

A02

F/TH/22/1718

PROPOSAL: Erection of single storey building comprising 3no. mixed use retail/cafe units (Use Classe E), provision of 2no. lorry bays and
LOCATION: parking, together with associated landscaping

Mount Pleasant Lorry Park Tothill Street RAMSGATE Kent
CT12 4AG

WARD: Thanet Villages

AGENT: Mr John Lowden

APPLICANT: Mr Mark Trinder

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised plan numbered 1068-1a, received 09 June 2023; 23051/02 Rev A, and 23051/11 Rev A, received 04 August 2023; and 1068-3A Rev B, received 22 March 2023.

GROUND:

To secure the proper development of the area.

3 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

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

GROUND:

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

5 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with the Archaeological Strip, Map and Sample Excavation Report, Compiled by Canterbury Archaeological Trust Ltd, Dated October 2022.

GROUND:

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

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

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

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

GROUND:

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

7 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is

provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND:

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

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

GROUND:

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

9 Prior to the first use of the development hereby permitted, details of the establishment and management of the living wall shall be submitted to, and approved in writing by, the Local Planning Authority. The plan should detail how the living wall will be established and managed in the long term. The living wall, as approved, shall be provided prior to the first use of the development, and maintained in accordance with the approved plan.

GROUND:

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

10 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been 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.

11 Prior to the first use of the retail/cafe units hereby permitted, the 2no. lorry parking spaces as shown on the approved plan numbered 1068-1a, shall be provided and made operational. The lorry parking spaces shall thereafter be maintained.

GROUND:

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

12 Prior to the first use of the development hereby permitted, details of the road signage and markings directing vehicle movements in and around the site, as indicated on plan numbered 23051/02 Rev A, shall be submitted to, and approved in writing by, the Local Planning Authority. The signage shall be installed and the road markings provided in accordance with the approved details, and prior to the first use of the development.

GROUND:

In the interests of highway safety.

13 Prior to the first occupation of the development hereby approved, details of the design of the 4no. electric vehicle charging points to be provided within the site, along with their location, shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained in good working order as approved.

GROUND:

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

14 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1068-1a (for 4no. bikes) 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.

15 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.

16 Prior to the first use of the retail/cafe units hereby permitted, details of the location of the 4no. parking spaces to be made available for general public use shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces identified on the approved plans shall be made available for general public use prior to the first use of the development in accordance with the approved details, and not restricted to use by patrons of the proposed units hereby permitted.

GROUND:

In the interests of highway safety.

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

GROUND:

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

18 The development hereby approved shall be used as a mixed use retail and cafe use (use classes E(a) and (b)) 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 (outside of those permitted above), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

GROUND:

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

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

GROUND:

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

20 Prior to the first use of the development hereby permitted, refuse storage shall be provided in the location as shown on the approved plan numbered 1068-1a, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The refuse storage facilities, along with the 'keep clear' hatchings and access way required to serve the collection, as shown on plan numbered 23051/11 Rev A, shall be provided prior to the first use of the development, and thereafter maintained.

GROUND:

In the interests of visual amenity, and to provide a satisfactory refuse collection to serve the development, in accordance with Policy QD02 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

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

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

RELEVANT PLANNING HISTORY

F/TH/22/1624 - Change of use of car park spaces for siting of portacabin together with a canopy for use as a tyre change facility - Pending

F/TH/19/1548 - Erection of single storey building comprising 2no. mixed use retail/cafe units (Use Classes A1 and A3), provision of 2no. lorry bays and parking, together with associated landscaping - Granted - 20/05/2021

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

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

F/TH/16/0228 - Change of use of car parking spaces for siting of porta cabin together with canopy for use as car wash and wheel repair - Granted - 11/04/2016

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

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

OL/TH/02/0375 - Variation of condition 2 of planning permission reference TH/99/0295 for outline permission for the erection of petrol filling station, motorist restaurant and lodge, cafe and provision of lorry, coach and car parking, picnic area, woodland and landscaping, to extend the time period for the submission of reserved matters to the 30/05/2003. Granted - 10/07/2002

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

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

PROPOSED DEVELOPMENT

The proposal is for the erection of 3no. single storey retail/cafe units (use class E), with unit no.3 a large unit that can accommodate two retailers with shared seating space. To the sides of the units external seating space is proposed, and to the front of the site is car parking, and the creation of 2no. lorry parking spaces.

The units measure 11.5m by 33m in total (348sqm floor area), with an eaves level of 2.7m, and a maximum height of 5m. The roof will be fibreglass with metal clad fascias, the front and western side elevation walls will be vertically timber clad, and rear and eastern side elevation walls will be living walls. The windows and doors will be grey aluminium. On the roof 120no. solar panels are proposed.

Parking is provided for 29no. cars, and the two lorry parking spaces are provided in a layby design to be accessed via the adjacent access within the petrol station.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP24 - Development in the Countryside

SP26 - Landscape Character Area

E05 - Sequential and Impact Test

E13 - Development for new businesses in the countryside

CM01 - Provision of New Community Facilities

HE01 - Archaeology

TP03 - Cycling

TP06 - Car Parking Provision

QD02 - Design Principles
QD03 - Living Conditions
SE04 - Groundwater Protection
SE05 - Air Quality

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. Three letters of objection have been received raising the following concerns:

- Impact on highway safety,
- Lack of clear signage and road markings for direction of traffic,
- Impact from drainage on the groundwater protection zone and future maintenance.

Minster Parish Council - Minster Parish Council wish to raise the issue that it was not formally notified of this application given the impact that a development of this kind would have on parishioners and wish to see this rectified in future and all applications formally advised regardless of previous responses or change to existing applications.

Minster Parish Council object to this application on the following grounds and in support of the KCC Highways comment on the application and this sits in parallel with application F/TH/22/1624.

Layout of main building differs in each drawing. The applicant needs to submit an accurate drawing of the building proposed alongside the proposed landscaping, etc to fit the correct layout.

The applicant's agents have not met KCC's request for them to provide details for the largest potential delivery vehicles that could access the site only addressing up to 7.5 tonne vehicles.

Committee Members have experienced the filling station and its exit area as users since it was first constructed, the proposed white lining is not complied with by users of the filling station at the best of times, let alone in the dark and/or in wet weather. This lends to concerns around safety and the potential for accidents and wish to see only one entrance and one exit from the whole service area site: entrance adjacent to Tothill Street/Laundry Road junction for ALL vehicles, and the exit on the eastern side of the service area (this particular area must not be allowed to be two-way, especially given the potential of increased traffic compared to now).

The site operates at times in a very congested manner and this situation will appreciate with further development. The whole site needs proper and effective operational management with clear signage and with separate entry and egress from and to Laundry Road.

CONSULTATIONS

KCC Highways and Transportation -

(Final Comments)

Further to previous comments dated 23 March 2023, additional information has been submitted in relation to both applications F/TH/22/1718 & F/TH/22/1624. Parking space 1 - planting has been removed which is acceptable and removes the conflict. Tracking for a 7.5tonne HGV has been submitted which is acceptable. Refuse collections have been outlined, with a 'keep clear' markings ensuring safe passage is secured. Details of signing and lining has been submitted which I am satisfied can be secured by way of a suitable condition. This ensures that the layout is managed to minimise any potential conflicts. In line with the above, I confirm that subject to safeguarding conditions I would raise no objection on behalf of the local highway authority.

(Initial Comments)

Comments are provided for both F/TH/22/1718 & F/TH/22/1624, whereby a combined Transport Statement (TS) has been submitted to enable the transport impact of the proposals to be assessed.

The site currently operates as an HGV parking facility, whereby the proposals seek to construct a café and 2x take away food outlets, a tyre fitting units and associated on site parking for cars, cycles and EVC facilities.

The immediate surrounding uses include a Premier Inn hotel, The Smugglers Retreat restaurant, McDonalds, petrol station with associate Co-Op shopping facilities and a Costa drive through. Therefore access if proposed via the Minster Services internal road network, with an entry only junction via Laundry Road. A further two way entry and exit junction is available to the east of the services, which is proposed to provide entry and exit facilities for vehicles accessing the propose site. While it is acknowledged that visitors will not be able to access the wider site from this junction, further details as to how this is to be managed are required. This may be by way of a robust signage strategy, which could be secured by was a suitable Condition.

Parking is proposed for 29 cars, including 2 disabled bays. 2 lay-by HGV spaces are proposed adjacent to the internal access road to alleviate current parking issues.

The two applications comprise the following:

Café unit of 150sqm GFA

Subway type take away unit of 98sqm GFA

Greggs type take away unit of 98sqm GFA

2 bay tyre fitting station with a GFA of 69sqm

A previous application (F/TH/19/1548) for the erection of 2x retail / café units. I note that the proposal involved extensive dialogue with KCC Highways to agree the scope of the development, acceptable level of parking, trip generation and distributions.

It was previously agreed that 40% of trips would be linked trips; ie those already visiting the site. I am minded to agree with this assumption, which also ties with the approved Costs drive through site to the site. It has been assumed that all trips would be from the west utilising the Laundry Road / Tothill Road junction. In line with the Costa proposal,

distributions of 61% north / 39% south in the AM and 72% north / 28% south in the PM peaks have been assumed.

TRICS has been interrogated to assess the estimated trips associated with the site, which sees a decrease from 541 to 496 two way trips. Previous junction modelling, including widening of the Laundry Road junction ascertained that the additional trips would not have an adverse impact on the capacity of the junction. In line with the previous proposal, I confirm that the proposals are unlikely to have a severe impact on the highway that would warrant a recommendation for refusal.

Parking

29 car parking spaces are proposed (alongside 2 HGV spaces), and 12 cycle spaces, All parking spaces are required to measure 2.5 x 5 metres, widening to 2.7 metres where spaces abut a boundary or building. This enables both doors to open without conflict. Parking space 1 is located in direct conflict with the access, where planting restricts visibility.

It is assumed that delivery vehicles will be required for both the retail / cafes and tyre change facility. Details of the largest vehicles required to access the site are required, together with details of how servicing is to be managed.

Details of refuse collections are required. A bin storage area is noted, but now this is to be collected by operatives needs clarification.

While I have no objection to the principle of the proposal, the parking proposed requires some amendments to ensure that spaces are fully accessible. Details are required with regard to the refuse and servicing requirements.

Details of how the internal movements are proposed to be managed are required to minimise possible conflicts.

KCC Archaeological Officer - The present lorry park and CO-OP site was subject to prior stripping and partial excavation in 2004. The area of the present applications is located in an area that was mainly covered over without excavation but with archaeology intended to be left preserved beneath. The figures below are for a development proposal for a couple of units in the north of the present site which subsequently went to investigation of the new footprint. That investigation did not encounter any surviving archaeology, was reported towards the end of last year and discharged.

The proposed new building is sited mostly on the area that was investigated and reported last year. There do however appear to be drainage proposals to the south of the building which may have potential to affect archaeology and as a precaution I recommend provision is made for a watching brief through condition.

KCC Biodiversity Officer - No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos, habitat surveys and biological records) and the information submitted with the planning application, we consider that there is no requirement for an ecological survey to be

carried out but advise that additional information is required on the proposed lighting and landscaping.

Protected/notable species

The site is predominantly hard standing with areas of rough grassland/overgrown vegetation around the perimeters of the site. These areas do contain suitable habitat for reptiles, however the area is not well connected to the wider landscape and has a history of major disturbance reducing the likelihood of reptiles being present. However the presence of reptiles cannot be ruled out and we advise that any clearance of vegetation must be carried out under a precautionary approach when reptiles are active. We can provide suggested wording once the additional requested information has been provided.

Lighting

High levels of lighting is proposed within the site but it's not clear the extent of the light spill on to the adjacent area. We recommend that an updated lighting plan is submitted demonstrating the anticipated light spill from the site and providing details of any measures to be implemented to minimise light spill in to the site boundaries.

Biodiversity and Ecological Enhancements

One of the principles of the National Planning Policy Framework is that planning policies and planning decisions should contribute to and enhance the natural and local environment by "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

It is our understanding that the grassland to the north and east of the site is to be retained and if the land is in the applicants control we advise this vegetation to be improved and managed to benefit biodiversity. We can provide suggested condition wording if this is possible.

A landscaping has been submitted and it provides details of the species mix to be included in a wildflower meadow and the species in a native hedgerow. However the landscaping plan does not clearly demonstrate where these habitats will be located within the site. We recommend an updated landscaping plan is submitted clearly depicting the habitats to be created in the site.

A green roof is proposed and only one of the sedum species is native. We recommend that the species mix is updated to incorporate native sedum species in to the mix. Details of the 4 native sedum species used on green roofs can be found here:

<https://sedumgreenroof.co.uk/british-sedum-varieties-the-perfect-green-roof-plants/>

Southern Water - Our investigations indicate that Southern Water can facilitate foul sewerage disposal (at manhole reference TR31650602) to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The submitted drainage details indicate the SuDS to be maintained within private ownership and maintenance. However, 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 Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

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

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

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

TDC Environmental Health - Thank you for consulting Environmental Health on the above planning application which has been reviewed for Environmental Health impacts. The scale of development does not meet the criteria requiring an air quality assessment. The applicant is proposing 4 EV charging points which is most welcome and complies with 10% parking spaces requirement in SP06 and SE05. The position of the EV spaces are shown on site plan 1068-1 and the specification of the proposed EV stations have been submitted. These details should be conditioned to be implemented before any of the units are brought into use and the condition should specify that the EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

Contamination

Due to the nature of the proposed site a contaminated land condition is recommended.

Natural England - No objections

COMMENTS

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

Principle

History

The site originally fell within the area allocated for roadside services within Thanet Local Plan 2006 Policy TR7, and permission was granted on this site for the provision of 10no. lorry parking spaces. These spaces were provided and utilised, but approximately ten years ago the site was sold off and the lorry parking area was blocked off. Within the last few years the lorry parking area has been made available again, with gated access provided to the parking area during the opening times of a food van, which is located within the site. Planning permission for the food van was applied for, but the application was withdrawn when officers advised that the application was unlikely to be successful. A subsequent application was submitted and approved for the erection of a single storey building comprising 2no. mixed use retail/cafe units (Use Classes A1 and A3), provision of 2no. lorry bays and parking, together with associated landscaping (F/TH/19/1548). This is an extant consent, with works having recently commenced on site. It was the intention of the food van owners to relocate the business to one of the retail/cafe units approved.

Development in the Countryside

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

The site is a brownfield site, having previous consent for lorry parking, and being almost entirely hard surfaced. Furthermore, the proposed retail/cafe uses would be accessible local services/community facilities for nearby residents within Minster Village; with the preamble of the communities section within the Thanet Local Plan defining community facilities as village shops and meeting places. A similar proposal has been previously approved, which is an extant consent that has commenced works, which is a material consideration in the determination of this application. For these reasons the proposed development would comply with Policy SP24 of the Thanet Local Plan.

Proposed Retail and Cafe Use

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

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

Paragraph 28 of the NPPF supports economic growth in rural areas, including "the sustainable growthof all types of business and enterprise in rural areas...through well designed new buildings; and through promoting the development of agricultural and land-based rural businesses". Furthermore, Policy E13 of the Thanet Local Plan permits 'well-designed new development for economic development purposes for new businesses in sustainable location, at a scale and form compatible with their rural location'. The proposed development would incorporate the growth of three new businesses in the rural area, which are sustainably located at the edge of Minster Village. It is anticipated by the applicant that the proposed development would provide approximately 9no. full-time jobs and 2no. part-time jobs, and the retail/cafe use will provide a local shop/meeting space that could help to enhance the sustainability of the village and its existing and future community, as supported by paragraph 92 of the NPPF. As such the proposed development would provide economic and social benefits.

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

The benefits provided by the development provide some justification towards the need, and therefore the principle of development could be considered acceptable as a departure to Policy E05 of the Thanet Local Plan if the social and economic benefits of the proposal outweigh the environmental harm to the countryside and landscape character area, and subject to all other material considerations such as impact upon highway safety and neighbouring living conditions being considered acceptable. It needs to be acknowledged that this view has already been taken with the previously approved application, whereby the application was approved as an acceptable departure to Policy E05, which is an extant consent. The only difference between the previously approved application and the current application is that the floor area is being split into three units, instead of two, however, the overall floor area remains the same.

Character and Appearance

Impact upon Countryside

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

The previously approved application included a single storey lean to roof building to the north of the site. This proposal is for a building of the same size, in the same location, with

the only difference being the ridge height of the roof, which has increased from 3.7m to 5m in height.

The building continues to be located 2m from the northern boundary, where a hedge exists, along with a raised embankment, meaning that the application site falls below the raised road level of Hengist Way to the north. The embankment will lie level with the eaves of the building, meaning that it will mainly be the roof, and longer views of the eastern side elevation, that will be visible from the A299.

The roof was previously approved with Sea Hardened Sedum, however, this application proposes the use of solar panels on the roof, which has led to the need to increase the pitch, as well as the removal of the sedum roof. The increased height of the roof and the loss of the sedum roof will result in a greater visual impact upon the surrounding area than the previously approved scheme. The rest of the building remains the same, with the use of vertical timber cladding, a material characteristic of rural locations. In order to try and address the concerns regarding the increased visual impact of the development, amended plans have been submitted showing a living wall on the eastern side elevation and the northern rear elevation, which will soften long distance views of the building from the A299, whilst providing biodiversity benefits.

There continues to be a backdrop to the proposed building of existing development within the services, and given the presence of surrounding cafe/retail units in the vicinity, including the recently approved Costa unit, which is located opposite the site, the proposed development will appear in keeping with the surrounding commercial character of the Minster services.

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

The increased visual harm needs to be balanced against the renewable energy benefits resulting from the use of solar panels, which is supported by Policy QD01 and the NPPF.

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

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

Living Conditions

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

Environmental Health has been consulted, but due to the distance to neighbouring occupiers Environmental Health has raised no objections to the proposed retail/cafe units.

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

Transportation

The proposal provides for a single access point into the site from the adjacent petrol station, and the provision of 29no. car parking spaces, along with 2no. lorry parking spaces. Within the parking area, 4no. spaces have designated electric vehicle charging points.

The proposed building has the same floor area as the previously approved building, but with this application the building has been further subdivided to create three units, with one of the units accommodating two retailers. Consideration therefore needs to be given as to whether this will have any impact on vehicle movements. Furthermore, there is a pending application for a tyre changing facility within the curtilage of the site, which has reduced the number of parking spaces for the retail units from 35 to 29.

A transport statement has been submitted with the application. The statement identifies the trip generation and includes modelling of the Laundry Road/Tothill Road junction. The currently assessed two way trip level of 496 is down on the 541 assessed in the previous transport statement. It has been assumed that all trips would be from the west utilising the Laundry Road / Tothill Road junction, and in line with the Costa proposal, distributions of 61% north / 39% south in the AM and 72% north / 28% south in the PM peaks have been assumed. It is also proposed that 40% of trips would be linked trips; i.e. those already visiting the site. This assumption ties in with the previous assessment of Costa opposite the site.

KCC Highways have been consulted and confirm their agreement with the assumptions set out within the transport statement, and are of the view that with the previous junction modelling, including the widening of the Laundry Road junction that was carried out with the Costa planning approval, it is accepted that the additional trips generated by this development would not have an adverse impact on the capacity of the junction (which is in line with the determination made with the previous proposal). It is therefore considered that the proposal is unlikely to have a severe impact on the highway that would warrant a recommendation for refusal.

In terms of the access arrangements, it's proposed to access the site from the Laundry Road junction, which currently provides an exit from the Minster Services. KCC Highways advised in their initial response that a robust signage strategy would be needed for this area in order to manage access in and out of the site. In response an indicative signing and lining plan has been submitted that details the location of 'no entry' signage for HGVs at the junction entrance (requiring HGVs to access the site from the access to the west, through the Minster Services), and further 'no entry' signs at the exit points from the Minster Services, to the north and west of the proposed access point for the development. Furthermore, white lines have been proposed to provide clarity on stopping points that are needed in order to slow down traffic and enable safe access into the site. KCC have been consulted on this additional plan, and have advised that they are satisfied with the proposed signage and lining, and that subject to a condition securing its provision and maintenance the proposal should satisfactorily minimise potential conflicts.

In terms of parking, 29 car parking spaces are proposed (alongside 2 HGV spaces), and 12 cycle spaces. Within the parking area 2no. disabled bays are included along with 4no. electric vehicle charging points. KCC initially commented that parking space 1 required amendments as it was located adjacent to proposed planting that would limit visibility. This has been amended and the planting area removed. In terms of the parking number, this has reduced from the previously approved 35no. spaces, however, the previous application had provided an excess of parking spaces, with only 25no. spaces having previously been required. Given the previous oversupply of parking spaces, the currently proposed 29no. spaces are considered to be acceptable. However, as there continues to be an oversupply of spaces, KCC has recommended that a condition be added (as there was previously), which allows for the additional parking spaces to be made available to wider uses within the Minster Services.

KCC further requested information on the largest vehicle required to access the site, and the intention for refuse collection from the site. The highway response received from the applicant advised that a 7.5t rigid HGV is expected to be the largest vehicle used for deliveries within the site, and a tracking plan has been submitted proving that this size vehicle would be able to enter and exit the site in a forward gear. In terms of the refuse storage collection, the agents response advises that the refuse store area is to the south of the site, adjacent to the proposed HCV parking space, and that a link can be provided from the rear of the HGV bay to the Bin Store, allowing the refuse collection to be carried out from the HGV layby. Should an HGV be in the bay already, the agent has commented that the refuse vehicle can pull up alongside for the short period needed to remove the bins. The amended plan shows that an area to the north of the HGV parking space will be marked as 'keep clear' and a walkway to the refuse storage area will be provided to enable bins to be moved to the waste collection vehicle. KCC has commented that the submitted details are acceptable and they have no further concerns regarding these two issues.

Subject to the required safeguarding conditions, the impact upon highway safety is considered to be acceptable. The proposal is therefore considered to be in accordance with Policy TP06 of the Thanet Local Plan, and the NPPF.

Ecology

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

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

The retention of the grassland around the perimeters is supported, and a condition recommending further ecological enhancements of this area is recommended, in order to provide net gains for biodiversity. Furthermore, the landscaping plan provides details of the species mix to be included in a wildflower meadow and the species in a native hedgerow, however the landscaping plan does not clearly demonstrate where these habitats will be located within the site. A condition requiring the submission of an updated landscaping plan in line with the landscape strategy is therefore also proposed.

High levels of lighting is proposed within the site, but KCC has advised that it's not clear the extent of the light spill on to the adjacent area, and therefore an updated lighting plan is required for submission via condition providing details of any measures to be implemented to minimise light spill to the site boundaries.

A green roof is no longer proposed for this application, but living walls are proposed to the north and eastern elevations. The landscaping plan shows that this will consist of timber planter boxes with a 1.8m Mobilane Ivy green screen, which is a ready-made hedge consisting of a steel grid intertwined and covered with climbing plants. KCC Biodiversity has advised that an establishment and management plan for the living wall should be submitted via condition, but that the detail submitted so far in relation to the living wall appears to be acceptable.

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

Archaeology

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

The KCC Archaeology Officer has been consulted, and advises that the present lorry park and CO-OP site was subject to prior stripping and partial excavation in 2004. The area of the present application is located in an area that was mainly covered over without excavation but with archaeology intended to be left preserved beneath. Some investigation has taken place, which has not encountered any surviving archaeology. The proposed new building is sited mostly on the area that was investigated and reported last year, and therefore no concerns are raised with the proposed development; however, the drainage proposals to the south of the building may have potential to affect archaeology, and as a precaution the KCC Archaeological Officer has recommended that a watching brief condition be included.

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

Drainage

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

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

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

Conclusion

Whilst the site was historically allocated for roadside services, the site currently lies within the countryside, with no designated allocation. However, the site is previously developed land, being hard surfaced and having been used for lorry parking for an extensive period of time under a historic planning permission, and there is an extant consent for the erection of a building of a similar scale and use on the site, under which development has commenced. The previous approval therefore provides a realistic fallback for the proposed development, and is a strong material consideration in the determination of this application.

The proposed development is for the erection of 3no. cafe/retail units that are small in scale, rural in appearance, and result in limited impact upon long distance views, even with the raised ridge height of the development. The proposed use would be accessible to the occupiers of Minster Village given its edge of village location, providing some community benefit, and would provide jobs in a sustainable rural location. There will be limited highway impact, and sufficient parking provision, including the benefit of general parking provision for the Minster services (rather than to specifically serve the proposed units) and electric vehicle charging points.

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

Overall the benefits of the scheme are considered to outweigh the harm to the town centres, and the use of a condition restricting the proposed development to a cafe/retail use will

prevent the unit from turning to an alternative use that would be better suited to a town centre location.

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

Case Officer

Emma Fibbens

TITLE: F/TH/22/1718

Project Mount Pleasant Lorry Park Tothill Street RAMSGATE Kent CT12 4AG

Scale:

