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PLANNING COMMITTEE

15 JUNE 2016

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 15 June 2016** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Evans (Chairman); Councillors: Jaye-Jones (Vice-Chairman), Bambridge, Buckley, Dawson, J Fairbrass, Fenner, K Gregory, Hayton, Howes, Partington, Taylor and Tomlinson.

AGENDA

Item No

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

'To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest Form attached at the back of this Agenda. If a Member declares an interest, they should complete that form and hand it to the Officer clerking the meeting and then take the prescribed course of action.'

3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 20)

To approve the Minutes of the Planning Committee meeting held on 18 May 2016, copy attached.

4. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 21 - 22)

To consider the report of the Director of Community Services, copy attached for Members of the Committee.

Note: Copies of correspondence relating to applications received will be available for members' perusal in the Members' Room from 5.00pm on the Friday before the meeting until the date of the meeting.

For Approval

4a **A01 - F/TH/16/0344 - PLOT 8, YOUNGS NUSERY, ARUNDEL ROAD, RAMSGATE** (Pages 23 - 30)

Item
No

Subject

4b **A02 - F/TH/16/0370 - 162 KING STREET, RAMSGATE** (Pages 31 - 38)

Declaration of Interests Form



Please scan this barcode for an electronic copy of this agenda.

Planning Committee

Minutes of the meeting held on 18 May 2016 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Peter Evans (Chairman); Councillors Buckley, Connor, Dawson, Jaye-Jones, J Fairbrass, Fenner, Howes, Partington, Tomlinson and K Gregory

In

Attendance: Councillors M. Saunders, D. Saunders, K. Coleman-Cooke, Rogers, Piper, Brimm, and Shonk

41. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Bambridge and Councillor Taylor for whom Councillor Taylor-Smith and Councillor Buckley were present. Councillor Connor acted as substitute for Councillor Leys who had resigned as councillor.

42. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

43. **MINUTES OF PREVIOUS MEETING**

It was proposed by Councillor Jaye-Jones, seconded by Councillor Tomlinson and agreed that the minutes of the Planning Committee held on 20 April 2016 be approved and signed by the Chairman.

44. **SITE VISITS**

45. **F/TH/15/1261 - 8 BEACH AVENUE, BIRCHINGTON**

PROPOSAL: Erection of part 3, part 4 storey building containing 12No. 2-bed flats, together with access and parking following demolition of existing bungalow

It was proposed by the Chairman and seconded by the Vice-Chairman:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be deferred and delegated to the Director of Community Services to approve subject to the receipt of the legal agreement securing the developer contributions towards libraries and Habitats Regulations mitigation measures and the following safeguarding 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 drawings 086-LOC-001 proposed site plan received 4 December 2015; and drawings 086-PLN-200G, 086-PLN-201G, 086-PLN-202G, 086-PLN-230G and 086-PLN-250G received 24 March 2016.

GROUND:

To secure the proper development of the area.

- 3 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

- 4 Prior to the first occupation of the development hereby permitted, details of visibility splays at the access to Rosetti Road shall be submitted to and approved in writing by the Local Planning Authority, and thereafter provided and maintained in accordance with the approved details.

GROUND:

In the interests of highway safety

- 5 Prior to the first occupation of the development, the areas shown on the drawing 086-PLN-200G for the parking and manoeuvring of vehicles shall be operational and shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety

- 6 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 086-PLN-200G shall be provided and thereafter maintained.

GROUND:

In the interests of promoting increased cycling in accordance with Policy TR12 of the Thanet Local Plan

- 7 The refuse storage facilities as specified upon the approved drawing 086-PLN-200G shall be provided prior to the first occupation of the flats hereby approved and shall be kept available for that use at all times.

GROUND:

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

- 8 No external meter cupboards, vents, flues or extract grilles or overhead supply cables shall be installed on any principle elevation unless in accordance with details of materials and design submitted to and approved in writing by the Local Planning Authority.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

- 9 The first floor window in the north-facing elevation to flat 5 serving the master bedroom; the first floor window in the south facing elevation to flat 7 serving the master bedroom; north facing full height windows to flat 7; and south facing full height windows to flat 12 hereby approved shall be provided and maintained with obscure glass.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.

- 10 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

GROUND:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 11 (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open infiltration features located within the curtilage of the site.

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

GROUND:

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

12 No development shall take place until details of the means of foul and surface water disposal have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To prevent pollution in accordance with the National Planning Policy Framework.

12 Prior to the commencement of development hereby approved, full details of both hard and soft landscape works, to include:

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

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

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

13 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

GROUND:

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan.

14 All dwellings hereby permitted shall be provided with Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity (internal min speed of 100mb to each building)

GROUND:

To serve the future occupants of the development in accordance with Policy D1 of the Thanet Local Plan and the guidance contained within the NPPF.

15 Prior to the first occupation of the development hereby permitted, the glazed frameless barrier screens adjacent to the roof terraces, as shown on the submitted plan numbered 086-PLN-201 Rev G, shall be provided and thereafter maintained.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.”

Following debate, the motion was put to the vote and declared CARRIED.

46. **OL/TH/15/0956 - LAND ADJACENT HOLY TRINITY SCHOOL, 99 DUMPTON PARK DRIVE, BROADSTAIRS**

PROPOSAL: Outline application for the erection of 28No. 3 to 5 bed dwellings with associated access from Cliffside Drive

It was proposed by the Chairman and seconded by the Vice-Chairman:

“THAT the officer’s recommendations be adopted, namely:

‘That the application be deferred and delegated to the Director of Community Services to approve subject to the receipt of the legal agreement securing the affordable housing and developer contributions towards education, libraries, play space and Habitats Regulations mitigation measures agreed by the applicant and the following safeguarding conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected, and the landscaping of the site (hereafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

GROUND:

As no such details have been submitted.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

GROUND:

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

GROUND:

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

GROUND:

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

5 Prior to the commencement of development details of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority.

GROUND:

In the interests of highway safety.

- 6 The details to be submitted pursuant to Condition 1 above shall show provision of areas for vehicle parking spaces and turning areas. Such approved details shall be thereafter implemented in full prior to the first occupation of any dwelling.

GROUND:

Development without adequate provision for the parking or turning of cars is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

- 7 Prior to the first occupation of the development, secure cycle parking facilities for each dwelling hereby permitted shall be provided and thereafter maintained.

GROUND:

In the interests of promoting increased cycling in accordance with policy TR12 of the Thanet Local Plan

- 8 Details to be submitted in pursuant of Condition 1 above shall include a construction management plan, to include the following details:
 - (a) Routing of construction and delivery vehicles to/from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries (no deliveries before 9.30 or between 2.45 pm - 3.45 pm)
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management/ signage

GROUND:

In the interests of highway safety

- 9 The layout plan to be submitted pursuant to condition 1 above shall identify the location of Electric Vehicle Charging Points, in the form of 1 EV charging point per residential property with dedicated parking, and 1 in 10 of all allocated parking, with full details of the Electric Vehicle Charging Points to be submitted to and approved in writing by the Local Planning Authority.

GROUND:

To mitigate against the cumulative impact of the proposal on air quality, in accordance with Policy EP5 of the Thanet Local Plan.

- 10 Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the strategy prepared by DHA dated August 2015 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through infiltration features located within the curtilage of the site.

GROUND:

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

- 11 The landscaping scheme so be submitted pursuant to Condition 1 above shall include the ecological enhancement measures as identified within the submitted Ecological Appraisal document.

GROUND:

In order to safeguard protected species that may be present within or adjacent to the site and in accordance with the advice contained within the NPPF.

- 12 The details to be submitted pursuant to Condition 1 above shall show at least 15% of the development provided as lifetime homes and wheelchair housing.

GROUND:

To meet a range of community needs, in accordance with Policy H8 of the Thanet Local Plan.

- 13 All dwellings hereby permitted shall be provided with Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity (internal min speed of 100mb to each building).

GROUND:

To serve the future occupants of the development in accordance with Policy D1 of the Thanet Local Plan and the guidance contained within the NPPF.

- 14 Details to be submitted pursuant to Condition 1 above shall show development not exceeding the building heights indicated within the Design and Access Statement dated August 2015.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

- 15 Details to be submitted pursuant to Condition 1 above shall include the location, size, phasing and tenure mix of the affordable housing units.

GROUND:

To ensure that the required level and type of affordable housing is provided in accordance with Policy H14 of the Thanet Local Plan.

- 16 No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

GROUND:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions, in accordance with the National Planning Policy Framework.

- 17 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

GROUND:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 18 If, during development, contamination not previously identified 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

GROUND:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework. The site lies on Head deposits that in turn overlies the chalk formation, the chalk is classified as a principal aquifer.”

Following debate, the motion was out to the vote and declared LOST.

Then, it was proposed by Councillor Fenner and seconded by Councillor Taylor-Smith:

“THAT the application be REFUSED for the following reasons:

‘The proposed development would result in the loss of private open space, which forms an important gap in the settlement pattern and is considered to have intrinsic benefits that significantly contribute to the character and appearance of the area. The loss of this space would result in significant harm to the visual amenities and character of the area, contrary to Thanet Local Plan Policies D1 and SR11.’”

Upon the motion being put to the vote, it was declared CARRIED.

47. **SCHEDULE OF PLANNING APPLICATIONS**

48. **A01 - F/TH/15/0809 - 9 WESTERN ESPLANADE, BROADSTAIRS**

PROPOSAL: Erection of a four storey building containing 2no. flats following demolition of existing.

Speaking in favour of the application was Mr Elvidge.

Speaking raising points of concern was Mrs Barker.

It was proposed by the Chairman and seconded by Councillor J. Fairbrass:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED 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 drawings H-1048 01F, H-1048 02F, H-1048 03F, H-1048 07J and H-1048 08J dated 21 August 2015; H-1048 12M, H-1048 13M, H-1048 14M, H-1048 15M, H-1048 16M, H-1048 17M, H-1048 18M, H-1048 20M, H-1048 21M, H-1048 22M, H-1048 23M, H-1048 24M, H-1048 25M, H-1048 25M, H-1048 27M, and H-1048 28M dated 7 December 2015.

GROUND:

To secure the proper development of the area.

3 Prior to the first occupation of the development, the areas shown on drawings H-1048 12M, H-1048 13M and H-1048 28M for the parking and manoeuvring of vehicles shall be operational and shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety

4 Prior to the first occupation of the development hereby permitted, the secure cycle parking facilities as shown on the plan numbered H-1048 13M shall be provided and thereafter maintained in accordance with the approved details.

GROUND:

In the interests of promoting increased cycling in accordance with Policy TR12 of the Thanet Local Plan.

5 Prior to the first occupation of the dwelling hereby permitted visibility splays of 2metres by 2metres behind the footway on both sides of the dwelling access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

GROUND:

In the interest of highway safety.

6 Prior to the first occupation of the development, details relating to the provision of measures to prevent the discharge of surface water onto the highway with shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

GROUND:

In the interests of highway safety

7 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

8 The windows to be provided in the north and south facing elevations of the building hereby approved provided and maintained with obscure glass and maintained with a cill height of not less than 1.7 metres above the finished internal floor level unless non-opening.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.

9 Prior to the first occupation of development hereby approved, full details of both hard and soft landscape works, to include:

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
 - o the treatment proposed for all hard surfaced areas beyond the limits of the highway
 - o walls, fences, other means of enclosure proposed
- shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

10 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

GROUND:

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

11 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

GROUND:

To ensure that features of archaeological interest are properly examined and recorded.”

Following debate, the motion was put to the vote and declared CARRIED.

49. **A02 - F/TH/16/0243 - 36 DONNAHAY ROAD, RAMSGATE**

PROPOSAL: Retrospective change of use from dwelling to HMO (C4) use class

Speaking in favour of the application was Mr Smith.

Speaking as ward councillor was Councillor Piper.

It was proposed by the Chairman and seconded by the Vice-Chairman:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED ‘”

Following debate, the motion was put to the vote and declared CARRIED.

50. **A03 - F/TH/15/0865 - LAND EAST OF 40 CANTERBURY ROAD WEST, RAMSGATE**

PROPOSAL: Erection of 4No. two storey dwellings

It was proposed by the Chairman, seconded by Councillor Buckley and
RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawing numbered 693:P01 Rev B, received 22 February 2016, and the drawings numbered 693:P02, 693:P03, 693:P04, and 693:P05, received 01 September 2015.

GROUND:

To secure the proper development of the area.

3 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

GROUND:

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, in accordance with the National Planning Policy Framework.

4 Prior to the first occupation of the development hereby permitted, the visibility splays shown on the approved drawing no. 693:P01 Rev B shall be provided and thereafter maintained to the accesses to Canterbury Road West, with no obstruction above a height of 1 metre above carriageway level within the splays.

GROUND:

In the interest of highway safety.

5 Prior to the first occupation of the development hereby permitted, the areas shown on the deposited plan for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The areas agreed shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety

6 Prior to the commencement of development hereby permitted, details of the parking facilities for site personnel and visitors, along with the wheel washing facilities, to be provided for the duration of construction, shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

In the interests of highway safety.

7 Prior to the commencement of development hereby approved, full details of both hard and soft landscape works, to include:

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway, which shall be permeable and a bound surface for the first 5 metres of the access from the edge of the highway
- o walls, fences, other means of enclosure proposed

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

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

8 The soft landscaping to be provided in pursuant of condition 7 above shall include the planting of a hedgerow along the west, south and eastern boundaries of the site, and the northern boundary where it does not interfere with the required visibility splays.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

9 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

GROUND:

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan.

10 The dwellings hereby permitted shall be constructed as to provide a minimum sound attenuation of not less than 20 dB average over the frequency range 100 to 3150 Hz against the external noise from aircraft to which they are likely to be exposed, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

To protect the residential amenities of the future occupiers of the development, in accordance with Thanet Local Plan Policies EP7 and EP8.

11 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.”

51. A04 - F/TH/16/0100 - 27 - 31 WESTBROOK ROAD, MARGATE

PROPOSAL: Change of use of residential institution to 8No. 2-bed flats and 1No. 1-bed flat to include alterations to the existing single storey rear extensions, the enlargement of the existing first floor extension to the rear of 27 Westbrook Road and insertion of an additional dormer windows to number 27 Westbrook Road

Speaking raising points of concern was Mrs Goodbody.

It was proposed by the Chairman and seconded by the Vice-Chairman:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED 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 drawings 2223/01, 2223/02, 2223/03, 2223/04, 2223/05, 2223/06, 2223/07, 2223/08, 2223/09, 2223/10, 2223/11, 2223/12, 2223/13, 2223/14, 2223/15, and 2223/16 received 21 January 2016.

GROUND:

To secure the proper development of the area.

3 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

4 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 2223/10 shall be provided and thereafter maintained.

GROUND:

In the interests of promoting increased cycling in accordance with Policy TR12 of the Thanet Local Plan

5 The refuse storage facilities and clothes drying facilities as specified upon the approved drawing 2223/10 and dated 21 January 2016 shall be provided prior to the first occupation of the flats hereby approved and shall be kept available for that use at all times.

GROUND:

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with policy D1 of the Thanet Local Plan.

6 No external meter cupboards, vents, flues or extract grilles or overhead supply cables shall be installed on any principle elevation unless in accordance with details of materials and design submitted to and approved in writing by the Local Planning Authority.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

7 The first floor window in the south-facing and north-facing elevation to flat 5, and the first floor window in the north facing elevation to flat 7, shall be provided and maintained with obscure glass.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.”

Following debate, the following amendment was proposed by the Chairman and seconded by Councillor Taylor-Smith:

“That a condition be added that a construction management plan be submitted to and agreed by the Local Planning Authority prior to the commencement of building.”

Upon the motion was put to the vote, it was declared CARRIED.

52. A05 - F/TH/16/0171 - LAND REAR OF 1A MINSTER ROAD, RAMSGATE

PROPOSAL: Erection of a detached dwelling

Speaking in favour of the application was Mr Moore.

Speaking raising points of concern was Mr Elvidge.

Speaking as ward councillor was Councillor Rogers.

It was proposed by the Chairman and seconded by Councillor K. Gregory:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED 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 drawings 571C/P/002 dated 7 February 2016; and revised drawings 571C/P/ 005A, 571C/P/006B, 571C/P/007A and 571C/P/008A dated 8 March 2016.

GROUND:

To secure the proper development of the area.

3 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

4 The first floor rear facing windows serving bedrooms 2 and 3 and the bathroom as shown on the plan numbered 571C/P/008A and dated 8 March 2016, shall be non-opening obscure glazed up to 1.7 metres above internally finished floor level in accordance with the plan numbered 571C/P/006B and dated 8 March 2016. Details of the obscure glazing shall be submitted to, and approved in writing, by the Local Planning Authority and thereafter installed prior to the first occupation of the dwelling hereby permitted and maintained in perpetuity.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

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

GROUND:

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework

6 Prior to the first occupation or use of the development, the area shown on the plan numbered 571C/P/005A and dated 8 March 2016 for the parking and manoeuvring of vehicles shall be operational prior to first occupation of the dwelling hereby permitted. The area agreed shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety

7 The development hereby approved shall incorporate a bound surface materials for the first 5 metres of the access from the edge of the highway.

GROUND:

In the interests of highway safety.

8 Prior to the first occupation of the dwelling hereby permitted, full details of the front boundary treatment, to include height, location and materials shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and maintained to the satisfaction of the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with policies D1 and D2 of the Thanet Local Plan.”

Following debate, the motion was put to the vote and declared CARRIED.

53. **A06 - F/TH/16/0236 - LAND ADJACENT 28 PRINCESS ANNE ROAD, BROADSTAIRS**

PROPOSAL: Erection of a detached two storey building containing 2no. 2-bed flats together with parking

Speaking raising points of concern was Mr Gallagher.

Speaking as ward councillor was Councillor Matterface.

It was proposed by the Chairman and seconded by Councillor Taylor-Smith:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED 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 drawings 15.042 01.D, 15.042 02B and 15.042 04B dated 17 February 2016; and revised drawing 15.042 03D dated 27 April 2016.

GROUND:

To secure the proper development of the area.

3 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

4 The first floor flank window in the east-facing elevation of the development hereby approved serving the landing shall be provided and maintained with obscure glass.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

5 Prior to the first occupation or use of the development, the areas shown on the plan numbered 15.042 03D dated 27 April 2016 for the parking and manoeuvring of vehicles shall be operational prior to first occupation of the development hereby permitted. The area agreed shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety

6 Prior to the first occupation of the dwelling hereby permitted, full details of the front boundary treatment, to include height, location and materials shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and maintained to the satisfaction of the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with policies D1 and D2 of the Thanet Local Plan.

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

GROUND:

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.”

Following debate, the motion was put to the vote and declared CARRIED.

54. R07 - OL/TH/15/1334 - LAND REAR OF 9 11 15 AND 17 CHARLESWORTH DRIVE, BIRCHINGTON

PROPOSAL: Outline application for the erection of two storey building containing 4No. 1-bed flats with all matters reserved

Speaking as ward councillor was Councillor Brimm.

It was proposed by the Chairman and seconded by Councillor K. Gregory:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be REFUSED for the follow reasons:

1 The proposed development by virtue of the restricted size and shape of the site, the location and siting of the development and its relationship with adjacent properties, and loss of open space, would represent a cramped and congested form of development, out of keeping with the established pattern of surrounding development resulting in an incongruous form of development severely harmful to the character and appearance of the area and the visual amenities of the locality. The proposal is therefore contrary to Policies D1, H1 and SR11 of the Thanet Local Plan, and paragraphs 17, 58, 60 and 61 of the National Planning Policy Framework.

2 The proposed development, by virtue of its proposed layout, would result in the loss of protected trees without sufficient justification or mitigation, resulting in significant harm to the amenity of the area. The proposal is therefore contrary to policy D2 of the Thanet Local Plan and paragraph 17 of the National Planning Policy Framework.”

Following debate, the motion was put to the vote and declared CARRIED.

Meeting concluded : 9.45pm

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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

15 June 2016

BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

(A) Standard Reference Documents - (available for inspection at the Council offices)

1. Thanet District Council Local Plan saved policies
2. Cliftonville Development Plan Document
3. Government Circulars and the National Planning Policy Framework issued by the Department of Communities and Local Government.

(B) Register of Applications for Planning Permission (Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015))

(Copy of applications together with accompanying plans or drawings are available for inspection at the Council offices)

(C) Background Papers in relation to specific reports in the Schedule of Planning Applications

(Copies of background papers and any appeal decisions referred to are available for inspection at the Council offices and via the Council's website)

I certify that the above items are not exempt information.

(D) Exempt information in accordance with paragraph of Schedule 12 (A) of the Local Government Act 1972.

N/A

I certify that the above items are exempt information.

Prepared by: IAIN LIVINGSTONE



SIGNED:.

Proper Officer

DATE:03 JUNE 2016

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART A

TO: THE PLANNING COMMITTEE

DATE: 15 June 2016

Application Number	Address and Details	Recommendation
A01 F/TH/16/0344	Plot 8 Youngs Nursery Arundel Road RAMSGATE Kent Erection of a detached chalet bungalow	Approve
A02 F/TH/16/0370	Ward: Cliffsend And Pegwell 162 King Street RAMSGATE Kent CT11 8PJ Variation of condition 3 attached to planning permission F/TH/07/0479 to allow the opening hours of 5pm - 10pm Monday to Thursdays, 5pm - 11pm Fridays and Saturday and 5pm - 10:30pm on Sundays and Bank Holidays. Ward: Eastcliff	Approve

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

4 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.

GROUND:

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

5 The dwellings hereby approved shall be so constructed as to provide a minimum sound attenuation of not less than 30dB average over the frequency range 100 to 3150 Hz against the external noise from aircraft to which they could be exposed.

Ground:

In the interest of the living conditions of future occupiers, in accordance with Thanet Local Plan policy D1.

6 Prior to the first occupation or use of the development, the area shown on the deposited plan for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety

7 Prior to the first occupation of the development, visibility splays shall be provided and thereafter maintained to the access to Canterbury Road West 2m by 2m with no obstruction above a height of 600mm.

GROUND:

In the interest of highway safety.

8 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

INFORMATIVES

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the Applicants own expense.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

SITE, LOCATION AND DESCRIPTION

The application site is located on the northern side of Canterbury Road West, Cliffsend, and the site formed part of a larger site known as Young's Nurseries. The application site has been cleared and is devoid of development. The site is not previously developed land.

Surrounding Area

The surrounding area is predominantly residential in character. At the time of a site inspection construction had started on plots 9 and 10 which were approved last year (see planning history). These are both chalet style bungalows (with dormers to provide additional space within the roof space. Residential development on the opposite side of Canterbury Road West is at a lower level to the highway and comprises bungalows, chalet bungalows and two storey dwellings.

RELEVANT PLANNING HISTORY

OL/TH/07/1366 - Outline application for twelve dwellings following demolition of existing buildings, including layout and means of access - Refused and Dismissed at Appeal

OL/TH/13/0426 - Outline application for 9no. dwellings including matters of access, layout and scale - Refused. This decision was appealed and the Inspector allowed the appeal, granting permission subject to conditions.

Planning history for the adjacent site

F/TH/15/0096 - Erection of detached two storey dwelling (Plot 10) - Granted by Committee April 2015

F/TH/15/0920 - Erection of two storey detached dwelling (Plot 9) - Granted by Committee December 2015

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a detached four bedroom chalet bungalow. At ground floor there are two bedrooms, family bathroom and open plan kitchen/living area. Within the roof space are two further bedrooms, both of which have en-suites. The proposal would front onto and have vehicular access from Canterbury Road West. The submitted plans indicate two off-street parking spaces.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006) Saved Policies

H1 - Residential Development Sites
H4 - Windfall Sites
HE12 - Archaeological Assessment
D1 - Design Principles
D2 - Landscaping
SR5 - Play Space
SR11- Private Open Space
TR12 - Cycling
TR16 - Car Parking Provision
EP7 - Aircraft Noise
EP8 - Aircraft Noise and Residential Development
EP13 - Groundwater Protection Zones
CF2 - Development Contributions

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. **Two** letters of representation have been received. Concerns can be summarised as follows:

- Concern about the removal of the layby, notice board, telephone box, bus shelter and bus stop; and
- Noise and disruption from construction on the wider site

CONSULTATIONS

Ramsgate Town Council: No comments received.

COMMENTS

The application is brought before Planning Committee as a departure to Local Plan Policy H1. The main considerations are the principle of the development, impact on character and appearance of the area, impact on living conditions and highway safety.

Principle

The site is non-previously developed land. Policy H1 states that residential development on non-allocated sites will be permitted on previously developed land within the existing built up confines unless specified by other Local Plan Policies. This policy constraint, however, need to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development.

The principle of residential development on this site has been established by the Planning Inspector's decision on the previous outline application (planning reference OL/TH/13/0426), which encompassed the current application site and the surrounding site, and granted approval for residential development on the basis of the improvement to the visual presentation of the site, the beneficial impacts on the local services, and the weight of increasing the supply of housing on the decision making process. This decision is a material planning consideration in the process.

Further to this decision, two full applications for the erection of single dwellings on the adjacent site, which fall within the overall site originally granted outline consent, were granted approval in 2015 by Members.

Policy SR11 of the Thanet Local Plan seeks to protect from development private open space where it provides active recreational facilities; meets a deficiency of in recreational facilities or has intrinsically beneficial qualities and makes a contribution to the character of the area either in itself or by virtue of the longer distance views it affords. The site does not provide any opportunity for recreation and, subject to the assessment of whether the site contributes to the character of the area which will be assessed later in this report; the proposal would not be contrary to this policy.

The development of this site therefore is acceptable in principle subject to the detailed consideration of the impact on the character and appearance of the area, neighbouring properties, and highways safety.

Character and Appearance

The site lies within an area characterised by detached dwellings that are either single storey or two storey in height. The application site is one of nine plots previously granted outline planning permission for residential development with plots 9 and 10 to the east of the site approved last year for 2 storey dwellings. Development within the village is varied, with each dwelling typically of a different design to the next.

Plot 8, Young's Nursery is of a comparable size to that of the plot to the east; plot 9. It is noted when plot 9 was considered the LPA considered that due to the varied appearance of dwellings within the street scene, development of the wider site should also reflect this.

The design of the proposal, is a gable fronted dwelling with first floor accommodation provided within the roof space in order to give a chalet style bungalow appearance, this approach is similar to that taken in the design of plots 9 and 10, however the fenestration pattern to the front elevation and size of pitched dormers is different. The front elevation has a centrally positioned front door with two windows to either side; at first floor are window openings that have a more quirky shape following the line of the eaves. The proposed dwelling is to be constructed in a reclaimed London Old stock (yellow) with a slate grey roof. It is noted that the submitted plans indicate vertical weatherboarding in part of the front gable elevation and cheeks of the dormers. As full details are not known at this stage it is recommended that notwithstanding the information submitted, samples of materials are controlled by condition, should Members resolve to approve the application. The general palette of colours of materials is considered to be acceptable for this locality.

It is considered that the design of the proposed dwelling carries certain features from the existing development but is significantly different to reflect the varied character of the area.

The proposed dwelling benefits from an ample sized amenity space which is commensurate to those within the locality.

The frontage of the property is proposed as permeable paving with a small amount of shrubs. This will appear in keeping with the majority of frontages in the area.

The design, scale and massing are considered to ensure that the proposal would not detract from the qualities of the area and would be in accordance with Policy D1 of the Thanet Local Plan and the guidance within the NPPF paragraphs 17, 56 and 58.

Living Conditions

The proposal sits within a row of development previously granted outline planning consent. There is development to the east of the application site.

The relationship between the dwelling as proposed and the neighbouring property currently under construction has been examined. And the impact upon amenity of the occupants of this dwelling has been assessed. Consideration has been given to overlooking, overshadowing and whether the dwelling would be overbearing.

There is a distance of 2.2m between the proposed and approved dwelling to the east of the site; the proposed dwelling is of a similar footprint to that approved on the adjacent site. The rear elevation of the proposed dwelling does not exceed that of the adjacent site.

Ground floor side windows serve a W.C. dining area and bi-folding doors to the kitchen area, whilst not annotated on the submitted block plan, the application forms indicate at a 2m close boarded fence will be erected, it is considered that this will prevent overlooking from ground floor habitable windows. With regard to the first floor there are three dormers within

the east elevation, two serving bedrooms and the third serving an en-suite, in addition there is are two roof lights in the west elevation serving the stairwell. The dormer windows to bedrooms 1 and 2 would face onto the roof slope of plot 9, and therefore there would be no direct over-looking. The middle dormer serves an en-suite and can be fitted with obscure glazing in order to ensure an acceptable relationship.

The relationship between the property under construction and proposed are considered to be acceptable.

To the rear of the site are existing glasshouses. As outline consent permits residential development across the whole of the Young's Nursery site it is reasonable to assume that development will eventually come forward to the rear of this site. The relationship with this proposal will then need to be considered, however given the length of the garden it is considered that this could be successfully achieved.

Overall the impact upon neighbouring living conditions is considered to be acceptable.

Transportation

The proposal shows parking and turning for two cars on-site. This level of parking is considered sufficient for a four bedroom dwelling. The new access can achieve the required visibility of 2m x 2m with no obstructions above 600mm in height. The proposal may require the repositioning of street furniture which would need to be repositioned at the applicants own expense, furthermore if works are required in the highway they could only be carried out by Kent County Council Highways and Transportation.

Other Material Considerations

It is recommended that conditions relating to land contamination and archaeology as identified within the Inspectors report are attached to any permission granted.

Conclusion

The proposed development is considered to be of a scale, mass and design that relate adequately to the locality and would not result in harm to the character of the area. The development, subject to conditions would not be of detriment to neighbour amenity or highway safety.

It is therefore recommended that the application be approved subject to safeguarding conditions.

Case Officer

Gill Richardson

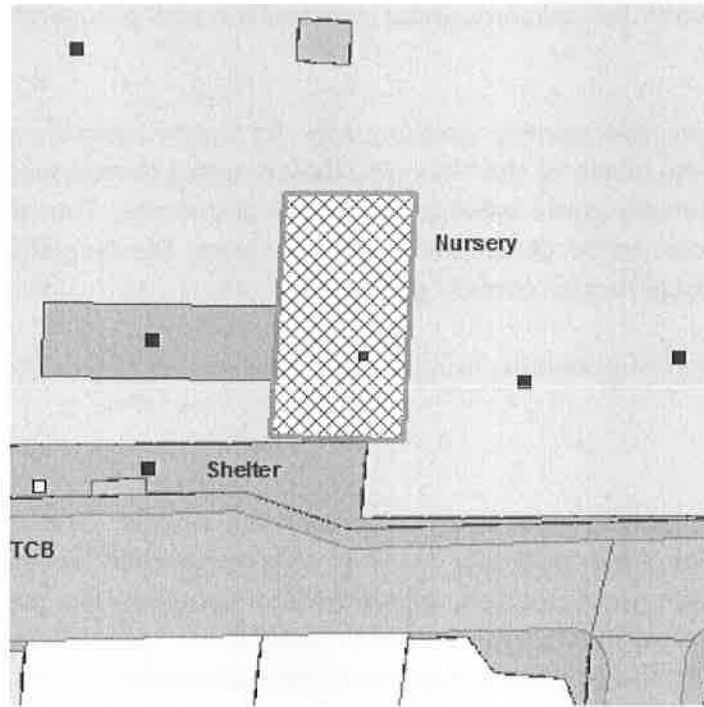
TITLE:

F/TH/16/0344

Project

Plot 8 Youngs Nursery Arundel Road RAMSGATE Kent

Scale:



A02

F/TH/16/0370

PROPOSAL: Variation of condition 3 attached to planning permission F/TH/07/0479 to allow the opening hours of 5pm - 10pm Monday to Thursdays, 5pm - 11pm Fridays and Saturday and 5pm - 10:30pm on Sundays and Bank Holidays.

LOCATION: 162 King Street RAMSGATE Kent CT11 8PJ

WARD: Eastcliff

AGENT: No agent

APPLICANT: Mr O Buyukertas

RECOMMENDATION: Approve

Subject to the following conditions:

- 1 The premises forming the subject of this permission shall not be used for other than:
- (a) between the hours of 5pm and 10pm Monday to Thursday
 - (b) between the hours of 5pm and 11pm on Fridays and Saturday
 - (c) between the hours of 5pm and 10:30pm on Sundays and Bank Holidays

GROUND:

In the interest of the amenities of the occupiers of surrounding residential units, in accordance with Thanet Local Plan Policy D1.

SITE, LOCATION AND DESCRIPTION

The application site is located on a corner site the western side of King Street and southern side of Boundary Road, Ramsgate. The application site is within the confines of the Ramsgate Conservation Area. The site comprises a two storey pitched roof building which is used as a Chinese hot food takeaway at ground floor and residential above.

Surrounding Area

This part of King Street has a mixed character with both commercial (including estate agents opposite the site and Ukip office) and residential premises. This section of King Street has double yellow lines no waiting at any time. To the rear of the site and in Boundary Road is a three and four storey flat development known as St. Lukes Court.

RELEVANT PLANNING HISTORY

F/TH/07/0479 - Change of use application from retail (A1 use class) to hot food takeaway (A5 use class) together with the insertion of an extraction flue with brick enclosure to roof at rear. Granted 08/06/07.

PROPOSED DEVELOPMENT

A variation in condition 3 of F/TH/07/0479 is sought to alter the opening days/hours of the premises of a Chinese hot food takeaway. The applicant originally sought permission to relax the condition to permit opening seven days a week, including Sundays and bank holidays from 7am until 12 midnight. During the consideration of the application the applicant has agreed to amend these opening hours to the following:

5pm – 10pm Monday to Thursday
5pm – 11pm on Fridays and Saturday
5pm – 10:30pm on Sundays and Bank Holidays

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

D1 - Design principles
TC9 - Hot Food Takeaways

NOTIFICATIONS

ONE representation received. Concern is expressed in relation to the following:

- Concern about potential anti-social behaviour including noise, litter, public urination and damage to properties from increased opening hours
- If customers park illegally it could disrupt local bus services

CONSULTATIONS

Ramsgate Town Council: strongly objects to this application on the grounds of the impact on the neighbouring properties due to the potential increase in anti-social behaviour in this already Police designated anti-social behaviour hotspot.

Environment Health: The section of road between the town centre along King Street to the application site is mixed commercial and residential and wholly residential along Boundary Road and Hereson Road.

Although the takeaway has no history of noise complaint and is along a busy section of road, opening until midnight on a daily basis will attract customers to the vicinity when ambient noise has significantly reduced. It will entice people to the area from the town centre night economy increasing the impact on many properties along King Street.

Environmental Health are objecting to the proposed hours but if Members are of a mind to grant consent I would recommend only permitting a small increase in opening hours: 11pm on Fridays and Saturdays and opening until 10:30 on Sundays and Banks Holidays.

COMMENTS

The planning application has been called in to the Planning Committee by Cllr. Larkins on the grounds of anti-social behaviour.

Section 73 of the 1990 Town and Country Planning Act provides that application may be made for planning permission without complying with conditions applied to a previous permission. Local planning authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation.

Section 73 makes it clear that in considering an application to remove or vary a condition or conditions a local planning authority may only consider the question of the conditions. However, just like the determination of any other application due regard must be paid to the development plan and other material considerations.

Planning permission was granted for the change of use from retail to hot food takeaway together with the insertion of an extraction flue with brick enclosure to the roof at the rear, under planning application number F/TH/07/0479.

The current application seeks to vary Condition 3 of permission F/TH/07/0479 to increase opening hours. All matters were considered and nothing has changed since the approval of the previous application other than the proposed increased opening hours.

Condition 3 states:

The premises forming the subject of this permission shall not be used for the purpose hereby approved other than:

- (a) between the hours of 5pm and 10pm Monday to Thursday
- (b) between the hours of 5pm and 10:30pm on any Friday and Saturday
- (c) nor shall the premises be used at any time on Sundays and Bank Holidays

The reason for the condition was:

In the interest of the amenities of the occupiers of surrounding dwellings, in accordance with Thanet Local Plan Policy D1.

The applicant seeks to change the hours of use as detailed in the Proposed Development section of this report.

Principle

The site lies within the urban confines, inside the Ramsgate Conservation Area, the principle of the change of use and associated development has previously been considered and found to be acceptable.

Character and Appearance

The proposed increased opening hours would not change the appearance of the building, or impact on the character of the area.

Living Conditions

The site is situated on the edge of Ramsgate town centre on the corner of King Street and Boundary Road. The area is mixed in character with both commercial and residential properties. The ground floor has had an established A5 use for a number of years.

Policy D1 of the Thanet Local Plan states that all new development will only be permitted if it "is compatible with neighbouring buildings and spaces and does not lead to unacceptable loss of amenity through overlooking, noise or vibration..." Policy TC9 says that takeaway should be judged against the character of the area and sensitivity of neighbouring uses.

Operating hours which are later than what was previously approved have the potential to negatively impact on the local residential amenity by way of customers entering and leaving the premises, congregating and loitering outside.

It is recognised that residents living within or close to commercial centres cannot be afforded the same level of quiet amenity as those living in a wholly residential area. A reasonable level of protection however should be in place to protect residents from disturbance when they would normally be expected to be sleeping.

Environmental Health consider that the increase in the operating hours and seven days a week would attract customers from the town centre to the area when noise from traffic is significantly reduced, on this basis they considered the hours originally requested as unacceptable. Amended hours of opening were suggested of:

5pm – 10pm Monday to Thursday
5pm – 11pm on Fridays and Saturday
5pm – 10:30pm on Sundays and Bank Holidays

These were agreed with the applicant. It is confirmed that these hours of opening are considered acceptable.

Other material considerations

A third party has raised issues about potential for illegal parking whilst food is being ordered/collected, however this would be covered under separate legislation if a customer were to park in a restricted location.

Conclusion

This site is within an area of both commercial and residential uses and therefore due regard needs to be paid to the impact upon living conditions of adjoining residential occupiers. The Council's Environmental Health officer has confirmed the days/hours initially sought by the applicant were not acceptable due to potential for material harm to adjoining residential occupiers. It is, however, considered that a slight relaxation in the opening hours, as detailed

above will not result in any significant adverse impacts with regard to the living conditions of neighbouring property occupiers. The proposal is therefore considered to meet the requirements of Policy D1 and TC9 of the Thanet Local Plan and the National Planning Policy Framework.

Case Officer

Gill Richardson

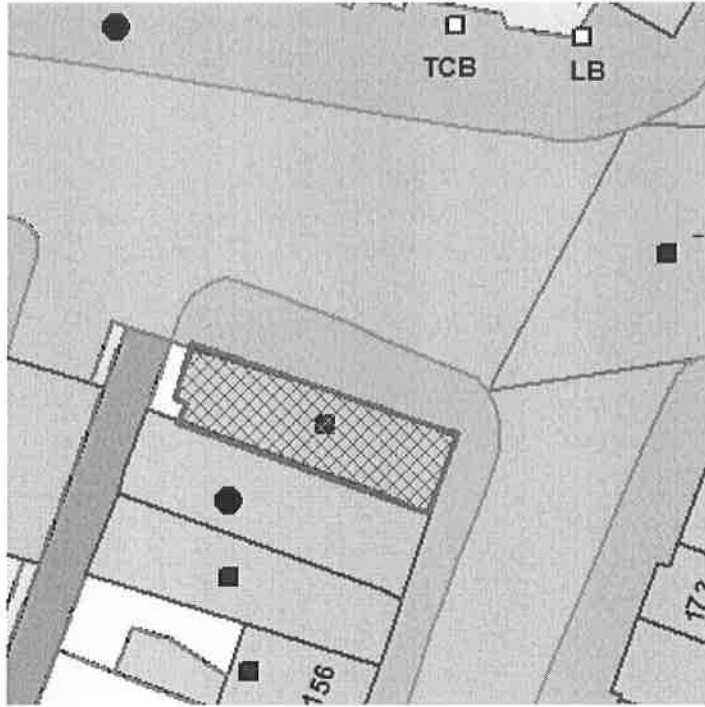
TITLE:

F/TH/16/0370

Project

162 King Street RAMSGATE Kent CT11 8PJ

Scale:



THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £100 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING

DATE..... **AGENDA ITEM**

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.