

**A01**

**F/TH/21/1510**

**PROPOSAL:** Erection of coffee shop/restaurant with drive-thru (sui generis),

**LOCATION:** new access from existing roundabout, realignment of existing footway, with associated parking, landscaping and associated works

Land Adjacent 475 Margate Road BROADSTAIRS Kent

**WARD:** Sir Moses Montefiore

**AGENT:** Justin Mills

**APPLICANT:** Bridget Gaynor

**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 site plans numbered 2524-URB-P1-00-DR-A-208900 Rev P01, and 2524-URB-P1-00-DR-A-208150 Rev P01, received 08 December 2021; the external materials schedule dated Nov 2021, received 08 December 2021; the amended landscaping plan numbered 271 / P1 01E, and softworks information, received 11 January 2022; the elevation and floor plans numbered 2524-URB-P1-ZZ-DR-A-208251, 2524-URB-P1-ZZ-DR-A-208350, 2524-URB-P1-ZZ-DR-A-208150, and 2524-URB-P1-ZZ-DR-A-208151, received 24 September 2021; the Apollo Junior cycle shelter details and Bespoke Deacon bin store details, received 24 September 2021; the Construction Methodology dated 22 September 2021 and contractor site setup plan numbered 2524-URB-P1-ZZ-DR-A-Z06100, received 24 September 2021.

**GROUND:**

To secure the proper development of the area.

- 3 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

**GROUND:**

To protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water ,in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the NPPF.

- 4 All hard and soft landscape works shall be carried out in accordance with the soft landscaping plan numbered 271 / P1 01E and the softworks specification, received 11 January 2022; and the hard surfacing/boundary treatment plan numbered 2524-URB-P1-00-DR-A-208900 P01. The works shall be carried out prior to the first use 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

- 5 The 4no. trees and 3no. benches shown on plan numbered 271 / P1 01E, and located within the blue line of the development, shall be provided prior to the first use of the development hereby permitted, and thereafter maintained.

**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 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in

writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND:**

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

- 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 There shall be no servicing of the building, no goods shall be loaded or deposited, and no delivery vehicles shall arrive, depart, be loaded or unloaded, within the application site before 06:00 or after 17:00 on any given day.

**GROUND:**

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

- 9 The premises shall not be open to the public other than between the hours of 06:00 and 23:00 on any given day.

**GROUND:**

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

- 10 In the event of the premises being used for the cooking or preparation of hot food that would require the installation of an extract ventilation system, details of the location, size, type and design of the system shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the commencement of such a use, the extract ventilation system shall be installed in accordance with the approved details.

**GROUND:**

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

- 11 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers 2524-URB-P1-00-DR-A-208900 Rev P01 shall be provided and permanently retained.

**GROUND:**

In the interests of highway safety, in accordance with Policy TP08 of the Thanet Local Plan.

- 12 The area shown on the approved plan numbered 2524-URB-P1-00-DR-A-208900 Rev P01 for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first use of the development hereby permitted.

**GROUND:**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

- 13 Prior to the first use of the development, the secure cycle parking facilities, as shown on approved drawing no. 2524-URB-P1-00-DR-A-208900 Rev P01 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.

- 14 Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto the highway, and the pedestrian crossing within the site, as shown on the approved plan numbered 2524-URB-P1-00-DR-A-208150 Rev P01, should be completed and made operational.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

**SITE, LOCATION AND DESCRIPTION**

The site is located within Westwood Town Centre, within an area allocated as secondary frontage. The site fronts Margate Road, and is located between the Margate Road roundabout and the internal roundabout within the Broadstairs Retail Park site, opposite the existing petrol station. The land is currently soft landscaped with cut grass, and contains a few trees along the boundary with Margate Road. The site is enclosed along the Margate Road frontage by a small brick wall and knee rail fencing. To the south of the site lies a pedestrian footpath that connects Margate Road with Tesco and Broadstairs Retail Park.

## RELEVANT PLANNING HISTORY

No relevant planning history.

## PROPOSED DEVELOPMENT

The application is for the erection of a single storey coffee shop/restaurant with drive-thru. Access is from the internal access road and roundabout within Broadstairs Retail Park. The proposed unit has a floor area of 260sqm. The unit is proposed to be finished using black, brown and cream metal cladding, and black and red aluminium framed windows and doors.

A carpark is provided with 22no. car parking spaces. There is also a bin store, cycle parking for 5no. Bikes, an external seating area adjoining the unit, and a pedestrian access directly to the unit from Margate Road.

The proposal results in the loss of some existing trees within the site, with the planting of 10no. trees proposed, along with a wildflower meadow area and 3no. benches. An amenity lawn around the boundary is also proposed.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

Policy SP08 - Thanets Town Centres  
Policy SP09 - Westwood  
Policy E04 - Primary and Secondary Frontages  
Policy E05 - Sequential and Impact Test  
Policy QD02 - Design Principle  
Policy QD03 - Living Conditions  
Policy CC02 - Surface Water Management  
Policy SE05 - Air Quality  
Policy SE06 - Noise Pollution  
Policy TP02 - Walking  
Policy TP03 - Cycling  
Policy TP09 - Car parking at Westwood

## NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. No letters have been received.

**Broadstairs Town Council** - No comment

## CONSULTATIONS

**KCC Highways** –

**(Final Comment)**

Thank you for your re-consultation in relation to the above planning application, prompted by a Transport Response from the applicant, which I note is yet to be logged onto the planning portal. Additional plans have also since been provided. I therefore have the following further comments to make with respect to highway matters, as ordered previously :-

- 1 & 2) The applicant utilises comparable data from other drive-through coffee outlets to determine a level of new trips to the network that this development could be expected to generate. A copy of this data should be made available with the supporting information for this application. When compared with the supported trip generation figures for the identified peaks, the applicant's conclusion that new trips on the local network could be considered not significant is now supported with a reasonable degree of confidence.
- 3) I welcome the applicant's acceptance of this point regarding the dashed area at the access and acknowledge that this could be addressed at detailed design.
- 4) I welcome the inclusion of an additional pedestrian access on the amended plans to better serve linked trips on foot from the north and west of the site. Further revisions have also been made to improve the proposed pedestrian access from the south.
- 5) Parking accumulation data has been provided from a existing comparable site and is considered acceptable to evidence likely demand at this location, which finds that the proposed level of on-site parking is sufficient to service the proposed coffee shop. Furthermore, projected drive thru capacity has been demonstrated to prevent potential conflict between queuing vehicles and vehicles manoeuvring within the parking area.
- 6) Arrangements for refuse collection have been clarified and found acceptable, for the sake of avoiding vehicle conflict within the site.

In light of the above, and provided the following requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority.

**(Initial Comments)**

I have the following comments to make with respect to highway matters :-

- 1) The submitted Transport Statement is acknowledged but requires further assessment in our view so we may properly understand the impact on the local highway network. Although the total number of new trips generated by this proposal is likely to be less significant in comparison to linked, diverted or pass-by trips in this location, they are not quantified. Lying adjacent to the A254/Margate Road, we would need to clearly identify the new trips in the identified peaks, including Weekday AM. This will determine need for any further impact assessment on the nearest roundabout junctions.
- 2) TRICS data for fast food drive-throughs has been utilised in the assessment, although applications for this type of development have become more commonplace in recent years, which could allow for a more accurate forecast of trip generation. It would be useful to make comparisons with projected trip generations for other drive-through coffee shops, including

recent sites in Laundry Road, Minster and Thanet Way, Chestfield. Such a comparison could make for a more robust assessment based on this more specialised use.

3) It is not clear in the documentation as to the reason for physically widening the site access arm of the roundabout as shown, leaving a dashed line to demarcate the bell-mouth. I assume this is in relation to access for refuse vehicles approaching from the retail park but is a manoeuvre that has not been tracked. My concern is that this arrangement could also lead to conflict between vehicles turning in from that direction as well as from the roundabout. Consequently I would also suggest that this area be made over-runnable to maintain correct vehicle priority at the access.

4) Pedestrian access has been considered in the proposal but in my view does not fully take into account all likely movements. A high proportion of people coming on foot will approach from the west and north, and would be better served by another access point in line with the existing toucan crossing on Margate Road. The proposed pedestrian access requires separation from the disabled parking bays, which could easily be obstructed by open doors or a car that has encroached on the hatched area.

5) Although reference is made to current maximum parking standards, no information has been provided on how the number of proposed parking spaces has been calculated. An assessment of likely parking demand and accumulation is therefore required to demonstrate that sufficient parking will be available within the application site. Further consideration should also be given to how customers manoeuvring in/out of the parking spaces will interact with the site access and vehicles queuing for the drive-through at peak times. Vehicles parked in the spaces at the northern end may have difficulty getting out without excessive manoeuvring within the area also being used for access, potential queuing, egress from drive-through lane and pedestrian crossing. In my view, any parking should be located away from this area to avoid any such conflict.

6) Tracking for refuse vehicles shows reversing into the drive-through lane, which may not be possible if any more than 6/7 vehicles are stacked up before the order points. Again, further consideration is needed as to how the parking area can better accommodate turning manoeuvres. Thanet Waste and Recycling also frequently utilise 13 metre-length freighters, so they would need to be consulted on the likely vehicle type that will service this facility and the tracking amended accordingly.

In light of the above I wish to place a holding objection on the application until these points are addressed to our satisfaction.

#### **KCC Biodiversity -**

##### ***(Final Comment)***

I understand that the applicant has decreased the new planting of non native shrubs and has increased the new planting of trees, including native trees, which will be of greater benefit for biodiversity. As such we are very happy with the new planting plan and our comment remain valid.

##### ***(Initial Comment)***

The proposed development site appears to contain bare ground and roads with limited potential for protected species to be present. In addition, it appears that the site is within a very urban area. Therefore, we do not consider that any further surveys or mitigation measures are required.

### 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 satisfied with the suggested landscaping proposals and advise to implement it as a condition of planning permission if granted. We suggest the following condition wording :

The full Soft Landscape Proposals, as detailed in Layout Drawing, Plant Schedule, specification and Maintenance Programme, shall be implemented in full, and shall be thereafter retained.

### Tree Officer -

#### ***(Final Comment)***

Very happy with the amendments made. Please thank them for taking on board my recommendations for plants. These will help improve the aesthetics and biodiversity.

I am happy with the additional trees to help mitigate some of the tree losses

#### ***(Initial Comment)***

I believe the plan has been improved but the plants specified in some cases could be better because many have no biodiversity benefit and are largely the typical municipal plant choices. I urge these to be changed too:-

Current proposed Escallonia cultivar as hedge change to Escallonia 'Apple Blossom'., A particularly attractive Escallonia for pollinators.

Change Griselinia to Ceanothus' Yankee Point'

Change Eounymous 'Emerald Gaiety' to Cotoneaster ' Franchetii Sternianus'

Change Lonicera pileata to Sarcococca humilis or similar CVS

Change Phormium tenax to Viburnum tinus cultivar

The above proposed by me will add an important higher aesthetic and biodiversity benefit

In the specification to soft works I urge methodical physical preparation to counter herbicide use and use as alternatives to herbicide elsewhere example weedingtech foamstream system non chemical but effective

Aftercare of wildflower meadow. Please confirm that this will be managed to retain diversity long term . Also aftercare for trees shrubs needs to be at least 3 years to gain effective establishment. And with prolonged dry weather periods likely in the future after 3 years there needs to be clear plans to achieve effective ongoing establishment.

Please can the developer make that pledge of clear aftercare.

**Environmental Health** - The proposal includes provision of 22 No. car parking spaces and therefore as is required policy by SE05, 10% EV parking provision must be included and understand that the applicant has agreed to install 3. The development does not meet the

threshold required for an emissions mitigation assessment. However, a Constructions Environmental Management Plan should be submitted which incorporates measures to minimise dust and noise.

The planning statement proposes that the coffee shop/restaurant would open (for trade) between the hours of 06:00 and 23:00 seven days a week and this should be conditioned along with any service deliveries restricted to between 06.00 and 17:00hrs.

The proposed layout of the site will minimise potential noise to dwellings along Margate Rd. The Customer Order Point and drive thru lane is 65m from the nearest dwelling. The parking area would be separated by located approximately 35m. Therefore a noise impact assessment is not required as it is unlikely to increase existing ambient noise levels.

The application suggests hot food provision is minimal and plans indicate no flue has been proposed. A condition prohibiting installation of mechanical plant / ducting is required and any subsequent application will need to be accompanied by an odour assessment.

**Southern Water** - Our investigations indicate that Southern Water can facilitate foul sewerage 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.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. It should be noted that under the Water Industry Act 1991 it is an offence to "throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

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.

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

The proposed development would lie within a Source Protection Zone. The applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern Water of the outcome of this consultation.

**Environment Agency** - We have assessed this application as having a low environmental risk. We therefore have no comments to make.

**KCC Public Right of Way Officer** - I have no comments to make.

## COMMENTS

The application is brought before members following a call in by Cllr Mike Garner to allow members to consider the impact on biodiversity, loss of trees, increase in traffic, impact on air quality, and the number of drive thrus (3) within 100 metres of one other.

### **Principle**

The site lies within Westwood Town Centre, within a primary shopping area. Policy SP08 of the Thanet Local Plan describes Westwood as sitting at the top of the hierarchy as it caters for high order need, attracts the major national retailers and has a catchment that covers the whole of Thanet as well extending to areas outside of the district.

Policy SP09 of the Thanet Local Plan advises that town centre uses should be directed to the town centre area at Westwood in accordance with Policies E04 and E05, and should not result in the loss of overall commercial floorspace.

The site falls within an area allocated as having a secondary frontage. Policy E04 of the Thanet Local Plan states that within the secondary frontages, use classes falling within A1 (now use class E(a)), A2 (now use class E(b)), A3 (now use class E(b)), A4 and A5 (now a sui generis use) are permitted. The proposal is for a restaurant use, with a hot food takeaway element, and has therefore been given a sui generis use that complies with Policy E04.

Policy E05 states that 'proposals for main town centre uses should be located within the designated town centres of Margate, Ramsgate, Broadstairs and Westwood, as shown on the policies map'. The application site is located within the town centre and is a proposed town centre use, and therefore complies with Policy E05.

The proposed commercial unit provides 30 full time jobs and 40 part time jobs within a sustainable location in the town centre. Paragraph 86 of the NPPF requires that planning decisions support the role of the town centre and take a positive approach to their growth, management and adaption, which will help to promote their long-term vitality and viability.

Concern has been raised regarding the provision of a further drive-thru unit within close proximity of existing drive-thru units. There is no wording within the town centre policies that would preclude a further drive-thru unit from being provided. Furthermore, the NPPF encourages the growth and diversification of town centres, and the proposal will achieve economic benefits through the creation of jobs and the introduction of a new national retailer within Thanet, in keeping with the character of the Westwood Town Centre.

The principle of the development is therefore considered to be acceptable and in accordance with the Thanet Local Plan and guidance contained within the NPPF.

### **Character and Appearance**

The site is located within the town centre, and therefore the erection of a restaurant unit will appear in keeping with the commercial character of the area. The unit is a tall single storey height and therefore whilst it is a prominent location that is widely viewed along Margate Road, the spacing around the building, modest size setback location of the unit means that it will not appear large or obtrusive within the locality.

The area is currently open and soft landscaped with mown grass. The loss of the open space is unfortunate as there are limited open amenity areas within Westwood; however, the open space is not protected, and given the town centre allocation of the site, the economic benefits of the development need to be weighed against the loss of the open space.

The proposed unit is flat roof, which is similar to the design of many existing commercial units in the area, and the finish will be metal cladding with aluminium windows and doors, which is again characteristic of the modern commercial units within Westwood. Three of the elevations contain a double glazed aluminium shopfront, and will therefore have active frontages, which is important given the prominent location of the unit, which is viewed from all sides. The northern elevation will appear blank as it contains the storage space and mechanical plant equipment. Timber fencing around the storage space is proposed, which will be painted black to tie in with the black cladding on the proposed building.

Concern has been raised regarding the loss of trees within the site. A tree survey has been submitted with the application that shows there are 8no. trees within the existing site. The trees are all identified as small/medium trees. Whilst they are prominently located, their size means that they are not considered worthy of a TPO, although their retention is encouraged given the lack of soft landscaping that is present within Westwood Town Centre. It is proposed to remove five of the eight trees within the site. A further tree is being removed from land that falls outside of the application site, on the other side of the southern footpath. The reason for the tree removal is that the trees lie within the footprint of the proposed development. The loss of the trees is considered to be detrimental to the area, however this loss needs to be balanced against the proposed landscape works.

An amended landscape plan has been submitted along with a softworks plant schedule, specification and maintenance programme. The landscape plan shows the provision of 10no. newly planted trees along both the boundary onto Margate Road and alongside the southern footpath. It further shows a wildflower meadow area above a designated drainage area, along with shrub planting areas to the north of the site and amenity lawn. On the corner with the Margate Road roundabout taller planting behind the boundary wall is proposed up to a height of 2m. This was encouraged in order to provide softening to the northern elevation of the commercial unit, which contains the mechanical plant and storage area and as such does not provide an active frontage. A further planting area is provided directly in front of the northern elevation. These planting areas, along with the new tree planting, will help to provide some screening and softening to the drive thru. Hedge planting is also proposed around the bin store and to the south of the car park area, which will again

help to achieve softening of this hard surfaced area. To try and make this a usable amenity space, 3no. benches are proposed alongside the southern footpath, which are directly opposite the wildflower meadow area. This will help to provide additional seating space between the Broadstairs Retail Park and Westwood Cross, which is currently lacking. The landscaping plan has been amended following the advice of the Council's Tree Officer, who raises no concerns with the amended landscaping plan.

A hard surfacing plan has been submitted that shows the parking area and turning space within the parking area as tarmac, but the drive thru will be block paved, which will limit the visual impact of the drive thru from both Margate Road and within Broadstairs Retail Park.

Whilst the proposed development will result in a loss of external amenity space, along with a loss of existing trees, the proposed development will be of an acceptable design in keeping with the commercial character of the area, and the proposed landscaping will result in an overall enhancement in terms of number of trees, increased shrub/hedge planting, and the provision of benches which will improve the use and appreciation of the remaining amenity space.

On balance, the economic benefits of the development, along with the acceptable design and landscape enhancements are considered to outweigh the loss of the open space. The proposal is therefore considered to be in accordance with Policy QD02 of the Thanet Local Plan.

### **Living Conditions**

The site is located approximately 88m from the nearest residential property in Margate Road. There will be no impact on light, outlook or privacy issues given this distance, but consideration needs to be given to the potential for noise and disturbance, and light pollution.

An external lighting scheme has been submitted with the application that shows that 7no. 6m high column lights are proposed around the site. The light design provides a downward distribution, with only 2% upward light. Given the distance and the presence of trees between the site and the nearest neighbouring property, along with the lighting design, the impact upon neighbouring amenity from light pollution is considered to be acceptable and in accordance with Policy SE08 of the Thanet Local Plan.

The planning statement proposes that the restaurant unit would open (for trade) between the hours of 06:00 and 23:00 seven days a week; with service deliveries restricted to between 06.00 and 17:00hrs on any given day. Environmental Health has been consulted and commented that the proposed layout of the site will minimise potential noise to dwellings along Margate Rd. The Customer Order Point and drive thru lane is 65m from the nearest dwelling, and the parking area would be a distance of approximately 35m, with tree screening in between. The site lies within the town centre where there are a number of commercial units that are open 24 hours, including Tesco and McDonalds, which are two of the closest commercial units to the proposed unit. As such Environmental Health has advised that a noise impact assessment is not required as the proposal is unlikely to increase existing ambient noise levels, and this position is agreed on this basis.

The application suggests hot food provision is minimal and therefore the plans do not propose a flue. A condition prohibiting the installation of mechanical plant / ducting is included. Should a flue be required in the future then an application with an accompanying odour assessment will be required.

Overall the impact upon neighbouring living conditions is considered to be acceptable and in accordance with Policy QD03 of the Thanet Local Plan, and the NPPF.

### **Transportation**

The proposed site plan shows that vehicular access will be onto the internal roundabout within the Broadstairs Retail Park, and 22no. off-street parking spaces, including 2no. disabled spaces will be provided, along with 5no. cycle hoops.

A transport statement has been submitted with the application. The statement concludes that the site is sustainably located within close proximity of bus stops and on a cycle/footpath. Cars can enter and exit the site safely, and trip generation is likely to be minimal, with a proportion of trips likely to be linked to existing trips to Westwood. As such the transport statement concludes that the proposed development will not have a significant or severe impact on the local transport network.

KCC Highways were consulted and advised that the Transport Statement required further assessment, with the new trips within the identified peaks clearly identified in order to determine the impact on nearby roundabout junctions, along with comparisons with similar trip generating units; further consideration given to pedestrian access; further information provided on likely parking demand; tracking details for refuse vehicles and further clarification on the access design shown on the plans.

A highway note and an amended plan has been submitted. Justifications have been included for the parking numbers, trip generation and the access design, and the amended plan shows a pedestrian crossing across the drive thru to provide better pedestrian links between Margate Road and the proposed unit. KCC note that this is important given the likely linked trips that have been identified, and therefore the increased possibility that consumers visiting Westwood Cross will walk to the proposed unit.

On the basis of the amended plans KCC raises no objections. This is subject to safeguarding conditions requiring the retention of parking, loading and cycle spaces, and the provision of the vehicular access and pedestrian crossing point. The proposed development is therefore considered to provide safe access, and provide an acceptable impact upon the highway network in accordance with the Thanet Local Plan and the NPPF.

### **Air Quality**

An air quality assessment and emissions mitigation assessment are not required as the size of the development does not meet the threshold for which these would be required.

Policy SE05 of the Thanet Local Plan requires that new development ensures that users are not significantly adversely affected by the air quality and include mitigation measures where appropriate. The Air Quality Technical Planning Guidance encourages all new transport generating development to provide electric car charging points in order to limit the impact upon air quality.

The proposal includes the provision of 22 no. car parking spaces, and therefore on the basis that 10% electric vehicle charging provision needs to be provided, this equates to the provision of 3no. electric vehicle charging spaces.

The agent has advised of their concern with providing the electric vehicle charging points within the red line, on the basis that they expect customers to be short stay customers, and therefore the electric vehicle charging points are unlikely to be used. Instead the agent has offered to provide the three electric vehicle charging points within the blue line within the carpark serving Wicks/Currys etc. This location is considered to be better suited as it serves a wider range of retail units and is a larger car park, but it currently has no electric vehicle charging points. In order to secure the electric vehicle charging points a signed unilateral undertaking has been submitted, which requires the provision of the three electric vehicle charging spaces within 12 months of the use of the development commencing within the car parking area within the blue line. This has been checked by legal and agreed by Environmental Health.

A Construction Environmental Management Plan has been submitted with the application, which incorporates measures to minimise dust through manually operated localised water spays and noise through working typically between the hours of 8:00am and 5:00pm, which has been agreed by Environmental Health, thereby no longer requiring a pre-commencement condition.

On the basis that the electric vehicle charging points have been secured, the impact upon air quality is considered to be acceptable, with the proposal complying with Policy SE05 of the Thanet Local Plan.

## **Biodiversity**

The proposal will result in the loss of trees, but a detailed proposed landscaping plan has been submitted, which shows the planting of new trees, hedgerow and shrubs, along with a wildflower meadow.

KCC Biodiversity has been consulted and advise that the proposed development site appears to contain bare ground and roads with limited potential for protected species to be present. In addition, it appears that the site is within a very urban area. Therefore, they do not consider that any further surveys or mitigation measures are required.

In response to the amended landscaping plan KCC Biodiversity has advised that the increased planting of new trees, including native trees, will be of greater benefit for biodiversity, and as such they are happy with the new planting plan. A condition has been added that requires the provision of the planting areas prior to the first use of the unit, and a

maintenance and management plan will secure the retention of these planted areas. The impact upon biodiversity is therefore considered to be acceptable.

### **Drainage**

A drainage strategy has been submitted with the application showing that foul drainage will connect to an existing manhole within the site that connects with the drainage system in Margate Road. Soakaways will be used for surface water drainage within the site.

Southern Water has advised that they can facilitate foul sewerage disposal and a water supply to service the proposed development.

Southern Water has advised that as the proposed development would lie within a Source Protection Zone, consultation with the Environment Agency is required. The Environment Agency has been consulted and advised that they have no concerns.

A safeguarding condition requiring full details of the proposed foul and surface water drainage is recommended. Subject to this safeguarding condition there is considered to be no flood risk or groundwater concerns. The proposal is therefore considered to comply with Policy CC05 of the Thanet Local Plan.

### **Conclusion**

The proposal provides a new commercial restaurant unit within the primary shopping area of Westwood Town Centre, and is therefore acceptable in principle, whilst achieving economic benefits.

The proposal will result in the loss of open space, along with the loss of a small number of trees, however the submitted landscaping plan shows that new tree/hedge/shrub planting is proposed, along with the establishment of a wildflower meadow. Benches are proposed along the existing southern footpath, which will enable the appreciation of these spaces whilst also providing additional seating space within the town centre, between Broadstairs Retail Park and Westwood Cross. Whilst the loss of the open space and 5no. trees will result in some environmental harm, the proposed landscaping, which incorporates the planting of 10no. trees, is considered to, on balance, enhance the biodiversity and landscape appearance of the site.

Adequate off-street parking is proposed, along with cycle parking and a pedestrian link to the unit from Margate Road. The vehicular access into the site from the internal access road within Broadstairs Retail Park is considered to be safe and acceptable. As such the impact upon highway safety is considered to be acceptable.

Given the distance to the nearest neighbouring residential property, plus the location of the proposed unit within the town centre and within close proximity of two existing 24 hour commercial units, the impact upon neighbouring amenity is considered to be acceptable subject to safeguarding conditions that restrict opening and delivery hours.

The design is considered to be acceptable, and in keeping with the commercial character and appearance of the area; and the impact upon air quality is considered to be acceptable subject to the provision of 3no. electric vehicle charging spaces, which are being secured for provision within the blue line through a unilateral undertaking.

Overall it is considered that the economic benefits to the town centre from the erection of this additional restaurant unit are considered to outweigh the limited environmental harm, and as such it is recommended that members approve the application, subject to safeguarding conditions and the signed legal agreement securing the electric vehicle charging spaces.

**Case Officer**

Emma Fibbens

TITLE: F/TH/21/1510

Project Land Adjacent 475 Margate Road BROADSTAIRS Kent

Scale:

