

**A03**

**F/TH/23/1615**

**PROPOSAL:** Change of use from General Industrial (Use Class B2) to Cafe (Use Class E(b)) together with installation of first floor mezzanine to provide seating area and WC, and replacement of roller shutter door with windows and doors to front elevation, alteration of position of existing fenestration to front elevation and installation of 1 no. rear door.

**LOCATION:** Unit 29 North Of Spitfire Way And East Of Columbus Avenue  
RAMSGATE Kent

**WARD:** Thanet Villages

**AGENT:** Miss K Banks

**APPLICANT:** Ms S Huckstep-Fagg

**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 development hereby approved shall be carried out in accordance with the submitted plans numbered 001B and 003C received on 15th February 2024 and the Planning Statement received on 15th February 2024.

**GROUND;**

To secure the proper development of the area.

3 The premises shall be used as a cafe and for no other purpose including any other purpose in Class E of the Schedule to the The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 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 a cafe unit to serve the occupiers of the business park, as an acceptable departure to Policies SP05, E01 and E05 on sustainability grounds .

4 The use of the premises hereby approved shall not be used other than between the hours of 0700 and 1700 Monday to Friday in any week, between the hours of 0700 and 13:30 on Saturdays and at no time on Sundays or Bank Holidays

**GROUND:**

To secure the proper development of the area, and reduce any impact on the vitality and viability of existing centres, in accordance with Policy E05 of the Thanet Local Plan and the National Planning Policy Framework

5 In the event of the premises being used for the cooking or preparation of hot food that would require the installation of an extract ventilation system, details of the location, size, type and design of the system shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the commencement of such a use, the extract ventilation system shall be installed in accordance with the approved details.

**GROUND**

In the interest of residential amenity and in pursuance of Policy QD03 of the Thanet Local Plan.

6 The external materials and external finishes to be used in the proposed windows and doors hereby approved shall be of the same colour and finish as those on the existing property.

**GROUND**

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

7 Prior to the commencement of the change of use hereby approved, drawings showing the location of the secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

8 Prior to the commencement of the change of use hereby permitted, refuse storage details shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be provided in accordance with the approved details and thereafter maintained.

**GROUND**

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

**INFORMATIVES**

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

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

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

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

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

## **SITE, LOCATION AND DESCRIPTION**

The site forms part of Manston Business Park, and is an employment site, protected under Policy SP06 of the Thanet Local Plan. Manston Business Park has been slowly developing over time, with a number of different plots within the site, some of which contain established development, others which have only recently been constructed, and others which are still vacant. Most of the sites that have been developed contain large industrial/storage/office units. Many of the units have already been constructed, although some development work is still taking place on the site, and the planning application for the final phase of the works is still pending, although is principally acceptable. The application is for a change of use of one of these small individual business units, located towards the centre of the site.

## **PROPOSED DEVELOPMENT**

The proposal is for the change of use of one of the business units from General Industrial use (Use Class B2) to Cafe (Use Class E(b)), together with the installation of first floor mezzanine to provide seating area and WC, and replacement of roller shutter door with windows and doors to front elevation, modest alteration to position of existing fenestration on the front elevation and installation of 1 no. rear door.

The hours of use proposed for the unit are:

Monday to Friday 7.00am - 5.00pm;

Saturdays 7.00am - 1.30pm.

Closed on Sundays or Bank Holidays.

## **DEVELOPMENT PLAN POLICIES**

SP04 - Economic Growth

SP05 - Land Allocated For Economic Development

SP06 - Manston Business Park

E01 - Retention of Existing Employment Sites  
E05 - Sequential and Impact test  
SP35 - Quality Development  
CC01 - Fluvial and Tidal Flooding  
CC02 - Surface Water Management  
QD01 - Sustainable Development  
QD02 - General Design Principles  
QD03 - Living Conditions  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

### **NOTIFICATIONS**

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site. No responses have been received.

Minster Parish Council - No objection

### **CONSULTATIONS**

#### **Environmental Health -**

Thank you for consulting Environmental Protection on the above planning application. The application does not include details of the flue required to disperse cooking odours, therefore the following condition is recommended:

#### **EXTRACTION OF COOKING ODOURS**

Prior to the commencement of the use hereby approved use an extraction system shall be provided to food cooking and preparation areas, that terminates 1 metre above roof eaves. Detail to be submitted and approved by the Local Planning Authority. The flue discharge efflux velocity shall achieve at least 15 metres per second and that the flue is to be sited so as to minimise effects of vibration transmission and noise to any adjacent façade, and incorporates anti-vibration mounts, flexible couplings and an accelerator cone. Any such extraction system agreed shall be installed and thereafter maintained in accordance with the manufacturers specification unless otherwise agreed in writing by the Local Planning Authority.

### **COMMENTS**

This application is brought to members as a departure to Thanet Local Plan Policies SP05 and E01.

#### **Principle**

The site falls within the area identified within the local plan as an employment site. Policies SP05 and E01 of the Thanet Local Plan state that the land is allocated for business purposes only, for employment uses falling within use classes B1 and B8, and B2 where

away from residential areas. The proposal is for a change of use of a general industrial unit to cafe (E(b) use), and is therefore contrary to Policies SP05 and E01 of the Thanet Local Plan.

The proposed E(b) use is also a town centre use, and as such the preferable location for such uses would be within the town centre, and then at the edge of town centre sites. Outside of these areas, Policy E05 of the Thanet Local Plan requires a sequential test to be carried out for such uses to prove that there is not a more preferable location closer to the town centre. A sequential test has not been carried out in this instance, and therefore the proposal is contrary to Policy E05 of the Thanet Local Plan.

## **Sustainability**

Whilst there is a principle policy objection to the proposed development, consideration must be given to the National Planning Policy Framework, which advises on a presumption in favour of sustainable development.

Within the vicinity of the application site, development consists of many small business units measuring only 102m<sup>2</sup> per unit. There is no scope for an ancillary café on the site for the occupiers of the business units, and given the closure of the previously approved cafe Crusty's Bakery in Unit 22, Invicta Way, business workers / employees who require refreshments would need to travel by car to either Minster Services, Minster Village, Birchington or Westwood Cross. Whilst it is acknowledged that an alternative catering firm have occupied the former Crusty's site, this provides food via an on-line ordering service only and is not open during the working day to serve business owners and employees of the business park.

The provision of a café unit on the site to serve the needs of the business units would significantly reduce vehicle movements to and from the site during lunchtime hours, and as such could be seen to contribute to the sustainability of the site.

The proposed café will serve breakfast and lunch only (mainly takeaway), between the hours of 7am and 5pm Monday to Friday, Saturdays from 7am to 1.30pm, and at no times on Sundays and Bank Holidays, and has therefore been designed solely to serve the needs of the business unit occupants. It also proposes some tables and chairs to be provided at first floor level to accommodate customers with nowhere else to go. Such a facility may also help to provide the infrastructure necessary to help support sustainable economic growth on the site.

If the sustainability benefits outweigh the harm created by an out of centre location for this town centre cafe use on an allocated business park, then strict restrictive conditions would need to be applied, including an hours of use condition that restricts the use of the unit to weekdays and daytime hours only, in line with the opening hours of the business units, and a condition which limits the use of the building to E (b) use only, and no other use falling within use class E.

It is also considered that whilst there may be a sustainability justification for this particular proposal, it should not set a precedent for any future applications. The justification for the

café use would be on the basis that this is a business park within the rural area that is not within close proximity of existing facilities and services, and the site provides small business's units where the provision of an ancillary café within one of the existing business unit is not achievable due to the limited size and scale of the units. The proposed café is only one unit out of one hundred and one units proposed for the site, and therefore in terms of the scale the proposed café would occupy only 192m<sup>2</sup> of the 10,350m<sup>2</sup> (approximate) business development planned for the site. Any justification would therefore solely be based on the merits of this particular proposal, including the identified need, rural location and limited scale of the proposed development.

### **Character and Appearance**

The unit is existing and the main external changes are the replacement of the existing roller shutter with a glazed opening formed of windows and doors, a modest repositioning of the existing fenestration and the addition of a doorway at ground floor level on the rear elevation.

Given the main changes such as the re-positioning of the existing openings on the front elevation and the proposed glazed entrance doors will match the existing styles, colour and materials of the host unit, and the introduction of 1no. single rear entrance at ground floor level, will remain modest in scale and use colour to match, the works are not considered to create any significant harm to the character and appearance of the neighbouring units and wider estate.

As such, the proposed work is considered to comply with the overall aims of policy QD02 of the Thanet Local Plan, and the National Planning Policy Framework.

### **Living Conditions**

The proposal seeks some internal reconfiguration to allow for the unit to be subdivided, to provide a kitchen, serving area / counter and waiting area at ground floor level and the installation of a first floor level to provide a separate staff area, additional toilets and a seating area.

Given there are no residential properties within close proximity of the site, and the unit requiring the change of use is surrounded on all sides by existing business units., it is not considered to create significant harm to neighbouring occupiers in terms of noise or overlooking. The agent has suggested the following hours of operation being:

Monday to Friday 7.00am - 5.00pm;  
Saturdays 7.00am - 1.30pm.  
Closed on Sundays or Bank Holidays.

Environmental Health has been consulted and has made no objections to this or the proposed change of use, subject to the addition of a condition requesting that details of the flue required to disperse cooking odours be submitted prior to commencement of the new use on site.

The impact upon neighbouring living conditions is therefore considered to be acceptable and complies with the overall aims of policy QD03 of the Thanet Local Plan, and the National Planning Policy Framework.

### **Transportation**

The proposed use is to serve occupants of the existing business park, and therefore it is expected that most trade would be by foot, with no additional vehicle movements expected. Should there be the occasion when additional parking beyond that existing is required, there is spare on-street capacity within close proximity of the site. The agent has confirmed in their email of 07th June 2024 that, due to the internal reconfigurations proposed within this application, the existing cycle parking will be moved externally. Details will be submitted via condition in order to serve staff of the proposed cafe use or those within the business park or nearby area wishing to cycle to the proposed cafe, encouraging the use of sustainable transport. This will be conditioned for submission and agreement prior to the commencement of the new use..

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

### **Conclusion**

The proposed development is contrary to Policies SP05, E01 and E05 of the Thanet Local Plan, however, the proposal would improve sustainability within the site. Therefore given the limited scale of the development, and the need for the proposed development in this rural location, it is considered that on balance, the benefits of the proposal to sustainable economic growth outweigh the concerns regarding the loss of one small individual business unit within the business park, with no discernible impact on any town centre areas.

It is therefore recommended that members approve the application as an acceptable departure to Thanet Local Plan Policies SP05, E01 and E05, subject to safeguarding conditions.

### **Case Officer**

Tanya Carr

TITLE:

F/TH/23/1615

Project

Unit 29 North Of Spitfire Way And East Of Columbus Avenue RAMSGATE  
Kent

