

Application No:	20/983/FH
Location of Site:	Tesco Car Park, Cheriton High Street, Folkestone, CT14QJ
Development:	Erection of a freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD), goal post height restrictor and play frame. Relocation of the existing recycling area, click and collect and trolley bays.
Applicant:	McDonald's Restaurants Ltd
Agent:	Planware Ltd The Granary, 37 Walnut Tree Lane Sudbury
Officer Contact:	Isabelle Hills Isabelle.hills@folkestone-hythe.gov.uk

SUMMARY

This report considers whether planning permission should be granted for the erection of a freestanding restaurant with drive-thru facility to the south-east corner of the existing Tesco car park, along with car parking, landscaping, installation of Customer Order Displays (COD), goal post height restrictor and play frame, and the relocation of the existing recycling area, click and collect and trolley bays.

The site is located outside of the Cheriton District Centre as identified within the Places and Policies Local Plan, however the submitted Sequential Test demonstrates that there are no alternative suitable sites for a drive thru restaurant either within the Cheriton District Centre, or on the edge. Therefore the proposed site is considered to be the most suitable site in line with the sequential test, thus complying with Policy RL8, the National Planning Policy Framework and Planning Practice Guidance.

The submitted information demonstrates that the proposal would not impact negatively on the surrounding highway network and sufficient parking would be provided for the development and retained for the existing Tesco supermarket.

The design, materials and scale are considered to be appropriate for this location within an existing commercial car park. Ongoing discussions have been had with the Agent to increase the amount of landscaping proposed within the site which is now

considered to be acceptable and would enhance the appearance of the existing car park and the development from within the streetscene.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

- 1.1. The application is reported to Committee due to the objection from Folkestone Town Council.

2. SITE AND SURROUNDINGS

- 2.1 The site is within the settlement boundary of Folkestone, within an area of archaeological potential. The site is the existing car park serving Tesco Supermarket in Cheriton.
- 2.2 The application site is bound by Cheriton High Street to the South and the Cheriton Interchange to the east which leads onto Junction 12 of the M20 to the north of the site. Cheriton Interchange slopes upwards to the north and as such from here, the application site is set down. Members should note that highway works are currently being carried out on the existing Cheriton Interchange Junction which has been funded by the Shorncliffe Development (application reference Y14/0300/SH).
- 2.3 There is an existing bus stop located in front of the south facing elevation of the existing Tesco Building which fronts Cheriton High Street. This is served by 6 buses per hour Monday – Saturday and 4 buses per hour on a Sunday. There are regular services to Folkestone, Cheriton and Hawkinge and also irregular services to Seabrook, Hythe and Lydd. Appendix 6.3 of the Traffic & Highways Engineering Ltd Report provides a map of the local bus network. There is an existing pedestrian entrance to the site to the south east of the existing Tesco building. The closest National Cycle Route is number 17 which is located 2km northwest of the site. Route 17 is a 42 mile route and the Agent has set out all cycle routes in the vicinity of the site within Appendix 6.1 of the Traffic & Highways Engineering Ltd Report.
- 2.4 The site lies outside of the Cheriton District Centre which is some 0.7 km away (measured from the edge of the application site to the closest shop within the District Centre which is Co-Op on Cheriton High Street).
- 2.5 To the east of the site is a small cluster of buildings including The Range and a hairdressers.

- 2.6 The existing Tesco Supermarket building is a large single storey, red brick built building set to the west of the application site. To the south of the site, set behind a sloped grass verge with mature hedging providing some screening is Samian Crescent, a residential road characterised by terraced dwellings. The existing car park has a total of 358 customer spaces including 21 accessibility spaces and 14 parent and child spaces.
- 2.7 A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of a freestanding, two storey McDonald's restaurant and Drive Thru (Use Classes A3 & A5) with a Gross Internal Area (GIA) of 493 sqm to the south east of the existing Tesco Supermarket car park. The building would have a Gross External Area (GEA)(including the corral and freezer chiller) of 526sqm. Members should note that in line with recent changes to the Use Class Order, this use is now considered a Sui Generis use. However this came into effect for applications submitted after the 1st September 2020. This application was received on the 13th July 2020 and therefore this application must still be considered as an A3 / A5 use.
- 3.2 The proposal would be located on 91 existing car parking spaces used in association with Tesco which includes three Click and Collect bays and the existing recycling area. The proposed layout includes a total of 35no car parking spaces to serve McDonalds, including 2 accessible bays and 1no Grill Bays.
- 3.3 The development is anticipated to create 35 full time jobs and 30 part-time jobs.
- 3.4 The application includes two order points (Customer Order Displays (CODs), a goal post height restrictor and includes the introduction of a fast forward lane, which would allow for a customer to pull forward to a third booth if there is a slight delay with an order, rather than driving through to the Grill Bays. This is proposed to allow the traffic flow to be retained through the drive-thru lane.
- 3.5 Access to the drive thru lane and the restaurant would be via the existing car park. Upon entering the car park, cars would be directed east, then north then south-east into the proposed new car park. The drive thru lane extends around the south east of the building (see figure 1). A new pedestrian access would be provided from Cheriton High Street.
- 3.6 The proposal seeks to re-locate the existing recycling centre from the east of the site to the south just beyond the existing entrance into the car park (see figure 1). The existing Tesco Click & Collect facility would be relocated to the north of the existing Tesco building (see figure 1).

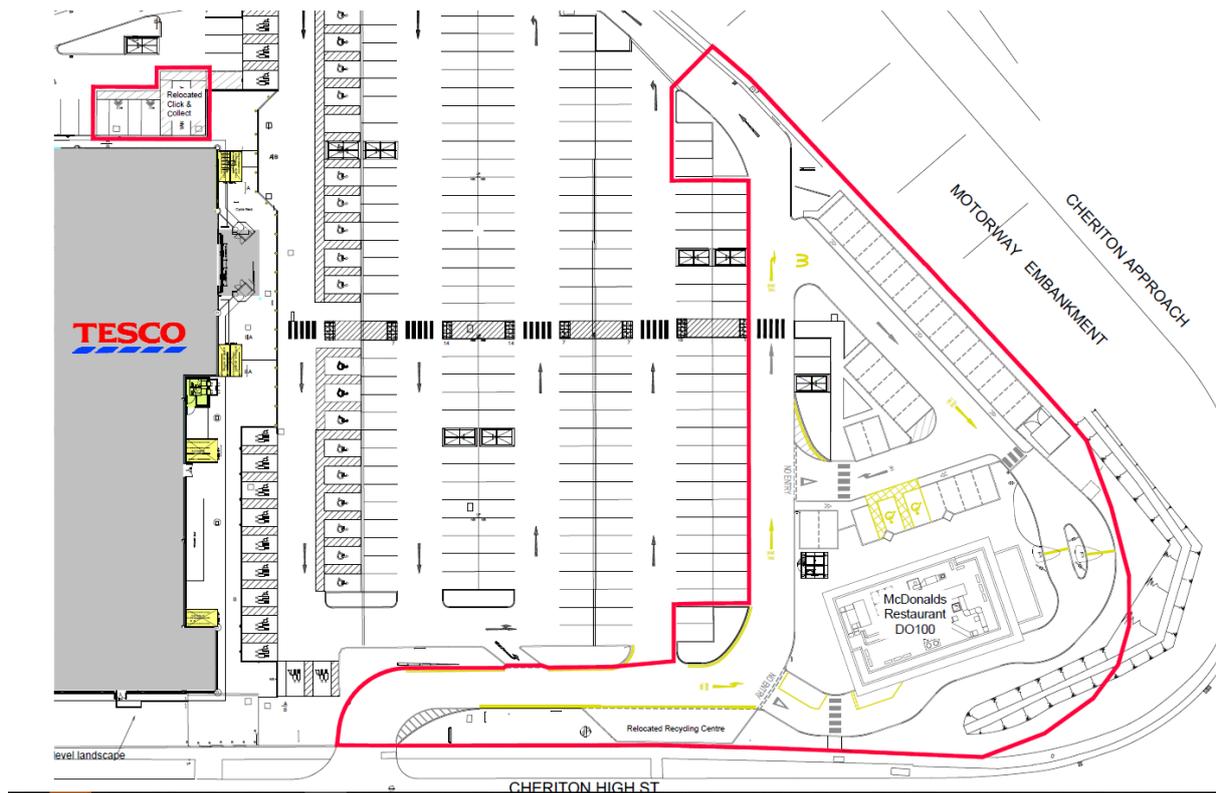


Figure 1.

- 3.7 Internally, the ground floor would provide a dining area, cashier points, toilets including one accessible toilet cubicle, kitchen facilities and booths for the drive thru. On the first floor, additional kitchen facilities are proposed along with a crew room, office and storage facilities. To the east side of the building a corral is proposed.
- 3.8 The roof would accommodate a chiller / freezer / ABS Condensers, a kitchen extract, S1 & S2 kitchen supplies, WC extract, and S2 FOH supply which are all proposed to be boxed in to conceal the extracts from public view.
- 3.9 The building would have a height of 8.75 metres (including the machinery cover on the roof). It would have an approximate length of 25.7 metres and approximate width of 12.4 metres (see figure 2).

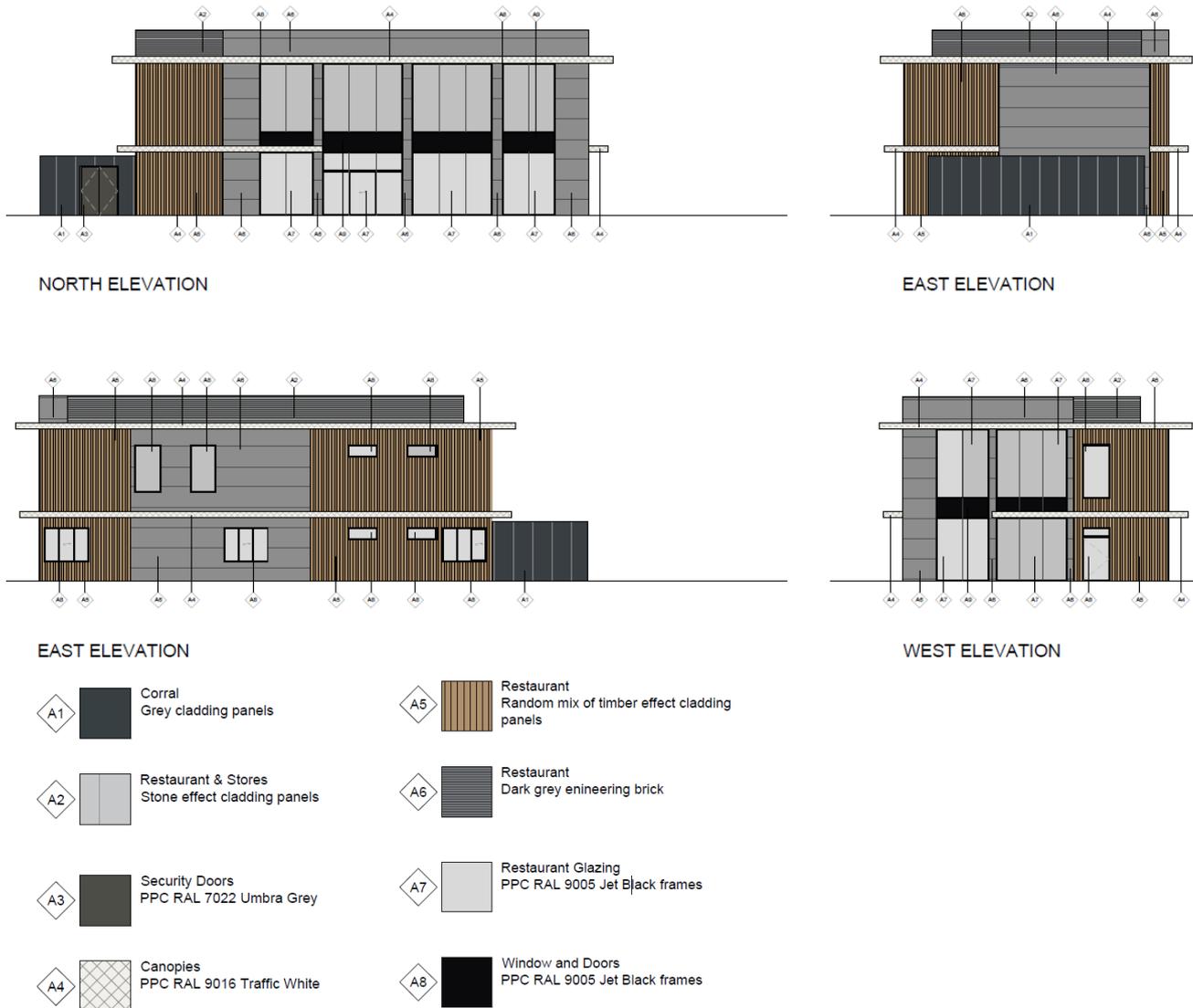


Figure 2.

3.10 5 existing trees and an area of existing planting to the east of the site are proposed to be removed. The existing vegetation located on the motorway embankment is proposed to be retained. Officers have engaged with the Agent to secure enhanced landscaping to the scheme. New areas of planting are proposed to be incorporated into the scheme including 14 new trees, specimen shrub planting, formal hedge planting and ornamental shrub planting (see Figure 3).



Figure 3.

3.11 The submitted Supporting Statement raises the following points:

Operation of the building:

- McDonald's freestanding restaurants ideally operate 24 hours per day and 7 days per week.
- Servicing of the restaurant is undertaken by a dedicated supplier and will take place approximately 3 times per week, lasting between 15 – 45 minutes depending on the delivery required.
- The supplier uses a computerised planning tool (Paragon) which enables the requirements for individual delivery destinations to be set and ensures that they are complied with on every occasion the delivery is planned. The restaurant will be allocated a 2 hour delivery slot, and the delivery will be planned within this.
- The supplier will carry out a prior assessment of the site to ensure that any measures required within the parking area are employed in good time for the delivery arrival to ensure the vehicle can easily access the site.
- CCTV is proposed to be installed.

Noise & air pollution

- An air extraction system would be used which incorporates built-in Hi-Catch filters, which remove 8% of airborne grease at source
- 'Considerate neighbour signs' and an Environmental Manual and audit systems would be used to manage noise. An acoustic report and odour control document accompany the application.
- Separate Noise Impact Assessments & Odour Control Specification reports have been submitted.

Environment & Sustainability

- The buildings design has been directly influenced by the solar path. The height of the glazing and depth of the design elements allow natural sunlight to be used to maximum advantage, which assists with the internal lighting of the restaurant and heat retention when cooler outside. When outside temperatures are warmer, the roof is designed to provide external shading which reduces internal solar gain.
- The principle entrance is designed to act as a 'wind lobby' to reduce heat exchange allowing the restaurant to remain warm in winter months and cool in summer months thus where as far as possible reducing the need for internal temperature controls.
- The external shell is designed to prevent air leakage and achieve the U-value required by current building regulation standards.
- Low energy LED lighting systems are used in nearly all units & metering system used which measures the amount of electricity used in every half hour of the day.
- All new drive thru McDonald's restaurants are supplied with electricity from 100% renewable sources, generated off site. The supply is from a variety of sources, provided by Npower and is guaranteed until 2035.
- Proposed materials selected to provide maximum durability and robustness and replacement, maintenance and repair is perceived to be minimal during the buildings lifecycle.
- McDonald's UK has a long-term goal to send zero waste to landfill by reducing operational waste, recycling as much as possible, and diverting the remainder to a more sustainable solution.
- It is company policy to conduct a minimum of three daily litter patrols, whereby employees pick up not only McDonald's packaging, but also any other litter that may have been discarded in a 100m vicinity of a restaurant.

The submitted Transport Assessment produced by ADL Traffic and Highways Engineering Ltd and supplementary note raise the following key points –

- Tesco have identified the site as having surplus parking for their operational needs (currently 358 customer spaces in the car park including 21 accessibility spaces and 14 parent and child spaces).
- A summary of personal injury traffic data from KCC for a 60 month period demonstrates of 14 personal injury accidents, 3 accidents have

occurred in the vicinity of the site entrance caused by driver error and no pedestrians were involved.

- Access would be via the internal Tesco access road with the McDonald's car parking and drive-thru lane accessed off a one-way circulatory lane, clockwise round the building.
- Delivery vehicle access would be via the Tesco access road and would unload in the McDonald's car park in the space immediately adjacent to the restaurant with the rear of the vehicle adjacent to the corral.
- Development would provide 33 spaces comprising 2 accessible parking spaces.
- 8 cycle spaces are proposed.
- Difference in parking provision as a result of the development would be a loss of 58 spaces. There would be a total of 300 spaces to serve the proposed McDonald's and existing Tesco store.
- Parking Demand Assessment which assumes peak period for McDonald's and Tesco are the same concludes during the Friday peak period proposed demand would be 245 spaces (82%) with 55 spaces available. During Saturday peak periods the proposed demand would be 278 spaces (93%) with 2 spaces available.
- Based on Customer Interview Average Survey Results (set out in full within the report) this demonstrates that on a Friday 24% of trips to McDonald's could be expected to be additional trips to the restaurant and 76% would be existing on the road network. On a Saturday 24% of trips would be additional trips and 76% would be existing on the road network.
- Average drive-thru queues would be an average of 7 cars on a Friday and 6 on a Saturday. The proposed drive thru lane has capacity to accommodate 12 vehicles and a further 6-7 vehicles can be confined within the McDonald's demise without overspill to the Tesco Link Road.
- Practical reserve capacity (PRC) with McDonald's would result in the junction (Junction 12 including the Cheriton High Street junction) continuing to perform with minimal queuing and delay with approach lanes operating within the theoretical capacity of 85% degree of saturation in the 2026 future year. Queues would continue to be between 2 and 5 vehicles.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

20/0983/FH	Advertisement consent for signage including 5 x freestanding signs, 1 x banner unit, 1 x play land sign and 21 x dot signs	Approved with conditions
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20/0969/FH	Advertisement consent for the relocation of existing Tesco totem	Approved with conditions
20/0965/FH	Advertisement consent for the installation of 2 x freestanding totem signs	Approved with conditions
20/0964/FH	Advertisement consent for the installation of 6 x fascia signs, 1 x 15" digital booth screen and 3 x booth lettering.	Pending consideration

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council: Object on the following grounds:

- 1) Overdevelopment
- 2) Possible lack of parking
- 3) The existence of a McDonalds less than two miles away at Park Farm

Arboricultural Manager: No objections or comments to make regarding the proposed landscaping plan.

Kent Highways: The applicant has provided additional supporting information in relation to the impact that the proposed development traffic would have on the nearby revised layout for the Cheriton Interchange junction. This has now demonstrated that the proposals would not impact negatively on the surrounding highway network. With the future 2026 + committed development + proposal traffic scenario still maintaining 36.5% practical reserve capacity.

As such, I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:-

- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

Environmental Health: No objection to the granting of the application subject to the following condition:

- No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 50dBA between 0700 and 2300 hours and 35 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014 as stated within the Noise Assessment report dated 16th December 2019 – Project 199336.

Southern Water: Southern Water can provide foul sewage disposal to service the proposed development and a formal application for a connection to the public sewer should be made to Southern Water.

KCC Archaeology: The site lies between two areas of prehistoric burials; Iron Age and Roman cremation burials c.80m to the west and possible Late Neolithic burials c. 80m to the south-east of the site. As the site has archaeological interest the application should have been submitted with an archaeological desk-based assessment and the results of field evaluation as required by paragraph 189 of the NPPF.

If it is minded that the application is determined at this stage then I recommend the following condition is attached to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*

- ii. *Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

Local Residents Comments

5.2 1 neighbour directly consulted and three site notices were put up on and around the site to provide wider publicity for the proposed development. 49 comments have been received.

5.3 The comments received has been read and the key issues are summarised below:

41 objections:

- Concerns about increased traffic onto surrounding highway network, particularly during peak times
- Concerns about litter and impact on local wildlife and environment
- Concerns about noise and pollution / light pollution
- Concerns with highway safety and parking on surrounding roads
- Concerns with adding an unhealthy food option to area why the building cannot be located further to the north of the site
- An existing McDonalds is located in close proximity at Park Farm
- Spaces inside Tesco car park already occupied at busy times – how will the capacity be replaced?
- Queried whether there are better locations that would serve the community well.
- Primary Schools in close proximity
- Concerns with health and wellbeing
- Lack of consideration given to neighbouring residents
- Contradictory to Folkestone's creative status
- Already 2 McDonalds in the area
- Should support independent business instead
- Residential area not retail area

8 representations in support:

- Proposal would be good for the area

- Traffic would not be a problem as there is already a Tesco which people use
- There is no McDonalds within a reasonable walking distance. Google Maps states McDonalds Park Farm is a 84 (1hr 24 minute) walking round trip from the Tesco Car Park.
- Freedom and choice of food provision should be an accepted notion.
- Opportunity to integrate a queuing system to help with traffic flow
- Major local employers have had job cuts this year – this proposal would create 65+ jobs
- This proposal could reduce traffic at Park Farm
- Appearance would be an improvement on the current site
- Existing portion of the car park is always empty
- Current roadworks in this location are meant to alleviate any traffic issues

5.4 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan and the Shepway Core Strategy Local Plan (2013)

6.2 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.3 The relevant development plan policies are as follows:-

Places and Policies Local Plan

HB1 (Quality Places through Design), RL1 (Retail Hierarchy), RL10 (Shop Fronts, Blinds and Security Shutters), T2 (Non-residential and Commercial Parking), CC2 (Sustainable Design and Construction), NE5 (Light Pollution and External Lighting), HW1 (Promoting Healthier Food Environments), HE2 (Archaeology).

Also of particular note is policy RL8 (Development Outside Town, District and Local Centres):

Planning permission for town centre uses outside the Major Town Centre, Town Centre, District Centres and Local Centres will be permitted provided that:

1. The sequential approach set out in the National Planning Policy Framework and Planning Practice Guidance has been followed;

2. A full assessment is provided of the impact that the proposal would have on the retail health of all centres that are likely to be affected, relating to the scale and the type of development proposed in accordance with the requirements of the National Planning Policy Framework and Planning Practice Guidance. In addition, the assessment should demonstrate:
 - The extent to which the market profile of the development proposed will compete with existing facilities in town centres;
 - The potential for relocation of businesses currently trading in town centre to out-of-centre locations;
 - The impact on linked trip spending between different town centre uses or businesses;
 - The cumulative effect of more than one development coming forward at the same time; and
 - The impact through trade diversion on the role and function of a centre or centres;
3. It can be demonstrated that the site is in an accessible location and well connected to the centre enabling easy access on foot, by bicycle and public transport;
4. The proposed development does not have a significant detrimental impact on the highway network in terms of congestion, road safety and pollution;
5. Acceptable vehicular access and, if required, service space, can be provided without harm to the living conditions of local residents; and
6. The design, including parking and landscaping, complies with Policy HB1 and reflects the character of the local street scene and wider built context.

Impact Thresholds

For the purposes of this policy, the following impact thresholds will be applied:

- Outside the Major Town Centre, Town Centre and District Centres - 500sqm gross; and
- Outside Local Centres - 200sqm gross.

The threshold will be based on the nearest centre to the proposal.

To avoid cumulative developments that exceed these thresholds, an impact assessment will be required if the threshold is breached in one year by more than one planning application.

Shepway Local Plan Core Strategy (2013)

DSD - Delivering Sustainable Development

SS1 - District Spatial Strategy

SS2 – Housing and the Economic Growth Strategy

SS3 - Place Shaping and Sustainable Settlements Strategy

SS4 – Priority Centres of Activity Strategy

Core Strategy Review Submission draft (2020)

SS1 – District Spatial Strategy

SS2 – Housing and the Economic Growth Strategy

SS3 - Place Shaping and Sustainable Settlements Strategy

SS4 – Priority Centres of Activity Strategy

6.4 The following are also material considerations to the determination of this application.

National Planning Policy Framework (NPPF) 2019

6.5 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraphs 8, 11, 12, 85, 86, 87, 90, 91, 102, 109, 127, 150

Paragraph 86 says Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 90 states where an application fails to satisfy the sequential test it should be refused.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 150 states that new development should be planned for in ways that can help reduce greenhouse gas emissions, such as through its location, orientation and design.

National Planning Policy Guidance (NPPG)

National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development
- b) Sustainable development
- c) Design/layout/visual amenity
- d) Residential amenity and wellbeing
- e) Lighting
- f) Highway safety
- g) Archaeology

a) Principle of development

7.2 The overarching aim of national and local planning policy is to secure sustainable patterns of development through the efficient re-use of previously developed land. The existing site accommodates the Tesco supermarket and petrol filling station and the proposal would be located within the existing car park. This proposal is therefore considered to facilitate this objective.

7.3 A sequential test has been submitted in line with the NPPF and Planning Practice Guidance as the proposal seeks to introduce a Town Centre use outside of the Cheriton District Centre. Paragraphs 85-87 of the NPPF requires sequential tests to consider sites that are suitable, available and viable.

7.4 The Cheriton District Centre has a linear form along Cheriton High Street and Cheriton Road. These are mostly terraced properties with ground floor business premises with residential accommodation above. Many of the shops are accessed directly from the public footpath and few of these premises benefit from car parking provision. Several exceptions to this pattern were identified in the sequential test, including Shell Petrol Filling Station and Kwik Fit however these sites are not currently available. The wider Cheriton area is bounded by the railway to the south and the wider locality consists mainly of residential development.

7.5 The sequential test states the proposal requires approximately 0.3ha of available space to viably support a restaurant, drive-thru lane and associated parking. From the information provided within the submitted sequential test I am satisfied that there are no other sites that are suitable, available and viable for use as a restaurant and drive-thru within the Cheriton District Centre or on the

edge of the centre. Therefore the provision of a restaurant and drive-thru facility outside of the District Centre meets the sequential test in this instance.

- 7.6 The application site forms part of the site of an existing commercial use within the urban boundary and as such the redevelopment of this brownfield site for A3/A5 use is acceptable in principle. The site already benefits from good public transportation links, with frequent bus services running from the site into the Cheriton District Centre and further afield. There are also existing public footpaths surrounding the site and the Cheriton District Centre is an approximate 10 minute walk away. On this basis the site is considered to be located in an accessible location and is well connected to the Cheriton District Centre. Therefore I am content that the proposal satisfies points 1, 2 & 3 of PPLP policy RL8.

b) Sustainable Development

- 7.7 The NPPF, Shepway Core Strategy and the PPLP policies all support the principle of sustainable development, which the NPPF defines as having environmental, economic and social aspects/roles.
- 7.8 Whilst it is expected that the majority of the customers to the site will travel by car, particularly as a result of the 'drive-thru' element, the Transport Statement sets out that a large proportion of customer traffic would be combined purpose car trips. It is therefore not anticipated that the proposed development would result in a significant increase of car journeys within the area.
- 7.9 Within the submitted Supporting Statement are details in respect of environment and sustainability which seek to incorporate measures such as renewable energy', managing waste and the use of recycled material in construction, include a sustainable urban drainage system, measure to reduce carbon dioxide emissions, a waste management strategy, a recycling strategy' and measures for reducing litter. I accept that the measures detailed address the requirements of the NPPF in terms of this element of sustainable development and are acceptable.

c) Design/layout/visual amenity

- 7.10 Development Plan policy places considerable emphasis on the importance of achieving good design to ensure all new developments are appropriate to the shape, size and location of the site.
- 7.11 Policy HB1 requires a high standard of layout, design and choice of materials, which will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture. Development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form,

mass, height, and elevational details. Proposals should also incorporate high quality hard and soft landscaping and boundary treatments.

- 7.12 The application site consumes the eastern portion of the existing Tesco car park and the building itself would be located to the south, with the front entrance located to the north facing elevation. The building has been positioned here to allow for vehicles to enter the drive-thru in a clockwise rotation around the building before exiting at a give way junction which would filter vehicles back into the existing Tesco car park.
- 7.13 The existing Tesco building and petrol filling station are stand-alone buildings along this portion of Cheriton High Street. To the north is the Cheriton Interchange Junction and the M20 and Samian Crescent to the south is partially screened from the site with existing vegetation. There is considered to be sufficient space on the existing site to accommodate the proposed development without appearing to clutter the site nor result in an overdevelopment of the site. The footprint, mass and scale of the proposed building is considered appropriate given its location within an existing commercial car park, particularly given the large footprint of the existing Tesco building in comparison to the proposed building. Therefore although the Town Council's concerns with overdevelopment are noted I am satisfied there is sufficient space on site to ensure the development does not result in the overdevelopment of the site.
- 7.14 Amendments were sought to the south elevation of the building which faces onto Cheriton High Street to include first floor windows. The new plans incorporate these and are considered create more visual interest to this elevation. The proposed development would introduce more contemporary materials to this location however these would be in muted tones of light and dark grey cladding panels with some wood cladding. The proposed materials palette is considered to assist in ensuring the proposed development would not have an overly dominant visual impact upon the site nor the wider streetscene. In light of the above I am satisfied that the design of the proposal meets the aims of the NPPF and PPLP policies HB1 and RL8.
- 7.15 Turning to landscaping, the proposal would result in the loss of 5 trees and an area of existing planting to the east of the site. The motorway embankment planting is proposed to remain along with 9 trees to the east and south of the embankment and site entrance. It is acknowledged that the proposed development would intensify the use of the site and therefore to ameliorate some of this impact, ongoing discussions have been had with the Agent to secure enhanced landscaping on the site.
- 7.16 The updated landscaping plans show additional landscaping on the site, including the introduction of 14 trees new trees, specimen shrub planting, formal hedge planting, ornamental shrub planting and three planters. Officers are satisfied that the revised landscaping for the site is of a high quality, which would enhance the appearance of the site when viewed from inside and outside of the site and would improve the visual amenity of the area. In addition to this, I consider that the enhancements to the proposed landscaping scheme would

assist in ameliorating some of the visual impact of the development and associated signage on this site. It is therefore considered that the proposal accords with the overall aims and objectives of the NPPF. Details such as materials and long term maintenance of the landscaping and tree pit specification could be secured by condition.

- 7.17 The existing recycling centre to the east is proposed to be relocated to the south of the site and the existing Tesco 'Click and Collect' area is proposed to be relocated in front of the north facing elevation of the Tesco building. Elevations and material details have not been submitted with this application however these can be secured by planning condition to ensure these elements have an acceptable visual impact.

d) Residential amenity and wellbeing

- 7.18 The closest residential properties at Samian Crescent are some 50 metres to the south of the proposed development. The application seeks permission for a 24 hour use and the application is accompanied with a Noise Assessment Report. The report recommends details of fixed plant and machinery serving the development and any mitigation measures necessary to be secured by planning condition to ensure noise emitted from fixed plant equipment does not adversely impact upon the amenity of residents. This is proposed to be secured by planning condition.
- 7.19 Noise specifically related to the use of the drive-thru could result from the arrival of a vehicle, the ordering of food, followed by payment and collection and the movement along the access road to depart the site. These activities do not involve customers leaving their vehicles which could incur noise from doors slamming, and therefore noise would predominantly result from the acceleration of the vehicle away from the order/collection windows. I am satisfied that the layout of the site would be such that vehicles cannot travel at speed around the drive-thru and therefore no significant noise disturbance would result. In addition, the noise assessment demonstrates that noise levels predicted to arise from 'drive-thru' activity fall within the WHO guideline values for daytime and night time noise and therefore I consider 24 hour operation of the drive-thru facility would not result in significant noise disturbance to neighbouring residents.
- 7.20 The Noise Assessment demonstrates that predicted customer car parking activity noise levels would comply with the WHO daytime and night guideline values and therefore I am satisfied that 24 hour trading in this instance would not result in significant noise or disturbance to surrounding residential properties.
- 7.21 In terms of outlook from residential properties adjacent at Samian Crescent, due to the distances involved the development would not appear dominant within the outlook from these properties. First floor glazing to the south elevation would serve the kitchen and Crew Room. This would face towards Samian

Crescent where there is some existing screening between the site and the residential properties. Therefore I am satisfied the proposal would not result in a significant loss of privacy to existing dwellings in the area.

- 7.22 In terms of the management of cooking smells the application is accompanied with an Odour Control Assessment and Specification and I am satisfied that this demonstrates that residential amenities will not suffer from cooking smells from the proposed development.
- 7.23 Neighbour comments have raised concerns with the potential for increased litter. Whilst it cannot be secured via planning condition, the Supporting Statement sets out that it is company policy to conduct a minimum of three daily litter patrols. The proposed site plan also shows proposed litter bins located around the site. These measures are considered sufficient to alleviate concerns surrounding the potential for littering. Overall I conclude that the proposal would not result in a significant adverse impact upon the amenity of neighbouring occupants.
- 7.24 Consultation responses raising concerns to health and wellbeing and the proximity of Schools is noted. PPLP policy HW1 relates to promoting healthier food environments however this does not specify the proximity of such developments to local schools. The existing site hosts a supermarket, and although comments relating to unhealthy food options being introduced are noted, within the existing locality there are a variety of food options available. Section 3.12 of the the accompanying Supporting Statement demonstrates the company's commitment to educating customers with regard to nutrition and therefore I accept that the proposal meets the aims of policy HW1.

e) Employment

- 7.25 Although the site lies outside of the Cheriton District Centre, as set out above the principle of development on this site is considered acceptable based upon the evidence submitted within the Sequential Test. Policy SS2 of the Shepway Core Strategy prioritises urban regeneration and [in part] 'the provision of new jobs will be facilitated through...the protection of sufficient employment land across the district'. The existing site benefits from a commercial / retail use being the existing Tesco car park and the proposed development would create 35 full time jobs and 30 part-time jobs. This is considered to fulfil the requirements of policy SS2 and would be a welcomed additional employment to this part of the district.

f) Lighting

- 7.26 A lighting scheme and Lighting Application Specialist team (LIAS) design note have been submitted in support of the application.

PPLP policy NE5 requires external lighting levels to:

- not materially alter light levels outside the development site;
- not adversely affect the use or enjoyment of nearby buildings or open spaces; and
- accord with the best practice guidance provided by the Institution of Lighting Professionals (ILP) (2011) in suburban areas.

Providing the lighting scheme follows the guidance notes for the reduction of obtrusive light by the Institution of Lighting Professionals (ILP) (2011) I consider that the proposal would not adversely impact upon the amenity of nearby residential properties nor the wider streetscene. This can be secured by condition and would therefore meet the requirements of PPLP policy NE5.

g) Highway safety

- 7.27 The application is submitted with a Transport Assessment and Supplementary Note and have accounted for the highways works currently being carried out on the existing Cheriton Interchange Junction. Kent Highways and Transportation raises no objection to the proposal on highway safety grounds subject to the conditions attached in the recommendation at the end of the report.
- 7.28 I accept that the Traffic Accident Summary provided within the Transport Statement demonstrates there are no particular patterns or trends in relation to the existing Tesco site entrance junction and therefore no mitigation would be required in this instance to improve the safety of this junction as a result of the proposed development.
- 7.29 Comments relating to traffic issues at the existing McDonald's facility in Park Farm are noted. However each application must be assessed on its own merits. I acknowledge the information submitted within this application demonstrates that the proposal would have an acceptable impact upon the surrounding highway network in this location. Decisions must be based upon evidence and not assumption and the submitted transport reports demonstrate that the development in this location would not adversely impact the highway network.
- 7.30 Consultation comments raising concerns with parking demand on the site are noted. The existing Tesco car park has a total of 358 customer spaces. The proposed development would be situated on 91 existing car parking spaces and would provide 35 car parking spaces resulting in a net loss of 56 car parking spaces on site. The overall customer parking provision would be 302 spaces as a result of the development. The applicant has demonstrated that when parking is modelled on peak times (set out within the accompanying Transport Assessment), there would be a surplus of parking spaces. Due to the drive-thru element of the proposal it is also not anticipated that every vehicle visiting the site would require a parking space. I am therefore satisfied that the proposal would not result in an increased demand for parking off-site on the surrounding

roads nor result in an unacceptable loss of parking spaces to serve the existing Tesco supermarket and the proposed development simultaneously.

- 7.31 KCC Highways have requested the provision of visibility splays and vehicle parking spaces which can be secured by condition.
- 7.32 Turning to cycle parking PPLP policy T5 does not specify the number of cycle spaces for non-residential development and states that the provision should be provided in agreement with the Council. However SPG4 stipulates that the minimum cycle parking standards for A3 development is 2 spaces and the minimum requirement for A5 development is also 2 spaces. The proposal seeks to provide 8 cycle parking spaces in the form of 4 Sheffield stands for staff and customer use. KCC Highways have raised no objection to the level of cycle parking and on balance I am satisfied that the level of cycle parking is appropriate in this instance.

h) Drainage

- 7.33 The application form states that the building would be connected to the mains sewer and a full drainage scheme could be secured by planning condition. Sustainable Drainage is also proposed and is set out within the submitted Drainage Statement report (NB8869) produced by Glanville. The report concludes that the most suitable option for the site is for rainfall to be collected from roofs and pavements by a combination of gutters, drainage channels and gullies. Once collected, rainfall will be directed through drains to a cellular storage tank, to a flow restrictor and then a sand filter trench and treatment chamber. I am satisfied that this approach to sustainable drainage would be acceptable and can be secured by planning condition.

i) Contamination

- 7.34 Regarding contamination at the site, the Environmental Health Team have confirmed that the development appears to be low risk with regard to land contamination matters. However a condition can be attached requiring works to cease and a full investigation to be undertaken if any contamination is found on site.

j) Archaeology

- 7.35 The County Archaeologist advises for a condition to be attached to any grant of planning permission to secure the implementation of archaeological field evaluation works and any necessary safeguarding measures prior to the commencement of development on site. Therefore subject to the inclusion of such condition, no objection is raised to the proposal under PPLP policy HE2.

k) Other Matters

- 7.36 Comments relating to the number of McDonalds restaurants already in the district and the need to support local and independent businesses are noted. However planning applications must be assessed on the basis of their own merits and therefore it would be unreasonable to refuse an application on the basis that it would result in additional economic competition for other businesses. There are therefore no objections on these grounds.

Environmental Impact Assessment

- 7.37 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

- 7.38 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.39 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL charge in this location is £111.15 for retail development over 280sqm. This development proposes a Gross Internal Area of 493sqm meaning the development is CIL liable.

Human Rights

- 7.40 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

7.41 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

7.42 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

8. CONCLUSION

8.1 The proposed development is considered to be in line with the aims of the Places and Policies Local Plan policy RL8 and the submitted Sequential Test demonstrates that the application site is the most suitable and available site for the proposed development, despite falling outside of the Cheriton District Centre. The scale and footprint of the proposal is not considered would result in an overdevelopment of the existing car park site and the design of the proposal is considered would not adversely impact upon the existing character or appearance of the wider area, further ameliorated with the proposed landscaping enhancements on the site.

8.2 No significant concerns are had with the impact of the proposal on the amenity of neighbouring residents and the proposal would result in the creation of new jobs within the area. The submitted information demonstrates that the proposal would not impact negatively on the surrounding highway network and sufficient parking would be provided for the development and retained for the existing Tesco supermarket.

8.3 Therefore, together subject to the conditions set out at the end of the report, it is considered that the scheme is acceptable and is recommended for approval.

9. BACKGROUND DOCUMENTS

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

Conditions

1. The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details and materials shown on the submitted plans, Standard Patio Area Supporting Specifications, 7584-SA-8869-P006 B (Ground Floor, First Floor & Roof Plans), E11-003-V01-S (Outdoor Climb 2017 Revision - Play of the Future), Goal Post Height Restrictor and COD/Canopy Digital Drive Thru Lane, 7584-SA-8869-P014 E (Tesco Site Plan), DWG 00 (LiAS Design Notes & Luminaire Schedule), DWG 01 (Proposed Lighting Layout) and 7584-SA-8869-AL03 B (Site Layout Plan As Existing) received 13.07.2020, 7584-SA-8869-P005 D (Proposed Elevations & Section) received 10.11.2020, 7584-SA-8869-P006 D (Ground Floor, First Floor & Roof Plans), 16987-VL-McD_L02 Rev A (Raised Planters – Planting For Pollinators) and 16987-VL-McD_L01 Rev D (Landscape Plan) received 19.11.2020, and 7584-SA-8869-P004 N (Site Layout Plan As Proposed) and 7584-SA-8869-P002 N (Block Plan) received 23.11.2020.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

3. Tree pits for the proposed trees and any future replacement trees on the site shall accord with the details set out within BS8545:2014 – Trees: from nursery to independence in the landscape – Annex F.

Reason:

To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

4. A landscape management plan, including details of the type of maintenance proposed for all planting including the planters, replacement planting and trees and proposals for long term tree management shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development and the landscaping shall be maintained in accordance with the approved plan for the lifetime of the development unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

5. Prior to the first use of the building hereby permitted the parking spaces shown on the approved plans shall be made available and thereafter retained and maintained.

Reason:

It is necessary to make provision for adequate off street parking to prevent obstruction of the highway and to safeguard the amenities of adjoining areas.

6. Prior to the first use of the building hereby permitted the cycle parking shown on the approved plans shall be made available and thereafter retained and maintained.

Reason:

To ensure the provision and retention of adequate off street parking facilities for bicycles in the interests of highway safety and to encourage the use of sustainable modes of transport.

7. The visibility splays as shown on the approved plans, with no obstructions over 1.05 metres above carriageway level within the splays, shall be provided prior to the first use of the development, and shall thereafter be maintained and retained.

Reason:

In the interests of highway safety.

8. Details of the facilities for storage and collection of refuse and recyclables shall be submitted to and approved by the Local Planning Authority and the approved facilities provided before the development is first occupied. Thereafter the approved facilities shall be kept available for use by the development.

Reason:

To ensure adequate means of refuse collection in the interests of the amenities of neighbouring residents.

9. Details of the relocated Click and Collect Facility serving the Tesco Supermarket shall be submitted to and approved in writing by the Local Planning Authority prior to being constructed. The development shall be carried out in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority and be permanently retained thereafter.

Reason:

In the interests of visual amenity.

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

11. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 50dBA between 0700 and 2300 hours and 35 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014 as stated within the Noise Assessment report dated 16th December 2019 – Project 199336.

Reason:

To protect the amenity of neighbouring occupants.

12. The lighting scheme hereby approved shall be carried out in accordance with the guidelines provided by the Institution of Lighting Professionals 2011 and shall be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of reducing light pollution and protecting neighbouring amenity.

13. If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons:

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

14. The development hereby permitted shall be carried out in complete accordance with the information and details provided in the Drainage Statement report (NB8869) produced by Glanville and Drainage Maintenance Plan (NB8170) produced by Glanville received 13.07.2020

Reason:

To ensure that the principles of sustainable drainage are incorporated into the development and to ensure ongoing efficiency of the drainage provisions.

Appendix 1 – Site Location Plan