

A01

OL/TH/21/1976

PROPOSAL: Outline application for the erection of 58 light industrial units (Use Class E(g)) and associated parking including access,
LOCATION: appearance, layout and scale.

All Saints Industrial Estate All Saints Avenue MARGATE Kent
CT9 5TJ

WARD: Salmestone

AGENT: Mr Ian Horswell

APPLICANT: ROE Group SASS Pension

RECOMMENDATION: Approve

Subject to the following conditions:

1 Approval of the details of the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

GROUND;

As no such details have been submitted.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

5 The proposed development shall be carried out in accordance (for access, appearance, layout and scale) with the submitted application as amended by the revised plans numbered 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 and 15 received 23 December 2021, 20 received 16 August 2022, 17 Rev B, 18 Rev B and 19 Rev B received 20 October 2022 and and 01 Rev E, 22 and J7/01043 received 16 February 2023.

GROUND;

To secure the proper development of the area.

6 No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles Flood Risk Assessment prepared by BJB dated May 2016 demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters and appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

GROUND

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

7 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for that phase, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

GROUND

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

8 Details pursuant to condition 1 (landscaping) shall show a permeable material for all hard surface areas to be created within the site.

GROUND

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

9 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then 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.

10

No development shall commence until a site characterisation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria (a) Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include

- o A survey of the extent, scale and nature of contamination

- o An assessment of the potential risks to
- o Human health
- o Property
- o Adjoining land
- o Groundwaters and surface waters
- o Ecological system
- o An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.(b) Submission of remediation scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be

undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.(c) Implementation of Approved Remediation Scheme The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

GROUND

To ensure that the proposed site investigation, remediation and 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.

11 No development shall take place until the method of piling foundations has been submitted to and agreed in writing by the Local Planning Authority. Any such piling shall thereafter be undertaken in accordance with the agreed details.

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.

12 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.

13 Details pursuant to condition 1 (landscaping) shall include details of, an ecologically-sensitive clearance method of the sparse grassland and open-mosaic habitat on the site.

GROUND

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

14 Prior to the installation of any external lighting on the development hereby approved, a "lighting design strategy for biodiversity" for the site boundaries shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

15 Details pursuant to condition 1 (landscaping) shall include full details of ecological enhancements, required to be provided within the site to demonstrate net-gain to biodiversity to include an ecologically sensitive soft landscaping plan where vegetation is retained and enhanced on-site where possible.

GROUND

To ensure the site makes a positive contribution to biodiversity, in accordance with policy SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

16 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.

17 Prior to the first occupation of the development hereby permitted, all off-site highway works as shown on approved drawing no. 01 Rev C and 17 Rev B received 20

October 2022 unless otherwise agreed in writing by the Local Planning Authority, shall be completed and made operational.

GROUND

In the interests of highway safety and to mitigate any adverse transport impact in accordance with Policy TP01 of the Thanet Local Plan and the advice contained within the NPPF.

18 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 shall be provided and permanently retained.

GROUND

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

19 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 C, 17 Rev B, 18 Rev B and 19 Rev B received 20 October 2022 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 SP14, SP45 and SE05 of the Thanet Local Plan and the advice as contained within the NPPF

19 Prior to the first use of the development, the secure cycle parking facilities, as shown on approved drawing no. 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 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.

20 The areas shown on the approved plan numbered 01 Rev C, 17 Rev B, 18 Rev B and 19 Rev B received 20 October 2022 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

20 The premises hereby approved shall not be used other than between the hours of 0700 to 1800 Monday to Friday and 0900 to 1800 Saturday.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

21 The development hereby approved shall be used as commercial units falling within Use Class E(g) and for no other purpose including any other purpose in Class E 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 in accordance with Thanet Local Plan Policies E01 and SP05.

22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development shall take place under Class MA in Schedule 2 Part 3 of that order (or any Order revoking and re-enacting that Order) in relation to the development hereby approved.

GROUND

To secure the proper development of the area in accordance with Thanet Local Plan Policies E01 and SP05, which allocates the allocation site for employment uses only.

23 The development hereby permitted shall be constructed using brick, metal cladding, and glazed blocks, design and access statement received 26 January 2022 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.

SITE, LOCATION AND DESCRIPTION

The site comprises a former railway yard access from All Saints Avenue and located to the north and east of dwellings on Railway Terrace, All Saints Avenue, Mere Gate and Tivoli Park Avenue and to the south of the railway line. The site is largely open with hard surfacing and enclosed by a chain link fence. It appears that some open storage has been occurring on the site.

RELEVANT PLANNING HISTORY

F/TH/20/1765 - Erection of 2 no Industrial units comprising part light industrial (E(g)(iii)) part storage and distribution (B8) and 2 no industrial buildings comprising part light industrial (E(g)(iii)) part general industrial (B2) part storage and distribution (B8) with access and associated parking. Withdrawn 30 June 2021

F/TH/16/0728 - Erection of 2no. industrial units comprising part light industrial (B1) part storage and distribution (B8) and 1no. industrial building comprising part light industrial (B1) part general industrial (B2) part storage and distribution (B8) with access and associated parking. Granted 21 October 2016

F/TH/08/1319 - Retention of part 2.7 Metre high fence with three strand crank barbed wire topping (with a pair of access gates) and part 2.4 Metre high palisade triple spike fencing. Granted 22 December 2008

PROPOSED DEVELOPMENT

This is an outline application for the erection of 58 commercial units and associated parking including access, appearance, layout and scale. The proposed units would be two storeys in height with full height glazing to the front elevation, roller doors and rooflights. The buildings would be constructed from brick and metal cladding and glazed blocks would be installed in the brick gables. The landscaping for the site would be considered in a reserved matters submission if outline permission is granted.

The initial application proposed a cafe within the site, however following concerns raised by officers regarding the location of this development it has been removed from the proposed plans. Amended plans have also been submitted during the application process altering the parking arrangements.

Following concerns raised by members further amended plans have been submitted providing additional parking on the site and clarifying access arrangements. The amended plans have also added an acoustic fence to the boundary of the site with railway terrace and a section has been provided to demonstrate the relationship of the proposed industrial units with these neighbouring properties.

DEVELOPMENT PLAN POLICIES

CC01 - Fluvial and Tidal Flooding
CC02 - Surface Water management
E01 - Retention of existing employment sites
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
GI06 - Landscaping and Green Infrastructure
SE03 - Land affected by Contamination
SE05 - Air Quality
SE06 - Noise Pollution
SE08 - Light pollution
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
SP04 - Economic Growth
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP04 - Public Transport
TP06 - Car Parking

TP08 - Freight and Service Delivery

TP10 - Traffic Management

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

15 letters of objection have been received raising the following concerns:

- Close to adjoining properties
- General dislike of proposal
- Inadequate access
- Increase danger of flooding
- Increase in traffic
- Increase of pollution
- More open space needed on development
- Noise nuisance
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Traffic or Highways
- Highway safety
- Access for emergency services
- Air pollution
- Light pollution
- Loss of privacy
- Loss of a view
- Lack of parking
- Fire escape from neighbouring properties
- Contaminated land
- Impact upon biodiversity
- Inappropriate materials
- Out of keeping with the character of the area
- Refuse storage
- Hours of use
- Increase in anti-social behaviour
- Insufficient information on the application
- Affect local ecology
- Information missing from plans
- Not enough info given on application
- Over development
- Potentially contaminated land
- Residential Amenity
- Fire safety
- Loss of trees

- Proposed concrete retaining wall
- Development too high
- Loss of light
- Loss of parking
- Parking should be provided for existing residents
- Number of units proposed
- Site visit required
- Insufficient consultation
- Location of the acoustic fence

Two letters of support have been received, however these raise concerns about the size of the vehicles accessing the site and the loss of trees.

CONSULTATIONS

Environment Agency - Updated comments received 29 November

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.

Condition 1

No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority (LPA). This strategy will include the following components:

1. A preliminary risk assessment which has identified:

all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site. (Note: the submitted Desk study report would fulfil this requirements, but as development may be undertaken by other parties who may not have rights to the report, this element of the condition should be retained until the full condition can be discharged)

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

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

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Condition 2

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria are met.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the NPPF.

The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 174 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 4

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the LPA. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

Condition 5

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

Informative

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with our guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73". DoWCoP

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution. Treated materials can be transferred between sites as part of a hub and cluster project formally agreed with us.

Some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted

We recommend that developers should refer to: the Position statement on the Definition of Waste: Development Industry Code of Practice and; The Environmental regulations page on GOV.UK

Further Information

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

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

In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the NPPF.

Without these conditions we would object to the proposal in line with paragraph 174 of the NPPF because it cannot be guaranteed that the development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Initial comments

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

KCC Biodiversity - No ecological information has been submitted with this application. Whilst a full ecological assessment may be unnecessary, we take the view that further ecology information (from a professional ecologist) should be provided.

This is because: - The sparse grassland (especially along the tree boundary) would appear suitable for reptiles. The 'open mosaic habitat', i.e., sparse ruderal vegetation and bare substrate, could be good habitat for invertebrates. - The proposed development would likely entail a loss of biodiversity/impact the surrounding habitats.

As such, we advise that prior to determination of the application, the following is provided: - An ecologically-sensitive clearance methodology. - Evidence that the development will entail a biodiversity net-gain. Given the type of the development, we strongly recommend that green, or 'living', walls and/or roofs are incorporated to offset the loss of ruderal vegetation.

We also recommend that a lighting condition is attached to any granted planning permission to limit the impacts to wildlife associated with the southern treeline and northern railway 'green' corridor.

KCC Flood and Water Management - Updated comments received 25 November 2022

Kent County Council as Lead Local Flood Authority have reviewed the proposed amendments to the site layout as shown on the Site Plan drawings (3 Sheets, Revision B - 22/10/2022) and raise no objections to these changes. In view of this, the LLFA would refer back to our previous consultation response dated the 20th of April 2022

Updated comments received 20 April 2022

Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment prepared by BJB dated May 2016 and agree in principle to the proposed development.

The current surface water strategy proposes that surface water will be managed in two ways with the new impermeable area discharging into permeable paving with the existing surface water drainage remaining unchanged.

The information submitted to support the outline component of the planning application has demonstrated how surface water may be managed within an indicative layout. Given the high-level strategy presented:

1. We agree that the approach as outlined within the Flood Risk Assessment with infiltration via permeable paving is appropriate and demonstrates that surface water can be accommodated within the proposed development area.
2. We would refer the applicant to information within KCC's Drainage and Planning Policy Statement which describes policy in relation to drainage operational requirements and consideration of other matters in relation to layout and design.
3. We note that as permeable paving is proposed we would recommend that other underground services, such as foul sewers, are routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered for adoption.
4. At the detailed design stage, we would expect to see the drainage system modelled using 2013 FeH rainfall data in any appropriate modelling or simulation software. Where 2013 FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2019). This should ideally include outputs for the 1,30 and 100 year storm events including the 20% and 40% climate change allowances being applied. Where there is any exceedance of the drainage network above the 30 year event, an exceedance plan should be provided illustrating where exceedance occurs and the extent and depth of flooding. Exceedance must be controlled within the site boundary.

Should your authority be minded to grant permission for the proposed development, we would recommend the following conditions are attached:

Condition:

No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by BJB dated May 2016 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the

submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Initial comments received 03 February 2022

Unfortunately no surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

At a minimum, a drainage strategy submission must comprise:

- A location plan
- A site layout
- A drainage proposal schematic or sketch
- A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.) Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)
- Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic
- Drainage strategy summary form (from our Drainage and Planning Policy Statement)
- Consideration of key questions and / or local authority planning policy requirements.

KCC Highways - *Comments received 23 February 2023*

I note the submitted documents, and my comments of the 14th November 2022 remain unchanged.

Comments received 14 November 2022

I note the submission of revised plans, which addresses my earlier concerns. The revised entrance will require a S278 agreement, should the LPA be minded to approve this application.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Submission of a Construction Management Plan before the commencement of any development on site to include the following: (a) Routing of construction and delivery

vehicles to / from site (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Provision of wheel washing facilities (e) Temporary traffic management / signage

- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the Electric Vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

NOTE: Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Updated comment received 01 November 2022

The amended plans meet our requirements as raised in our last planning response. We would offer no further objection, subject to securing these and the access works by condition.

Comments received 05 September 2022

Further to our previous comments the applicant has submitted a Transport Assessment. Having assessed this I have the following comments to make:

The applicant states 'Little if any data appears to be available nationally regarding the traffic generation of such developments of very small business units, whether in comparable rural locations or otherwise'. However I was able to find 2 comparable sites on TRICS that provided the following peak time data:

08.00 - 09.00 arrivals 55 17.00 - 18.00 departures 73 Total movements over 12 hours (07.00 - 19.00) 550 (279 arrivals, 271 Departures)

Using these figures, the proposals will result in approximately 18 movements departing the site every hour outside of the evening peak. Taking these figures into account, and the possible distribution of the traffic to and from the site, I am content that no further

assessment is required, and the proposals will not result in a severe impact on the local highway network.

Swept paths have been demonstrated for a 13 metre refuse freighter and these are acceptable.

There are a few issues that still need addressing:

1. Only two disabled parking bays are proposed, however a total of 7 are required, spread evenly throughout the site (4 designated spaces or 5% of the total parking allocation, whichever is the greater).
2. Two bicycle shelters are proposed with 6 bicycles in each one, however provision is required for 20 bicycles, for the whole site. This will need to be revised.
3. Electric Vehicle charging points are required at the ratio of 10% active spaces and 90% passive of the total parking allocation.
4. The submitted site plan does not indicate the requested dropped kerbs either side of the improved access (which should include tactile paving) or the length of footway to be improved for a distance of 10m either side of the access. This can be an indicative plan, as detailed drawings will be required as part of the S278 Agreement required for the improved access.

Initial comments received 14 February 2022

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

- 1) The planning history on this site is noted, including a previous permission for the creation of several larger units to occupy the site with a mixture of general industrial and storage/distribution uses, weighted in favour of the latter. In my view, however, the matrix of development being proposed under this application is significantly different and thus warrants a more detailed assessment of the potential traffic impact of development. 58 individual business units, solely offering light industrial accommodation, has the potential to generate more trips in the local network peaks than what has previously been considered on this site. Trip generation and distribution should therefore be examined in a Transport Statement accompanying this application, which may in turn inform the need for any further assessment. I would welcome discussion with the applicant on parameters if they are so minded, although this point is the basis of a holding objection from us, until resolved. Considering the size of the units and parking accommodation on offer though, these would be highly unlikely to attract businesses requiring the operation of HGVs, so it is accepted that the additional vehicle movements would be predominantly cars and LGVs.
- 2) When inspecting the site access, where it joins All Saints Avenue, it has been noted that the footways either side of the access are in a poor state. If possible, we would like to request that new dropped kerbs be installed at this site, and resurfacing of the footway for a distance of 10 metres on approach to the access, due to the increased use of the access as a result of this development.

3) Swept paths have been provided internally for a 10 metre rigid-axle HGV, which would need to be amended to show all movements at the access and internally for a 13 metre refuse freighter, which are in common use by the local operator.

Although none of the internal roads are being offered for adoption by the highway authority, for the sake of pedestrian safety I would recommend the addition of speed reduction measures on the main access road, which should be placed at intervals of no more than 40 metres for a design speed of 15-20 mph. Furthermore, I would recommend widening internal footways to a minimum of 1.5 metres to allow pedestrians to pass comfortably.

KCC Public Rights of Way - No comment

Natural England - NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Network Rail - *Update comments received 21 February 2023*

Due to the close proximity of the works to the railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website. This website also provides more information about our Asset Protection team and the services they offer.

Where applicable, the applicant must also follow the Asset Protection informatives. The informatives are issued to all developments within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

Initial comments received 01 December 2022

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More

information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

Southern Water - Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer within the access of 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 public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access. - No 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 soakaways, 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.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Further, 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.

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for part of the development to connect with the current capacity in the network pending network reinforcement. Southern Water will review and advise on this

following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24-month period:

- Initial feasibility, detail modelling and preliminary estimates. - Flow monitoring (If required) - Detailed design, including land negotiations. - Construction.

Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should: - Specify the responsibilities of each party for the implementation of the SuDS scheme. - Specify a timetable for implementation. - Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

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.

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.

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.

TDC Environmental Health - Additional comments received 04 October 2022

I have reviewed the AQ assessment and accept the methodology, assessment criteria and conclusions and have no further concerns / comments in this regard.

Updated comments received 30 August 2022

Thank you for consulting Environmental Protection on the noise impact assessment dated 11th August 2022 undertaken by Anderson Acoustics. I have had the opportunity to review the report and am satisfied with the methodology used to assess the impacts and recommend that the following conditions are attached to safeguard neighbouring dwellings from potential unreasonable noise disturbance.

Condition - Operational Hours

The proposed operating hours of the site shall be:

0700 - 1800 hours Monday to Friday

0900 - 1800 hours Saturday

1000 - 1600 hours Sunday for retail uses only

Condition - Site Management Control

Roller shutter doors shall be fully closed to avoid unnecessary noise break-out during noisy activities.

Units 13, 14, 15 and 16 shall only be occupied by low-noise generating uses and prior approval obtained by the LPA.

All site occupants shall be reminded within their lease agreement that they are operating in proximity to residential dwellings and must not undertake noisy works externally.

Condition - Noise Limit

Prior to any noise generating fixed mechanical plant being installed, to any of the units hereby permitted, a noise impact assessment shall be submitted to and approved by the LPA. The rating level of noise emitted from the any plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dB A,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Initial comments received 10 February 2022

A Phase 1 Land Contamination Assessment was undertaken by BJB Consulting back in May 2016. The conclusions are accepted along with the recommendation for a phase 2 to assess potential contamination.

Therefore the following condition is recommended:

Intrusive Investigation

a) An intrusive investigation and updated risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

Human health;

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

Adjoining land;

Ground waters and surface waters;

Ecological systems;

(iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

b) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a

timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

The following assessments are required up front as they may impact on the proposal and it's design.

Noise

Although the site has a long history of industrial use, the application seeks an intensification of the number of units which could impact on surrounding dwellings. In accordance with Policy SE06 the application must be accompanied by a noise impact assessment and a noise mitigation scheme.

The noise impact assessment shall have regard to BS4142:2014, World Health Organisation and BS8233:2014 guidelines and BS5228 for construction noise impacts.

Air Quality

As a major development proposal an air quality assessment and emission mitigation assessment must be undertaken to assess and offset impacts. The Emission Mitigation Assessment shall include measures that go further than 10% parking spaces with EV as this is a standard condition and mitigation should be in addition.

Condition: Air Quality and Emissions Mitigation Assessment

An Air Quality Assessment in accordance with Defra's Technical Guidance LAQM TG(16) and an emissions mitigation assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance shall be submitted and approved in writing by the Local Planning Authority. The assessment shall also include the assessment of PM2.5 and cumulative impacts of any permitted major development. The air quality assessment shall include details of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of this development. The emissions mitigation assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of

mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation.

COMMENTS

This application has been brought before members by Cllr Farrance to consider the traffic impacts, flood risk, emergency access and whether this proposal constitutes overdevelopment.

Principle

The site is allocated for the retention as an employment site under policy E01 of the Thanet Local Plan. This policy supports uses falling within Use Classes B1 (Light Industrial), B2 (General Industrial) and B8 (storage and distribution) where they would not harm the living conditions of neighbouring occupiers of land or buildings. The Use Classes Order has been updated subsequent to the published Local Plan, with B1 uses now subsumed into class E (Commercial, Business and Service). The agent has confirmed that the proposed development is for units within the E(g) use class, specifically defined as either offices to carry out any operational or administrative functions, research and development of products or processes, or industrial processes, all of which to be carried out in a residential area without detriment to its amenity.

The principle of development is therefore considered acceptable subject to all other material considerations.

Character and Appearance

The site is surrounded on all sides by existing dwellings, the railway line and existing industrial properties and is accessed by one road that widens as you enter the site. Due to this position the site is not highly prominent from the public realm.

There would be views from the surrounding residential properties into the site and this development would represent a visual change from the existing hard surfacing and open storage to a formal industrial site. The loss or alteration of private views is not a material planning consideration.

The existing access road to the site would be resurfaced and a footpath would be formed along the side of this road that connects to the existing footpath on All Saints Avenue. The proposed buildings would be two storeys in height with an industrial appearance and set in five rows. They would have full height glazing to the front elevation, roller doors and rooflights. The buildings would be constructed from brick and grey metal cladding and glazed blocks would be installed in the brick gables. An area of green space would be provided at the northern end of the site and a concrete retaining wall would be formed along the south western side of the site. The proposed materials are considered appropriate for the commercial context of the site and these would be conditioned as set out in the design and access statement. There is limited green space currently on the site and therefore the addition of this space is considered to be a benefit. The proposed retaining wall due to its position within the site would have limited visibility from the public realm.

The proposed acoustic fence would be 2m high, located on top of the proposed retaining wall and would extend around the boundary of the site with the properties on Railway Terrace. Given this position it is not considered to be highly prominent from the public realm.

Concern has been raised regarding the impact of the development in views from the railway line and Dreamland. Trees and soft landscaping are located along the boundary of the site with the railway and the area currently has an industrial context. Views from trains passing along the railway line are considered to be fleeting in nature and any views from Dreamland or neighbouring properties on the northern side of the railway line would be at a long distance and viewed across the railway line.

Concern has been raised regarding the impact of the development upon the remaining railway building on the site. No alterations are proposed to this building as part of this development and the proposed access road would be located between this building and the proposed industrial units. This building does appear to be of some historic merit, however it does appear to have undergone a number of alterations and there are other commercial buildings and development located around this building. It is therefore considered that whilst there would be a change in the context of this building, given the separation distance provided by the access road and the limited visibility of this building from the public realm, this development would not result in any significant harm to the character or appearance of this building.

The development would result in a visual change to the site, however given its enclosed arrangement and the limited public viewpoints, it would not result in any significant harm to the character and appearance of the area. It would appear compatible with the other adjacent buildings and is appropriate for the context of the site, and overall would be in accordance with Policy QD02.

Living Conditions

At the closest point there is a separation distance of 2.5m from the proposed buildings to the boundary with the site and a total separation distance to the closest residential properties, Railway Terrace, of 7.3m. The properties on Railway Terrace have front gardens facing towards the application site and there is a change in levels between the site and these dwellings (with the residential properties at an elevated level). A section plan has been provided showing the relationship between unit 8 and 12 Railway Terrace which would be located closest together. The proposed buildings would be oriented northwest/ southeast in the site and an area of neighbouring industrial space would remain between the south east boundary and the neighbouring properties on Mere Gate.

Due to the northwest/southeast orientation of the proposed units and their arrangement in rows they would primarily face towards each other and onto the access into the site. No windows are proposed in the south west side elevations of the units and no windows are proposed in the rear elevations of 7 and 8 at the northern end of the site and units 53 to 58 at the southern end of the site. Units 14, 15 and 16 would face towards Railway Terrace, however none of the units proposed on the site contain a mezzanine or first floor and these residential properties are set at a higher level than the site. The submitted section shows a

change in levels of 2.2m between unit 8 and 12 Railway Terrace with the proposed 2m high acoustic fence to be installed on top of the proposed retaining wall. It is therefore considered that given the location of the proposed units and the arrangement of the site, they would not result in any significant loss of light, outlook or privacy to the neighbouring residential properties.

The applicants agent has confirmed that the use class for the proposed units would be E(g) which includes; "Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes"

Concern has been raised regarding the potential for the proposed development to result in noise and disturbance to the neighbouring residential properties.

A Noise assessment has been submitted during the application process and reviewed by the Council's Environmental Health Department. The assessment includes a baseline noise survey, with the 3d noise model generated based on worst case scenario assumptions applying industry specific standards. This report has considered opening hours of 0700 - 1800 hours Monday to Friday 0900 - 1800 hours Saturday 1000 - 1600 hours Sunday for retail uses only (the retail use has subsequently been removed from consideration). The submitted report concludes that there would be no observed adverse effect, meaning that noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. The development could slightly affect the acoustic character of the area but not such that there is a change in quality of life.

This report has also made a number of other recommendations including:

Roller shutter doors should be closed as much as possible to avoid unnecessary noise break-out during noisy activities.

Units 13, 14, 15 and 16 shall only be occupied by low-noise generating uses and prior approval obtained by the LPA.

All site occupants shall be reminded that they are operating in proximity to residential dwellings and must not undertake noisy works externally.

Prior to any noise generating fixed mechanical plant being installed, to any of the units hereby permitted, a noise impact assessment shall be submitted to and approved by the LPA. The rating level of noise emitted from any plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dB A,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

The Council's Environmental Health Department has agreed with the methodology and conclusions of the noise assessment. They have recommended that the proposed openings

hours are conditioned and a noise impact assessment is completed prior to any fixed mechanical plant being installed to the units in addition to the recommendations from the noise assessment outlined above.

Informatives can be added to the decision advising the applicant of the need to keep roller shutter doors closed, and that non-noisy works should not be completed externally, however it is considered that these recommendations and the recommendation for units 13, 14, 15 and 16 to only be occupied by low-noise generating uses would not meet the tests for a condition as they are not specific or enforceable.

Following the concerns raised by members the submitted amended plans also include the provision of a 2m high acoustic fence around the boundary of the site with the properties on Railway Terrace.

The noise assessment outlines that the proposed use would not significantly alter the acoustic character of the area and the proposed hours of use, which would also exclude any operation on Sundays, are considered to be appropriate and suitable given the existing industrial character of the site. Any additional external plant to the units is likely to require further applications for planning permission. It is therefore considered that, subject to safeguarding conditions, the proposed development would not result in a significant degree of noise and disturbance to the neighbouring residential properties.

Transportation

The site is located in a highly sustainable location close to local facilities and public transport links and is occupied by a number of industrial and commercial uses of varying sizes. The existing access to the site is in a poor state or repair with no footpaths. This application would resurface the access into the site and provide a footpath on the southern side of the access into the site, benefiting highway safety.

Following concerns raised by members an additional eight parking spaces have been added to the site giving a total 146 spaces on the site. Two parking spaces would be provided for each unit and a number of visitor parking spaces along the access road. Each unit would have electric vehicle charging facilities and visitor electric vehicle charging stations would also be provided. Seven disabled parking spaces, four cycle parking shelters that could contain up to six bikes and 59 electric vehicle charging spaces would be provided within the site. The extensions to the pavement are also shown on this plan which would be agreed as part of a Section 278 agreement under the Highway Act between the applicant and KCC as the highway authority.

KCC Highways have reviewed the application and the submitted transport assessment (submitted during the application process). Concerns were raised about the detail of the report that has been submitted, however on further review of data from similar sites they consider that no further assessment work is required. The total number of vehicular parking spaces on site has been considered to be sufficient to avoid a significant increase in on-street parking outside the site, whilst no objection is raised regarding the layout for vehicles manoeuvring within the site to be able to leave the site in a forward gear.

The existing access to the site is used by customers, deliveries and staff for a number of businesses located to the east of the application site. The amended plans have added tracking plans confirming that articulated lorries would be able to continue to be able to turn within the triangular section of the site to the north east of units 1 and 4 so that they can enter and leave the site in a forward gear. The applicant's agent has confirmed that articulated lorries would not be able to access the individual rows serving the proposed units. Given that articulated lorries could continue to turn in the site, away from the highway for both the existing and proposed units this arrangement is not considered to result in any demonstrable harm to highway safety. The expected trips generated by the development has been reviewed by KCC Highways and given the distribution throughout the day and the proposed improvements to this access, this proposal is not considered to significantly increase in pressure upon this access to result in harm to highway safety.

On this basis, it was concluded by KCC Highways that the proposal would not result in a severe impact on the local highway network. There is no requirement for the applicant to provide parking for existing neighbouring properties within the site.

On the basis of the sustainable location of the site, the improvements to the access and subject to conditions securing the provision and permanent retention of the parking and manoeuvring areas, electric vehicle charging points and cycle parking, this proposal is not considered to result in any significant increase in demand for on street parking or harm to highway safety.

Flood and Water Management

Concern has been raised regarding the potential for this development to result in an increased flood risk to the surrounding area. The site is located within flood zone 1 which means that it has a low probability of flooding. The applicant has also submitted a flood risk assessment, created in 2016 in relation to the previous proposal, which has been reviewed by KCC Flood and Water Management. KCC have agreed with the approach outlined within the Flood Risk Assessment with infiltration via permeable paving and consider that it demonstrates that surface water can be accommodated within the proposed development area. They have recommended conditions requiring full details of the proposed sustainable drainage system to be submitted prior to the commencement of the development. The landscaping of the proposal is a reserved matter, meaning that the details must be provided prior to any development commencing on the site. The applicant's agent has confirmed that the surfacing of the site can be conditioned to be a permeable surface and has also agreed to the submission of the details of the sustainable drainage system prior to the commencement of development.

Southern Water have also reviewed the application and advised that the existing infrastructure on the site would need to be protected and that they would provide additional network reinforcement if required. The applicant would need to submit an application to Southern Water for a connection to water supply and sewers and would agree to phasing of these connections directly. An informative would be added advising the applicant of the need for grease traps in the kitchens of any units. Therefore, through the required application to Southern Water, sufficient capacity within the network must be in place prior to a connection being made.

Therefore, subject to the conditions detailing the proposed drainage for the site and securing permeable paving to manage surface water flows, and separate consent processes under the Water Industry Act 1991, this proposal is not considered to result in an increased flood risk or any drainage issues.

Contamination

Historically the site was in use as a railway siding, and therefore has potential for the land to be contaminated. The applicant submitted a Phase 1 Land Contamination Assessment that has been assessed by the Council's Environmental Health Department and the Environment Agency.

Concern has been raised regarding the age of this report and that it relates to a different planning application. The condition or use of the site does not appear to have significantly changed since this report was undertaken and the development currently proposed on the site is a similar industrial use to that previously proposed (previously B1/B2/B8 now E(g)). It is therefore considered that this report is suitable. The Environmental Health Department also agrees with the conclusions of the report in the current context. Furthermore this report is a desk based assessment and recommends that phase 2 intrusive investigation is completed on the site to fully assess any potential contamination and establish any remediation that may be required, prior to commencement of development of the approved scheme. Both the Environmental Health Department and the Environment Agency have raised no objection to the development subject to the investigation and a verification of any required remediation being secured by condition and restrictions upon infiltration and piling on the site. These conditions are considered sufficient to ensure that the development on the site does not result in significant risk to human health and the environment.

Air Quality Assessment

An air quality assessment has been submitted during the application process based on the potential impacts of existing and future traffic levels on the proposed industrial units. This report considers receptors on the roads within the site which are changing in traffic level as a result of the development, as well as existing receptors on Canterbury Road. This report concludes that the impacts of the proposed development would be below the relevant air quality objectives, meaning that the level of vehicle emissions when modelled would be within acceptable range to avoid harming air quality. This report has been reviewed by the Council's Environmental Health Department who have raised no further comments regarding the impact of this development upon air quality. Cycle parking and electric vehicle charging points are included throughout the site for both occupants and visitors and would be secured by condition. It is therefore considered that following the submission of the air quality assessment and subject to the required conditions the proposed development would have no significant impact upon air quality, in line with policy SE05 of the Thanet Local Plan and the National Planning Policy Framework.

Biodiversity

KCC Biodiversity have reviewed the application and consider that there is some limited areas around the edges of the site that have the potential for biodiversity that could be lost as a result of the development. They have indicated that an ecologically-sensitive clearance methodology, details of biodiversity net-gain and details of the proposed lighting should be submitted to ensure that there is no significant impact upon protected species or biodiversity in the area. Whilst they have indicated that the ecologically-sensitive clearance methodology and information on ecological enhancements should be submitted prior to the determination of the application, it is considered that this information could be secured through conditions, including requirements on the landscaping to be submitted at reserved matters stage (therefore prior to the commencement of development).

Following the submission of the amended plan removing the proposed cafe from the site and introducing an area of open green space in its place along with additional planting throughout the site it is considered that ecological enhancements would in principle be achieved without green roofs. Full details of the proposed planting will be considered through the landscaping submission as part of a reserved matters application.

Subject to these conditions and given that the site is largely hard surfaced and part of an existing industrial site, this development is not considered to result in significant harm to biodiversity in the area.

Other Matters

Concern has been raised by occupiers of Railway Terrace that this development and the proposed retaining wall would block access into the site as a method of fire escape from these neighbouring residential dwellings. The site is private property and there is no requirement for property owners to provide access for neighbouring property occupiers. Railway Terrace is accessed by a set of stairs on All Saints Avenue adjacent to the access to the site and this proposal would make no alterations to this existing situation. If there is a right or access over the site this would be a separate legal matter that falls outside of the planning system.

Fire safety in relation to the construction of the proposed development would be covered by Building Regulations.

Refuse Storage and disposal would be the responsibility of the occupiers of each unit and as this is a commercial development private waste disposal would be required.

Concern has been raised regarding the requirement for a site visit and the consultation that has been completed on the application. A site visit has been completed by the Case Officer and letters were sent to all neighbouring properties and everyone that had commented on the application providing the opportunity to comment on the amended plans that had been submitted following the committee meeting on the 14th December 2022.

Conclusion

The proposed development is located on a site allocated for employment uses and has limited visibility from the public realm. This development would provide space for a large

number of businesses to be located in a sustainable location as well as providing improvements to the accessibility of the existing industrial estate. The applicant has demonstrated through the submission of noise and transport assessments and additional amended plans that the proposed development would not result in any significant noise and disturbance to the neighbouring residential properties or highway safety. Conditions would be applied to ensure that this proposal does not result in any significant harm to human health, biodiversity or flood risk. It is therefore considered that the economic benefits of the development would outweigh the limited harm and it is recommended that members approve the application.

Case Officer

Duncan Fitt

TITLE: OL/TH/21/1976

Project All Saints Industrial Estate All Saints Avenue MARGATE Kent CT9 5TJ

