

A03

F/TH/23/1618

PROPOSAL: Change of use from light industrial (use class B2) to Ambulance Community Response Post unit (sui generis) together with proposed first floor mezzanine and alterations to fenestration

LOCATION: Unit 8 Land North Of Spitfire Way And East Of Columbus Avenue RAMSGATE Kent

WARD: Thanet Villages

AGENT: Ms Karen Banks

APPLICANT: Mr Jeff Smith

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 and the approved drawings numbered 020, 021 Revision A (proposed) and 024 Revision A.

GROUND

To secure the proper development of the area.

3 The area shown on the drawing number 020; as vehicle parking space shall be provided before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development.

GROUND

Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

4 The premises shall be used for the purpose of an Ambulance Community Response Post and for no other purpose.

GROUND

In recognition of the terms of the application and in the interests of safeguarding the business park.

INFORMATIVES

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

SITE, LOCATION AND DESCRIPTION

The application site relates to a purpose built unit (8) on the Manston Industrial Estate. It is located close to the Columbus Avenue and Invicta Way roundabout. The unit is located on the corner of an access road leading onto Merlin way and an internal access road. The unit is of a two storey height but currently only has floor space at ground level. The building has two allocated parking spaces associated with it that are located to its side elevation.

RELEVANT PLANNING HISTORY

F/TH/23/0661 Erection of 29No general industrial units (Use Class B2), and 8No 2-storey office units and 3-storey office block with roof terrace (Use Class E(g), together with associated access road, parking and landscaping. Granted 22/09/2023

F/TH/23/0514 Erection of part 2-storey, part single storey building for office and light industrial use (use class E(g)), general industrial use (use class B2), and storage use (use class B8), with first floor roof terrace and solar panels to roof, together with associated parking, landscaping, installation of plant and substation, and vehicular access onto Spitfire Way. Granted 13/11/2023

F/TH/23/0461 Variation of conditions 2, 14 16 and 25 of planning permission F/TH/22/0118 for the "Erection of 53no. General industrial units with associated access road, parking and landscaping" to allow alterations to layout to accommodate changes in levels and drainage. Granted 14/07/23

F/TH/22/0118 Erection of 53no. General industrial units with associated access road, parking and landscaping. Granted 09/09/2022

PROPOSED DEVELOPMENT

Full planning consent is sought for the change of use from light industrial (use class B2) to Ambulance Community Response Post unit (sui generis) together with proposed first floor mezzanine and alterations to fenestration.

An Ambulance Community Response Post is a place which provides rest facilities for staff between emergencies. They normally accommodate one crew at any one time. Unit 8 will be used as a response unit on a 24 hour a day 365 days a year basis. The supporting information details that this was a major factor in considering Manston Business Park as an ideal location away from residential areas and with good access to the principal highway network.

In addition a meaning is proposed to create a first floor area to provide a break room office, kitchen area and W.C. The overall floor area would increase from approximately 90 sqm to 180 sq m. Fenestration changes include a new entrance added to the side elevation to give access to the first floor and alterations to the windows within the rear elevation to create more openings to serve the newly created rooms at first floor,

REPRESENTATIONS

Letters were sent to the neighbouring occupiers and a site notice was posted near the site. No representations have been received.

THANET LOCAL PLAN POLICIES

CC02 - Surface Water Management
E01 - Retention of existing employment sites
QD01 - Sustainable Design
QD02 - General design Principles
QD03 - Living Conditions
SE04 - Groundwater Protection
SE05 - Air Quality
SE06 - Noise Pollution
SP04 - Economic Growth
SP05 - Land Allocated for Economic Development
SP06 - Manston Business Park
SP26 - Landscape Character Areas
SP38 - Healthy and Inclusive Communities
SP43 - Safe and Sustainable Travel
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

CONSULTATIONS

Southern Water: The applicant has not stated details of means of disposal of foul drainage from the site.

Please note that the nearest public sewer is 230 metres away from the proposed development. Under New Connections Charging it is the responsibility of the developer to provide the sewerage infrastructure up to the point of practical connection. The applicant is advised to investigate the feasibility of this connection or examine alternative means of foul sewage disposal in consultation with the appropriate authorities.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.
gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

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.

Environment Agency: We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

KCC Highways The proposal seeks a change of use of Unit 8, whereby the wider site currently has planning permission (LPA reference: F/TH/22/0118) for 53 light industrial units.

The site is located close to the junction of the access road to the wider site off Columbus Avenue, whereby ambulance parking is proposed to the eastern boundary of the site. Should the proposal have been for conventional parking for vans or cars, I would recommend refusal. However, due to the infrequency of ambulance movements and that they will have blue lights / sirens activated, I am minded to accept the proposal and raise no objection on behalf of the local highway authority.

Informatives:

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

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KCC PROW: I have no comments to make.

KCC Flood and Water Management: The application falls outside the definition of major development and also falls outside of KCC's remit as a statutory consultee.

KCC Ecological Advice Service: We previously commented on this site as part of application F/TH/22/0118. When we commented on that application we advised that we were satisfied that no ecological information was required and we recommended that the hedgerow on the northern boundary be enhanced.

This application is for the change of use of one of the plots within that site and we advise that we are satisfied that this application does not impact any enhancements agreed as part of application.

We advise that we are satisfied that no ecological information is required as part of this application.

COMMENTS

This application is referred to the Planning Committee as it would represent a departure to policy SP05 of the Local Plan.

Principle

The NPPF in section 8 talks about promoting healthy and safe communities. Paragraph 96c) details planning decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. Further paragraph 97 b) details planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

The site lies within Manston Business Park, and is an allocated employment site. The site is located close to the roundabout with access to the site, Invicta Way and Columbus Avenue.

The proposal is for the change of use from light industrial (use class B2) to Ambulance Community Response Post unit (sui generis) together with proposed first floor mezzanine and alterations to fenestration.

The principle of development is therefore at odds with Policy SP05 of the Thanet Local Plan, which restricts development to use classes B1 (business, which now falls under use class E(g)), B2 (general industry) and B8 (storage and distribution) Policy SP06 of the Thanet Local Plan, which only permits employment uses (B1, B2 and B8 use classes) within Manston Business Park, subject to acceptable transport and green infrastructure provision; and Policy E01 of the Thanet Local Plan, which seeks to retain the site as an employment site, supporting uses falling within Use Classes B1, B2 and B8, where they would not harm the living conditions of neighbouring occupiers of land or buildings. In addition SP38 (Healthy and Inclusive Communities) which seeks to promote, protect and improve the health of Thanet's residents, and reduce health inequalities.

In terms of background information the agent was asked to provide information during the application process to justify the use against these policies. They have confirmed:

"The Application proposes the use of 'Unit 8' as an Ambulance Community Response Post (ACRP) by the Southeast Coast Ambulance Service NHS Foundation Trust...

The Trust was formed as a result of the merger of the former ambulance services of Kent, Surrey and Sussex and covers a geographical area of some 3500 miles. The Trust provides emergency services to a population of over 4.3 million people in Kent, Surrey and Sussex and to selected geographic areas within Berkshire and Northeast Hampshire. Within its catchment area, the Trust services both urban and rural areas as well as having some of the busiest stretches of motorway in the country.

The Trust has been rolling out an operationally-led restructuring programme (since 2008) which is replacing many of the existing ambulance stations with larger 'make-ready centres' (MRCs). These MRCs are located at strategic locations across the southeast together with a greater number of strategically placed, smaller (patient demand-led) Ambulance Community Response Points (ACRPs)...

Make-ready is a vehicle preparation system which sees specialist teams of staff employed to clean, restock and maintain vehicles, which means that the Trust's staff, who routinely undertake such tasks, can spend more time treating patients. A make-ready centre is where the vehicle and equipment maintenance and preparation takes place with staff beginning and ending their shifts at the makeready centres before being sent to Ambulance Community Response Posts from which they will respond to 999 emergencies during their shift. Response Posts are located in places where they can reach as many patients as quickly as possible."

In terms of alliance with policy SP06 it is detailed:

"The reasoned justification to Policy SP06, at Paragraph 1.34, advises of the fact that Manston Business Park is a prime business investment location, "...being strategically located at the centre of Thanet ... has easy accessibility from the centres of population, the port at Ramsgate and excellent road links to the rest of Kent and the UK via the A299 and M2." Whilst this may not, in itself, provide full justification for the development proposal in this location, you are asked to consider this fact as a material consideration in the determination of this application. It is, of course, the highly sustainable location of the business park at Manston, and in relation to the central urban areas of Thanet and the QEQM Hospital that renders "Unit 8" an ideal location for such a use.

We also draw your attention to the reasoned justification to Policy SP06 at Paragraph 1.36 wherein the Local Plan advises that "some mixed use, including additional business support services and training facilities...will be considered appropriate." Whilst the proposed use of "Unit 8" does not directly support business or training facilities, the use is evidently a support service to the NHS and will result in the employment of staff with which to operate the response unit. This being the case, the proposed use would not conflict with the general provisions of Policy SP06 given that it is a use which will generate employment opportunities. In addition, the Sui generis nature of the use will, in fact, incorporate the former Use Class B1 (now E(g)) - that comprising the office element at first floor, in addition to an element of Use Class B8 (given that storage will occur on the ground floor and that the Response Unit will, in fact, act as a 'distribution centre'.

Given the specific wording of the Policy, and in the strictest sense, the proposed Sui generis use will conflict with the policy requirement but will not, it is submitted, be to such an extent that would warrant a refusal of planning permission given the support for mixed uses in the policy's preamble and the material considerations that exist.

With the Unit having been considered acceptable as part of the larger 'estate' Masterplan under the original permission (F/TH/22/0118), due consideration has already been given to the provision of green infrastructure. In acknowledging that the provision of two ambulance parking spaces will result in a, very, minor change to the approved landscaping scheme, details of ecological enhancement works have yet to be provided to satisfy pre-occupation conditions and will take this into consideration. As such, the use of this particular Unit for the purposes proposed would not impact upon the green infrastructure that will be coming forward as part of a detailed package of measures. The scheme is therefore compliant with Criterion (1) of Policy SP06.

Turning to Criterion (2) of Policy SP06, the occupation of the unit for business purposes would have been considered in relation to the estate as a whole and dealt with at the time of the original application. Given that the proposed 'end-user' of the unit is the NHS which itself is a recipient of requested contributions towards development related infrastructure, the Planning Authority is asked to consider this fact as a material consideration."

Taking into account the above and balancing out the improvements made to access to emergency responders, it is considered the building is currently approximately 90 sqm an additional mezzanine would be created at first floor doubling this figure. Whilst not use class B1- now E(g), the scheme will provide elements of the former B uses within it- office space and storage, albeit small. In addition the site would create employment, as detailed within

the supporting statement although not acknowledged within the submitted application form. Weight is also attached to the fact that this use will support the NHS and community in line with policy SP38 and the development of community facilities should be actively pursued and it is important that the local area of Thanet is adequately covered with ambulance services as well as supporting well-being and health which is supported within the NPPF. The location being on a business park ensures that it is in prime location to access the main arterial roads to get to any given point in relation to the area it serves and would therefore seem suited to this location.

It is also considered that due to the specifics of this proposal it should not set a precedent for any future applications. The justification for the Ambulance Community Response Post would be on the basis that this is a business park within the rural area that is highly accessible to other areas of the district and not close to residential areas. The proposal is only one unit out of fifty three units proposed for the site, and therefore in terms of the scale the proposal would occupy only a small percentage of the business development planned for the site.

On balance, and on this occasion taking into account the specific and unique details of this proposal the principle of development is therefore considered to be an acceptable departure from policy subject to other material considerations.

Character and Appearance

Paragraph 135 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design. Policy QD01 relates to sustainable design and sets out that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate. Policy QD02 is a general design policy and sets out that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases.

The building has a dual frontage, with the main elevations fronting the access road and another internal access road. In terms of physical alterations to the building; external to the rear elevation one window will be replaced by two windows at first floor; serving a kitchen and W.C (newly created mezzanine level). These changes are not considered to result in material harm to the visual characteristics of the area especially given the set back position to the access road.

Overall the physical design changes of the building, is considered to result in an acceptable impact upon the character and appearance of the area, in accordance with Policy QD02 of the Thanet Local Plan.

Living Conditions

Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 135 f) details planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy QD03 of the Local Plan deals specifically with living conditions. This policy states that all new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.
- 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.
- 3) Residential development should include the provision of private or shared external amenity space/play space, where possible.
- 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The nearest neighbouring residential properties are a significant distance away from the site, outside of the business park. Given the distance there is unlikely to be a significant impact from noise and disturbance.

The impact upon neighbouring amenity is considered to be acceptable and in accordance with Policy QD03 of the Thanet Local Plan.

Highways

Paragraph 114 of the NPPF says that in assessing applications for development it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Local Plan Policies TP02 and TP03 concern walking and cycling. They require that new development will be expected to be designed to facilitate safe and convenient movement by pedestrians and the safety of cyclists and facilities for cyclists. Policy TP06 states that proposals for development will be expected to make satisfactory provision for the parking of vehicles, including disabled parking. Suitable levels of provision will be considered in relation to individual proposals taking account of the type of development, location, accessibility, availability of opportunities for public transport, likely accumulation of car parking, design considerations.

The application proposes two new parking spaces onto the access road adjacent to the side facade of the building. With the exit being onto the new internal access road leading to the roundabout within the business park.

KCC Highways have reviewed the application and advised that the application for conventional parking for vans or cars would have been recommended for refusal. However, due to the infrequency of ambulance movements and that they will have blue lights / sirens activated, no objection is raised. KCC have raised no concerns with the overall parking provision.

Your officers consider that the use of sirens and blue light would draw attention to any vehicles leaving the site to go straight to a job and would limit any potential for an unsafe access close to the junction. It is also considered that adequate parking has been achieved, the site is sustainably located, and that the vehicle movements generated are unlikely to have a severe impact upon the highway network.

Drainage

The application form details that surface water will be disposed of to the main sewer and in terms of foul, this is unknown at this stage.

Southern Water has advised under New Connections Charging it is the responsibility of the developer to provide the sewerage infrastructure up to the point of practical connection.

The impact on flood risk and groundwater protection is therefore considered to be acceptable and in accordance with Policies SE04 and CC02 of the Thanet Local Plan.

Biodiversity

The NPPF states at paragraph 186 that the planning system should contribute to and enhance the natural and local environment. The NPPF then states at paragraph 186 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Policy SP30 on Biodiversity and Geodiversity Assets requires development proposals to make provision for a net gain in biodiversity. In addition, paragraph 186d) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and

local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 186 d), refers to the securing of measurable net gains for biodiversity.

The two additional parking spaces to the side of the building will require the loss of part of a landscaped area. This is regrettable, but on balance this is a relatively small location and the facility needs it for the ambulances to operate out of. Given the value in the use and its wider community benefits this is considered acceptable.

KCC Biodiversity has been consulted and advised they have no objections.

The impact upon biodiversity is therefore considered to be acceptable, and in accordance with Policy SP30 of the Thanet Local Plan.

Conclusion

The proposed use as an Ambulance Community Response Post unit (sui generis) is considered to be a use that will support the NHS and community in line with policy SP38 and the development of community facilities should be actively pursued and it is important that the local area of Thanet is adequately covered with ambulance services. In addition it is acknowledged that the location being on a business park ensures that it is in prime location to access the main arterial roads to get to any given point in relation to the area it serves more easily, which has support through policy SP38. At odds with this however, are the policies to protect the site and wider business park to class E(g) uses formally B1, B2 and B8 under policies SP05 and Policy E01 of the Thanet Local Plan. In this case officers consider on balance that given the clear positives of allowing this development weighed against the relatively small floor space lost through its approval with the sui generis use (part of the use having office and storage space; which is supported by SP06) within the wider business park there is justification in this instance. All other aspects in relation to physical changes, neighbour amenity, highway issues, drainage and biodiversity are considered acceptable.

Case Officer

Gillian Daws

TITLE:

F/TH/23/1618

Project

Unit 8 Land North Of Spitfire Way And East Of Columbus Avenue
RAMSGATE Kent

