

A02

F/TH/23/0900

PROPOSAL: Change of use from existing education centre (Use Class F1) to sandwich shop (Use Class E) and function room (retrospective)

LOCATION: Canterbury Christchurch University Campus Northwood Road
Broadstairs Kent CT10 2RZ

WARD: St Peters

AGENT: No agent

APPLICANT: Mrs Hanna Roost

RECOMMENDATION: Approve

Subject to the following conditions:

1 The premises shall only be used between the hours of 0800 and 2300 Monday to Sundays, including Bank or Public Holidays unless otherwise approved in writing by the Local Planning Authority.

GROUND

In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.

SITE, LOCATION AND DESCRIPTION

The building subject of this application is known as the Allen Building and is within the former Canterbury Christchurch University Campus in Broadstairs. The Allen Building is a two storey building that is located behind the three storey building that straddles Westwood and Northwood Road and fronts the roundabout at this junction.

The use is currently operating with the remainder of the building being utilised by students in connection with Nelson College (hospitality and HND teaching).

Vehicular access is achieved off Millennium Way, which is a shared access. Internal access roads branch off to serve each building. Pedestrian access is also possible from Westwood Road.

The site is bound by hedgerows and trees to the north, west and south boundaries of the building and its boundaries the car parking area to its rear.

Millennium Way is to the east of the site. To the north of the site is Northwood Road, beyond which are residential dwellings. To the north east is a further building associated with the former university which faces the roundabout.

RELEVANT PLANNING HISTORY

None relevant to this application.

PROPOSED DEVELOPMENT

Full planning consent is sought for retrospective planning permission for the change of use from education to sandwich shop and function room.

No external or internal changes are proposed to the building.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP04 - Economic Growth
SP09 - Westwood
SP12 - Broadstairs
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
SP45 - Transport Infrastructure
E01 - Retention of Existing Employment sites
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
SE05 - Groundwater Protection
SE05 - Air Quality
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan

BSP9 - Design in Broadstairs and St Peters
BSP11 - Retention of Employment Space

NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice posted close to the site.
No representations were received.

Broadstairs Town Council: The Planning Committee of the Town Council has considered this application and has resolved unanimously to make No Comment.

Broadstairs Society: The Society has no real concern about this retrospective application.

CONSULTATIONS

KCC Highways: Non protocol application.

KCC Public Rights of Way: No comments to make

TDC Environmental Health: The application has been reviewed and we consider it to have a low environmental impact and minimal risk of nuisance; therefore do not offer any comments in this regard however, we would recommend that the hours of operation applied for are conditioned.

TDC Planning Policy: Thank you for consulting us further on Application 23/900, particularly in relation to Policy E01.

It is considered that this application meets the provisions of Policy E01. A satisfactory marketing exercise has been carried out. The premises have historically been used to serve refreshments and as a function space ancillary to the main university campus. The application proposes no increase in scale, therefore there would be no net loss of commercial premises or employment opportunities. In the same vein the use would not result in a significant or harmful reduction in employment land available. The operation of the shop/canteen/function space to date has not prejudiced the ongoing operation of the businesses nearby and future vehicle movements associated with the new use are expected to be low as the main customer base is already on site. Going forward, a sandwich shop will provide a service for Nelson College and existing and future occupants of Thanet Reach Business Park.

It is concluded that due to its scale and history, in this particular case the change of use application would not harm the viability of the remainder of Thanet Reach Business Park.

COMMENTS

This application is brought before Members as a departure from the Local Plan policy E01.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Loss of Employment Land

The site lies partially within the Thanet Reach employment site. Policy E01 of the Thanet Local Plan states that the site should be retained as an employment site, supporting uses B1, B2 and B8 (or equivalent), which are storage, office, industrial uses.

The policy states that proposals for alternative uses on the site will only be permitted where:

- (i) It has been demonstrated that the site is no longer suitable or viable for employment purposes following an active and exhaustive marketing process for a minimum of 12 months;
 - (ii) The proposal would not undermine economic growth and employment opportunities in the area;
 - (iii) The proposal would not result in a significant, or harmful reduction in the supply of land available for employment purposes for the remainder of the plan period, having regard to the type of employment land proposed for reuse and its location;
 - (iv) The proposal would not prejudice the ongoing operation of remaining businesses nearby;
- and
- (v) The proposal would result in a good standard of amenity for existing and future occupants.

Policy BSP11 of the Broadstairs and St Peters Neighbourhood Plan outlines that the redevelopment of land identified for employment use will only be supported where:

- a) The applicant can demonstrate that the site/premises is no longer capable of meeting employment needs; or
- b) Development of the site for other appropriate uses will facilitate the relocation of an existing business to a more suitable site or where there is no reasonable prospect of the site being used for employment uses ; or
- c) Unacceptable environmental problems are associated with the current use of the site and the proposal will remove them; or
- d) Relocation of the employer will make better use of existing or planned infrastructure

During the course of the application supporting statements and information needed, to attempt to address the policy criteria justification for an alternative use on the site was submitted.

When the site was original granted consent to be used for educational purposes by Canterbury Christchurch University Campus (CCUC) the site was allocated under Policy BC4 of the 1998 Local Plan and designated for employment and business related development comprising Use Classes B1 (business), B8 (storage and distribution) and A2 (financial and professional services). This particular part of the site was formerly used as a sandwich shop and function room associated with the wider CCUC site.

Currently the site also forms part of the wider former Christchurch University site which is allocated as an employment site within the current Local Plan.

In September 2018 CCUC closed. Information submitted with the application states that that marketing occurred after October 2018, with the application included with other buildings on the campus estate, with Savills and Terence Painter Estate Agents instructed prior to the sale of the building in May 2022. It is stated that only 5 viewings occurred in this 4 year

period and no information has been provided about how the property was marketed during this period. Information submitted details that following the purchase by Nelson College in May 2022, the building was re-marketed after being identified as surplus to requirements, with 5 further viewings for the Allen building or all surplus buildings, all of which were not for potential B2 or B8 uses. There, however, was E(g) use - offices. No offers were and the potential occupiers discounted the accommodation as not being suitable for their needs.

The applicant has submitted evidence that marketing has occurred for a period in excess of 12 months, however, from the lack of information provided about how this marketing occurred and on what basis, it has not been demonstrated that it is not suitable or viable for an employment purpose on the basis of criteria one. Notwithstanding this, it is clear that the presence of the building on the site, its form and layout and established previous use as an ancillary sandwich shop and function room linked to CCUC for a number of years creates a different situation to the majority of employment allocations in the district.

Criteria two and three of Policy E01 permits alternative uses where the proposal would not undermine economic growth and employment opportunities in the area, and will not result in a significant or harmful reduction in the supply of land available for employment purposes.

It is considered that the proposed use would not undermine economic growth and employment opportunities in the area, but rather support local users of the Thanet Reach Business park by providing an on site service to students, workers and local residents. Given that the area with the Allen building, which is subject of this application was previously used in this manner - albeit as ancillary to the CCUC - it is considered that it would not lead to a direct reduction in the supply of land available for employment purposes when compared directly to its former use.

The fourth criteria requires that the proposal would not prejudice the ongoing operation of remaining businesses nearby. This is reinforced by paragraph 193 of the National Planning Policy Framework (NPPF), which states that planning decisions should ensure that new development can be integrated effectively with existing businesses. The proposed use would be similar to that which existed when operated by CCUC. It is not considered that the sandwich shop and function room operated by a different tenant would create a different relationship between residential occupants and the business to prejudice the operation of the adjacent businesses. The proposal would therefore not conflict with this criteria, nor paragraph 193 of the National Planning Policy Framework.

The final criteria is that the proposal would result in a good standard of amenity for existing and future occupants. A full analysis of the impact is provided within the living conditions section of this report, in summary however, there are no external changes being proposed and given the location relative to neighbouring residential occupiers no material harm is envisaged.

Whilst the proposal will result in the loss of a site allocated within the local plan for employment use falling within the equivalent of a B1 or B8 use class, the policy permits alternative uses if a number of criteria are proven to be met. The analysis above proves that the majority of the criteria can be met. However, as the premises has always been used to serve refreshments then there would be no net loss of commercial premises or employment

opportunities, the use would not result in a significant or harmful reduction in employment land available, the operation of the business to date has not prejudiced the ongoing operation of the businesses nearby and going forward it will provide a service for existing and future occupants of Nelson College and the wider Thanet Reach Business Park as well as local residents.

Given the points raised above, the proposed change to sandwich shop and function area is considered to represent an acceptable departure to Policy E01 of the Thanet Local Plan, whilst also addressing the criteria stated within Policy BSP11 of the Broadstairs Neighbourhood Plan.

Proposed use of the building

When the site was operated by CCUC this part of the Allen building operated similar to the current arrangement - offering food and light refreshments to students at the site. As such it is considered that the continuation of the use albeit not run by the people it would serve but a separate entity there is no objection to its use as a sandwich shop or function room that could be used by non-users of the site.

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 or maintain 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 QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The applicants are not proposing to make alterations to the exterior of the building and, as such, it is considered that the appearance of the building and its curtilage will retain its current appearance.

It is not considered that the proposed use would impact upon the character of the area given its location within an existing business park.

Given the above, it is not considered that there would be any adverse impact on the character or appearance of the site from the proposed development.

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.

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03 (Living Conditions) states that All new development should:

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

Externally there are no changes to the building accordingly there would be no neighbour impact.

It falls also to assess the impact of the proposed use on the residential amenities of surrounding occupiers. When the site was previously operated and used by CCUC the application site was used as it is now proposed, but ancillary to the university. The nearest residential dwellings are across the road- Northwood and Westwood Road- approximately a minimum of 52m. It is considered that the occupation of the majority of the ground floor of the building for a use that previously existed on site would not be likely to generate significant levels of noise and disturbance above that previously generated when operated under CCUC. Whilst uses not associated with Nelson College could use the facilities this is not considered to generate movements or noise that would be likely to generate harm, given the general activity on site.

The applicant has confirmed that the sandwich shop is currently open 8.30-3.30pm Monday to Friday. If the shop becomes busier they may open the same hours on a Saturday.

In relation to set up and preparation for functions it is detailed that this is usually done within these hours but occasionally they sometimes have a couple of hours preparation and set up prior to functions (typically this may be 5-7pm), this is usually done by the applicant and the building is closed to the public at this time. However, entertainment and services booked by the customer for the function may be set up too.

The Council's Environmental Health officer has confirmed that the proposal does not raise any issues from their perspective however they suggest that a condition is attached to any consent relating to the hours of operation, this is considered reasonable. The hours proposed are 0800-2300 hours seven days of the week as stipulated on the application form. It is considered these hours are acceptable.

The proposed development is, therefore, considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 135 National Planning Policy Framework.

Transportation

Paragraph 114 of the NPPF states that In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst other aims: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and b) safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 116 goes on to highlight that Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy SP37 of the Local Plan states that new development must take account of the need to respond to climate change: 1) by minimising vulnerability and providing resilience to the impacts of climate change through the use of up to date technologies, efficient design and appropriate siting and positioning of buildings; 2) mitigating against climate change by reducing emissions and energy demands through the use of up to date technologies; 3) realise and make best use of available opportunities to reduce the impact of climate change on biodiversity and the natural environment by providing space for habitats and species to move through the landscape and for the operation of natural processes, particularly at the coast. Policy SP43 of the Local Plan states that the Council will work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient means of transport. Development applications will be expected to take account of the need to promote safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Whilst policy SP44 states development generating a significant number of trips will be expected to be located where a range of services are or will be conveniently accessible on foot, by cycle or public Transport.

Under Policy QD01, all developments are required to: 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes (subject to HE05 where applicable), 2) Make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping, 3) Provide safe and attractive cycling and walking

opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children, whilst Policy TP03 states new development will be expected to consider the need for the safety of cyclists and incorporate facilities for cyclists into the design of new and improved roads, junction improvements and traffic management proposals.

The application site does not have any parking spaces in its red line site. There is parking within the site that serves users of Nelson College and the wider Thanet Reach Business Park. The parking on site does not appear allocated visually when a site visit was carried out.

The number of employees indicated on the application is 2 full time and 2 part time employees. There is unrestricted parking on Northwood Road and Millennium Way.

It is anticipated that the use of the sandwich shop will not be a destination in itself, rather it would offer a service to students, residents and workers that are using the Thanet Reach Business Park. As such I consider that the use of the sandwich shop would have already parked or arrived on public transport for the purpose of learning or working and that the sandwich shop would be used if on site when food is required. As such I do not consider it to generate a specific parking need.

With regard to the function space, the application form details that this would be for workplace training events/choir groups. The supporting statement details that it would predominantly serve Nelson College to hold various educational and community events such as open days, college events. In addition it details that the function would also be open to the public to book for events - birthday parties, funeral wakes or for community events. The statement details that users could use existing parking bays in the car park provided by Nelsons College London (including three disabled bays) and also bike racks on site. This is, however, not covered within the red line of this application and as such cannot be controlled. The operating hours are as detailed above in the residential amenity section.

It is considered that the site is generally sustainably located and is within walking distance of a number of the local community as well as public transport links. Given the specific use of this part of the Allen building proposed, if additional parking generated through the use of the function room it is likely that parking for patrons could be accommodated within the Nelson College wider site and associated parking area or within Northwood Road or Millennium Way. It is noted that this user has been operating for a period of time; June 2023 and no complaints have been received.

On balance the impact upon highway safety is therefore considered to be acceptable.

Conclusion

Permission is sought for the change of use from former student accommodation serving the former Canterbury Christchurch Broadstairs campus, now serving Nelson College to sandwich shop and function room.

As the premises has always been used to serve refreshments then there would be no net loss of commercial premises or employment opportunities, the use would not result in a significant or harmful reduction in employment land available, the operation of the business to date has not prejudiced the ongoing operation of the businesses nearby and going forward it will provide a service for existing and future occupants of Nelson College and the wider Thanet Reach Business Park.

Given the points raised above, the proposed change to sandwich shop and function room is considered to represent an acceptable departure to Policy E01 of the Thanet Local Plan, whilst also addressing the criteria stated within Policy BSP11 of the Broadstairs Neighbourhood Plan. It is not considered to result in an adverse impact on living conditions or highways, and, as such, it is recommended that Members approve the application.

Case Officer

Gillian Daws

TITLE:

F/TH/23/0900

Project

Canterbury Christchurch University Campus Northwood Road Broadstairs
Kent CT10 2RZ

