

A01

F/TH/22/0858

PROPOSAL: Variation of Condition 7 attached to Planning Permission F/TH/04/0050 for the "Change of use and creation of

LOCATION: hardstanding for storage of accident damaged vehicles with associated landscaping" to stack vehicles to a maximum height of 5.5 metres

Reclamet Ltd Woodchurch Road BIRCHINGTON Kent CT7 OHL

WARD: Thanet Villages

AGENT: Mr Tony Michael

APPLICANT: Mr Mann

RECOMMENDATION: Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application and the approved drawing numbered 003B.

GROUND

To secure the proper development of the area.

2 The height of vehicles stored on the site shall not exceed 5.5m.

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, SP24 and SP26 of the Thanet Local Plan

3 A scheme of landscaping to show new boundary planting on the southern boundary of the site to include areas including that shown on drawing numbered 003B shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include species, size and location of new trees and/or hedges to be planted.

The scheme of landscaping to be agreed as part of this application shall be begun during the first available planting season following the increased stacking height hereby granted. It shall thereafter be maintained by the site owner for a period of five years. Any tree or shrub planted in accordance with the scheme which becomes damaged or diseased, or dies or is removed within the five years shall be replaced during the next planting season.

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, SP24 and SP26 of the Thanet Local Plan

4 There shall be no direct discharge to ground water, a controlled water source.

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.

5 No soakaway shall be sited in or allowed to discharge into contaminated land.

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.

6 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

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.

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

SITE, LOCATION AND DESCRIPTION

Reclamet site comprises a dismantling and recycling yard fronting Woodchurch Road siting to its south east. The application site is surrounded on 3 sides by open fields in agricultural use. The site is adjoined on its eastern side by a residential property and the Nelson Park Riding Centre.

The land subject of this application forms part of the existing Reclament site. The application site is a strip of land to the south side of the existing site measuring approximately 107 metres in length by 37.5 metres in width. There are Tree Preservation Orders (TH/TPO/6/1969) on trees along part of the south boundary of the site and to the east of the building marked as offices on the submitted block plan.

The site is accessed off Woodchurch Road, Birchington. The site is a long established commercial concern. The surrounding area is rural in nature with agricultural land, some housing (nearest being 'Hillside'; to the north of the Reclamet site and equestrian uses adjacent (Nelson Park).

The nearest residential property 'Hillside' lies to the north eastern boundary of the larger site, approximately 56m from where the proposed increased stacking of vehicles is proposed. - can this bit just all be added to this section.

RELEVANT PLANNING HISTORY

The site has a long history of commercial use relating to car breaking and the storage of vehicles dating back to 1963. During the 1980s, 1990s and early 2000s a number of applications were approved for various buildings and a weighbridge associated with this use.

In 2004 planning permission was granted in December 2004 under (F/TH/04/0050) for the change of use and creation of hardstanding for the storage of accident damaged vehicles with associated landscaping. This included a condition (7) which prohibited the storage of any vehicles above any other with grounds to that condition being "In the interest of visual amenities of the area".

Planning permission was then granted in April 2010 to vary condition 7 of F/TH/04/0050 to allow vehicles to be stacked to a maximum height of 4 metres (F/TH/10/0201).

Planning permission was most recently granted in March 2021 for the Erection of 2No industrial units for Vehicle Maintenance and Parts Storage (Building 1) and for Vehicle Inspection and Imaging (Building 2) (F/TH/21/0080 refers).

PROPOSED DEVELOPMENT

The application is made under section 73 of the Town and Country Planning Act 1990 to vary Condition 7 attached to Planning Permission F/TH/04/0050 for the "Change of use and creation of hardstanding for storage of accident damaged vehicles with associated landscaping" to stack vehicles to a maximum height of 5.5 metres (equivalent to 3 cars being stacked).

The proposed height for vehicle storage has been reduced during the consideration of the application with the height originally proposed at 7m in height (equivalent to 4 cars being stacked). In addition landscaping is proposed to the southern site boundary which did not form part of the original submission also.

DEVELOPMENT PLAN POLICIES

SP04 - Economic Growth
SP24 - Development in the Countryside
SP26 - Landscape Character Areas
SP35 - Quality Development
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
E01 - Retention of Existing Employment Sites
QD02 - General Design Policies
QD03 - Living Conditions
CC02 - Surface Water Management
SE03 - Land affected by Contamination
SE04 - Groundwater Protection
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to adjoining occupiers, and a site notice posted close to the site.

One representation was received to the initial plans (stacking height proposed to be 7m). The concerns can be summarised as follows:

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of air pollution
- Information missing from plans
- Loss of parking
- Loss of privacy

- Noise nuisance
- Out of keeping with character of area
- Over development
- Residential Amenity
- Traffic or Highways
- Will be taller than the majority of trees
- Highlight that the site is under investigation by the Environment Agency
- Harm to the landscape and countryside views
- Traffic not suitable for the adjacent roads
- In breach of planning currently - given permission for 3 car high stacks and currently 4 car high
- Use has outgrown its site

Following the reduced stacking height (5.5m) a further consultation was carried out and one representation was received from the same objector. The points can be summarised as follows:

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- Development too high
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Noise nuisance
- Out of keeping with character of area
- Potentially contaminated land
- Traffic or Highways
- Use has outgrown the site
- Too many cars- would restrict a fire engine if required

CONSULTATIONS

Environment Agency: This application relates to a condition that was/were not requested by us, we therefore have no comments to make with regards to the discharge of condition.

Southern Water: Southern Water has no objections to the above variation of condition 07 submitted by the applicant.

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer asset within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 375 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.

- No new development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
 - No new soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
 - All existing infrastructure should be protected during the course of construction works.
- Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

Furthermore, 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.

TDC Environmental Health: Given that the variation seeks only to increase the height of storage of vehicles from 4m to 7m along the south western boundary at a distance of 43 metres to neighbouring Nelson Park and with the intervening area already in use for heavy scrapyards operations, the marginal increase in forklift operations will create little additional noise. The proposal will increase the existing 700 site capacity for storage of vehicles by around 100 cars. The cars are manoeuvred by forklift already in operation at the site. The small increase in activity will have a negligible impact in acoustic terms. The site does not have planning restrictions on operating hours, however, the applicant has agreed to restrict the activity associated with this variation to between 8am to 5pm a condition is recommended on this basis.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Pugh due to concerns about the impact the scheme would have on the landscape and views of the countryside.

The main considerations in assessing the submitted scheme is the proposed variation to increase the height under the planning permission, and whether the proposed change result in an impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The site is located within the countryside as defined by policy SP24 of the Thanet Local Plan.

The application site comprises an existing vehicle recycling business with a number of buildings and open storage across the site.

Paragraph 83 of the National Planning Policy Framework states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The increased stacking would assist the running of an established business and would be supported in principle subject to all other material considerations.

Proposal and Background

Planning permission was granted, under reference F/TH/04/0050, as detailed in the history section above, subject to a condition that prohibited the stacking of vehicles. Under reference F/TH/10/0201 (the red line covering the site area as F/TH/04/0050- as this was a variation of condition) permitted vehicles to be stacked to a height of 4m.

This application seeks to increase the height that they are allowed to stack vehicles to 5.5m

The default position being that planning permission is already in place under F/TH/10/0201 to stack vehicles to 4m which covers the same red line area as this current application.

Countryside and Landscape Character

The proposal involves development on land that is designated as countryside and within a Landscape Character Area.

Policy SP24 of the Local Plan considers development within the countryside, and provides a list of development within the countryside that is permitted through the policy, as detailed below;

Development on non-allocated sites in the countryside will be permitted for either:

- 1) the growth and expansion of an existing rural business;
- 2) the development and diversification of agricultural and other land based rural businesses;
- 3) rural tourism and leisure development;
- 4) the retention and/or development of accessible local services and community facilities; or
- 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings.

The proposed development is considered to come under 1) and therefore does fall within the development permitted, and as such the proposal is considered to be in accordance with Policy SP24 of the Local Plan.

Policy SP26 states that development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness. Gaps between Thanet's towns and villages, particularly those areas designated as Green Wedges, are specifically highlighted within the policy as one of the district's important areas of distinctiveness. The policy further advises that development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas, as detailed in the Landscape Character Assessment (LCA), and should avoid skyline intrusion and the loss and interruption of long

views. Development proposals that conflict with these principles will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area.

Policy SP26 is supported by an up to date Landscape Character Assessment. The report recognises the importance of the Manston Chalk Plateau character area, to which the site forms a part, which is stated to form a skyline in many views back from lower landscapes in Thanet, including the coast and marshlands. The area is a generally flat or gently undulating landscape, with extensive, unenclosed fields under intensive arable cultivation.

The National Planning Policy Framework supports this policy, with paragraph 130 requiring planning decisions to be sympathetic to local character, including the landscape setting, and paragraph 174 requiring the protection and enhancement of valued landscapes, with the intrinsic character and beauty of the countryside recognised.

There has been a long established use for the storage and dismantling of vehicles on the site through previously approved permissions. The matter for consideration on this application, is purely the potential impacts that may arise from allowing the increase in height of the storage of the vehicles at 5.5m, on the character and appearance of the area adjacent part of the southern boundary of the wider site. The applicant has sought to overcome officer concerns in relation to impact upon the landscape character by reducing the height of the proposed stacking to that originally sought and providing increased landscaping along the southern site boundary.

As noted above the application site comprises an existing vehicle recycling business with a number of buildings and open storage across the site.

The characteristics of the Manston Chalk Plateau is considered to be generally flat or gently undulating landscape, with extensive, unenclosed fields under intensive arable cultivation. This open landscape is fragmented by the location of large scale developments such as the former airport, Manston Business Park and a sporadic settlement pattern to the north of the airport. Further it is also forms a skyline in many views back from lower landscapes in Thanet, including the coast and marshlands.

The visual impact of the proposed expansion does raise concern as it would represent an incongruous use within the countryside. The proposed increase in height does have the potential to be prominent, given the flat surrounding countryside. Having said that, it is generally considered to be screened to some degree, from the passing traffic to Woodchurch and Manston Road currently.

The area of land subject of this application is visually related to the existing Reclamet site, and as such, the proposed increased height of stacked vehicles will be viewed in the context of the wider existing site and, therefore, the resultant detrimental impact on the character and appearance of the countryside, over and above that created by the existing use, would be less significant. It is however appreciated that this increase in height of 1.5m (taking account of the 2010 application) would have some impact. It is considered that this would be particularly evident from Woodchurch Road - travelling towards the site from Manston Road and also views across towards the site from Manston Road. At present there are gaps in

landscaping (where it is not as high) along parts of the southern boundary of the site. The applicant has proposed to plant multiple mature conifers to raise the screen to at least 7m. It is considered that this proposed evergreen belt along the southern boundary of the application site would assist with the screening of the site from views outside. To ensure its suitability it is recommended that a planting plan is included - showing the positions of the new conifers, their species (to ensure they are evergreen) and their height at the time of planting to ensure that they are suitably mature to offer some immediate mitigation against the visual impact of the proposed development.

Notwithstanding consideration of the principle as set out above, relating to the expansion of this site into the rural area, trees on the north east and south west boundaries of the office building to the south of the site on Woodchurch Road are subject to Tree Preservation Orders. The development already exists around these protected trees. In addition the area for the increased stacking is to the southeast of this and is not likely to harm these trees any more than exists with the present situation on site.

In summary the Reclamet site has been used as a site for car breaking for a period of some time and this provides the backdrop for the site that is subject to the increased stacking height. Stacking of vehicles already occurs on the site. Whilst it is considered that long views of the site may be obtained, it is considered that if the cars are stacked up to a maximum of 5.5 metres high, this will be viewed in the context of the original Reclamet site, rather than in isolation. It is also considered that a landscaping scheme could be used to soften the views and provide more robust screening on views that are obtained, particularly to the south west of the site. The development for which planning permission is now sought makes use of a previously developed site and offers the opportunity to put some controls in place for the future way in which this part of the site can be operated.

The proposed development is considered acceptable in principle given the established use of the site already. In light of the above the proposed development is considered to be compatible with its countryside setting and surroundings and would not result in any significant harm to the character and appearance of the countryside or the landscape character area, in line with policies SP24, SP26 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Local Plan policy QD03 is also relevant to this application. Policy QD03 (Living Conditions) states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a

collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

It falls, therefore, to consider, whether there would be impact on the residential amenities of adjoining occupiers from the proposed development - which is the increase in the height that vehicles can be stacked.

It is recognised that the height of the vehicles being stacked is an increase in height of 1.5m from that approved under the 2010 application. Given the increased height of the stacking and the mitigation measures put forward, it is considered that there be no unreasonable loss of residential amenity by virtue of the distance between the site and the nearest residential property (approximately 57m to 'Hillside' and 193m to 1 Brambletye Cottages) and the proposed landscaping.

The Reclamet site is located adjacent to Nelson Park Riding stables and the associated living accommodation. It is, however, considered that the distance from this property means that the stacking of vehicles to 5.5 metres in height would not result in the creation of a sense of enclosure, loss of light or adverse effects upon outlook.

In view of the above it is considered that the proposed scheme would not adversely affect the living conditions of neighbouring property occupiers so as to warrant refusal of the scheme.

The Environmental Health Officer has not raised any concerns in regard to noise from the proposed increased height of the stacking. The vehicles are moved on to the stacking racks (not fixed to the ground) by forklift truck. This movement of vehicles currently operates, although it is appreciated that the increased height of the stacking will lead to an increase in vehicles that can be accommodated within this part of the site and therefore forklift truck movements. The Environmental Health Officer is of the view that this small increase in activity will have a negligible impact in acoustic terms. Since the Environmental Health Officer gave this view the height of the stacking has been reduced, thus I considered the impact to be further lessened. Furthermore the site does not have planning restrictions on operating hours, however, the applicant has agreed to restrict the activity associated with this variation (and this specific part of the site) to between 8am to 5pm, this can be safeguarded by condition.

I concur with the views of the Environmental Health Officer in regard to noise emanating from the site and impact upon neighbouring sites. In terms of the hours of operation it is considered by planning officers that this would be an unreasonable condition given that we are assessing an increase in the height that vehicles can be stacked within part of a larger site and it is not considered that there would be a harmful increase in the levels of noise and disturbance resulting from the proposal.

The proposal is, therefore, considered to be acceptable with regards to residential amenity in regard to existing residents, and in terms of noise and disturbance issues and the impacts of the increase 1.5m height of the stacked vehicles in accordance with Policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

Paragraph 110 of the NPPF states that In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst other aims: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and b) safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 112 goes on to highlight that Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy SP43 of the Local Plan states that the Council will work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient means of transport. Development applications will be expected to take account of the need to promote safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Whilst policy SP44 states development generating a significant number of trips will be expected to be located where a range of services are or will be conveniently accessible on foot, by cycle or public Transport.

The site business has grown since the original permission in 1963. The main front access off Woodchurch Road will remain as it is currently and the manner in which vehicles going to and from the site will not be impacted by this proposal. Parking provision within the site will remain unchanged by this proposal. Whilst it is noted the narrowness of Woodchurch Road it is considered that large vehicles currently transport vehicles to the site and this will not change by this development.

There may be a marginal increase in vehicles within the site that is not considered to be significant with the increase in height proposed.

The impact upon highways and highway safety is therefore considered to be acceptable.

Contamination

The site is located within the Groundwater Protection Zone as defined by policy SE04 of the Thanet Local Plan. Within this area development will only be permitted if there is no risk of

contamination to groundwater sources. If a risk is identified, development will only be permitted if adequate mitigation measures can be implemented.

The Environment Agency was consulted and no objections were raised. The stacking of vehicles currently occurs on this site and this increase in height is not considered to cause additional harm in this regard.

Other Matters

In terms of comments raised by third party representations it is considered that the increased height of vehicles stacked on this part of the site would not affect local ecology. This is because the site is already used for commercial activity and would not reduce the amount of vegetation on site and therefore attractiveness to wildlife.

It is appreciated that there may be a small increase in traffic to the site but this would not be so significant as to increase in air pollution within the vicinity.

The Local Planning Authority considers that there is sufficient information to assess the proposal, elements that are missing for example for details of landscaping can be secured through planning conditions.

Whilst the site may be under investigation by the Environment Agency, this is a separate matter to this planning application.

A concern has been raised that there would be too many cars on the site and this would restrict fire engine access. As the stacking of vehicles is vertical it is unlikely that this would restrict a fire engine. When a site inspection was made there was sufficient room for a vehicle to move up and down the site to move vehicles within it.

Conclusion

In summary, the variation to the condition that controls the height of the storage of vehicles from 4 metres (2010 application) to 5.5 metres is considered to be acceptable. The site lies within an existing site and it is considered that the impact on visual amenity of the area can be mitigated by additional landscaping whilst supporting the growth of an existing rural business. No objections have been raised from consultees and the proposal will allow the business to continue its operation contributing towards building a strong and competitive economy. It is considered that the application is acceptable in regard to residential amenity, highways aspects and all other matters. As such the proposal is accordingly recommended for approval subject to the attached conditions.

It is, therefore, recommended that Members approve the application subject to safeguarding conditions.

Case Officer

Gill Richardson

TITLE:

F/TH/22/0858

Project

Reclamet Ltd Woodchurch Road BIRCHINGTON Kent CT7 0HL

