site to be investigated following protection during later phases of development. Unfortunately due to the archaeological works not having been reported on following the original development, KCC are unable to fully confirm whether this area is an area fully investigated or an area where archaeological remains were left for later investigation.

Without a full understanding of what archaeological works have taken place, a safeguarding condition is recommended that secures archaeological works prior to the commencement of any development.

Subject to this safeguarding condition, the impact upon archaeology is considered to be acceptable and in accordance with Policy HE01 of the Thanet Local Plan and the NPPF.

## **Drainage**

Southern Water has advised that they can provide foul sewage disposal and a water supply to service the proposed development. A condition to provide details of surface water and foul drainage has been recommended.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources. The Environment Agency has been consulted, but raises no objections subject to safeguarding conditions.

The impact upon flood risk and the water supply is therefore considered to be acceptable, and in accordance with the NPPF.

## **Conclusion**

Whilst the site was historically allocated for roadside services, the site currently lies within the countryside, with no designated allocation. However, the site is previously developed land, being hard surfaced and having been used for lorry parking for an extensive period of time under a historic planning permission.

The proposed development is for the erection of 2no. cafe/retail units, that are small in scale, rural in appearance, and result in limited impact upon long distance views. The proposed use would be accessible to the occupiers of Minster Village given its edge of village location, providing some community benefit, and would provide jobs in a sustainable rural location. There will be limited highway impact, and sufficient parking provision, including the benefit of general parking provision for the Minster services (rather than to specifically serve the proposed units) and electric vehicle charging points.

Whilst a sequential test has not been provided, the distance to the nearest town centre and the small scale of the proposed development means it is unlikely that the requirements of the test could be met, and therefore the proposed development is viewed as a departure to Policy E05 of the Thanet Local Plan. However, the proposed development would not require an impact assessment, and the rural location of the proposed use without the benefit of a sequential test is supported by the NPPF. The proposed use will provide community social benefits, and economic benefits through the provision of new jobs, and there will be limited environmental harm on the countryside given the scale and design of the development and the benefits provided through the proposed landscaping plan.

Overall the benefits of the scheme are considered to outweigh the harm to the town centres, and the use of a condition restricting the proposed development to a cafe/retail use will prevent the unit from turning to an alternative use that would be better suited to a town centre location.

Subject to this and other safeguarding conditions, the benefits of the scheme are considered to outweigh the harm, and therefore the proposal is considered as an acceptable departure to Policy E05 of the Thanet Local Plan. It is therefore recommended that Members approve the application.

**Case Officer**  
Emma Fibbens

TITLE:

F/TH/19/1548

Project

Mount Pleasant Lorry Park Tothill Street Minster RAMSGATE Kent

