

D11

F/TH/15/1276

PROPOSAL: Variation of condition 21 of F/TH/11/0288 for redevelopment of site for the removal of underground car park, amendments to design of terrace houses and apartment block B with reduction in height, with alteration to hard landscaping access roads and surface parking on the site

LOCATION: Isle Of Thanet Flour Mills Margate Road RAMSGATE Kent CT11 7RR

WARD: Central Harbour

AGENT: Mr C Chambers

APPLICANT: Mr J Harriss

RECOMMENDATION: Defer & Delegate

Defer and delegate to officers for approval subject to receipt of a legal agreement covering the agreed planning obligations and to the following conditions:

1 Prior to the commencement of development hereby approved on each respected phase as approved under Condition 20, except for demolition, precise details of the external windows, doors, roof and soffit details of the development shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the respective phase.

GROUND:

To ensure a satisfactory treatment of the development that safeguards the special character and appearance of the Listed Buildings that form part of the comprehensive development, in accordance with National Planning Policy Framework and Thanet Local Plan Policy D1.

2 External brickwork to the Listed Buildings shall be constructed in bonding to match the existing building with the use of lime mortar, with no addition of Portland cement.

GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the property as a Listed Building in accordance with advice contained within National Planning Policy Framework and Thanet Local Plan Policy D1.

3 Prior to the commencement of the development hereby approved on each respective phase as approved under Condition 20, 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 on that phase 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, and the development shall be carried out in accordance with the approved details.

GROUND:

To ensure that the archaeological history of the site is recorded in accordance with Thanet Local Plan Policy HE12 and the advice contained within the National Planning Policy Framework.

4 Prior to the occupation of any residential unit hereby approved, a verification report which demonstrates the effectiveness of the remediation scheme carried out, according with the site characterisation and remediation strategy received on 6th January 2016 and email received 22nd January 2016, shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

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

5 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 and obtained written approval from the Local Planning Authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and, from the date of approval, the addendum shall form part of the Method Statement.

GROUND:

To ensure that development complies with approved details in the interests of the protection of the environment and harm to human health, in accordance with National Planning Policy Framework.

6 No development shall take place on each respective phase as approved under Condition 20, 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 for that phase, 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 National Planning Policy Framework.

7 Prior to commencement of development hereby approved on each respective phase as approved by Condition 20, precise details of the refuse storage facilities for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be fully implemented in full accordance with the approved details prior to first occupation of any units and shall therefore be maintained as specified.

GROUND:

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

8 Prior to occupation of any part of the development hereby approved, the improved vehicular access and pedestrian access to Margate Road shall be provided in accordance with plan number C.10 Rev C received on the 8th October 2015 and thereafter maintained. Pedestrian access to the site, via the Margate Road vehicular access, steps down to the Margate Road to the north of the site, and the footpath connections to the west of the site, shall be provided and thereafter kept available.

GROUND:

In the interests of improved permeability, in accordance with Policy D1 of the Thanet Local Plan.

9 The areas shown on the deposited plan for the loading and unloading, parking and manoeuvring of vehicles within each respective phase shall be operational prior to any part of the development hereby permitted within that phase being brought into use, unless otherwise agreed in writing by the Local Planning Authority. The areas agreed shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety, in accordance with Isle of Thanet Local Plan Policy TR16.

10 No construction work likely to cause noise and disturbance to adjacent residential properties shall be carried out, other than operated in the buildings, the subject of this permission. The construction work, which is the subject of this permission, shall not be carried out for the purpose hereby approved, other than:-

(a) between the hours of 8 am and 6 pm Monday to Friday

(b) between the hours of 8 am and 1 pm on any Saturday;

GROUND:

In the interests of the residential amenities of the occupiers of surrounding dwellings and in accordance with National Planning Policy Framework.

11 Prior to commencement of development hereby approved on each respective phase in accordance with Condition 20, full details of both hard and soft landscape works for that phase have been submitted to, and approved in writing by, the Local Planning Authority and these works shall be carried out as approved.

These details shall include:-

(1) details of existing trees, shrubs and hedges to be retained.

(2) details of new trees, shrubs, hedges and grassed areas to be planted, together with details of the species and method of planting to be adopted.

(3) measures to be taken to protect existing and new landscape work, which shall in the case of trees means adequate staking and guarding.

(4) arrangements to be made for the permanent maintenance of landscaped areas.

(5) a detailed survey of levels on the site indicating specific features.

(6) details of earth works to be carried out on the site including details of proposed finish levels or contours.

(7) details of the treatment proposed for all hard surfaced areas beyond the limits of the highway.

(8) details of walls, fences, other means of enclosure proposed, together with details of materials and construction

GROUND:

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

12 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 Policy D1 of the Thanet Local Plan.

13 Prior to the commencement of development hereby approved in respect of phases 2 and 4 as approved under condition 20, details of the retaining wall adjacent to the rear of properties fronting Station Approach, including height, materials and construction shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

In order to safeguard the residential amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

14 No development shall take place on each respective phase as approved under Condition 20, until samples of materials to be used in the construction of the external surfaces of the development hereby permitted within that phase have been submitted to, and

approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and the following materials in respect of phase two:

Brickwork - Engineering Brickwork Staffordshire Blue, Red Stock Brickwork Buildbase Soft Red, Yellow Multi Stock Brickwork Terca Docklands Yellow multi

Pitched Roofing - 500 x 250mm Sarria First Quality Spanish Slate

Flat Roofing - Ico Mack Single ply membrane

External Fascias and Soffites - White Painted Timber

Paving Materials - Roads generally to areas of adoption in DBM, bound gravel to north of house type A with contrasting coloured parking bays and granite sett cobble edging, Eco grid parking bays to north of gravel parking with grass infill

GROUND:

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

15 The proposed development shall be carried out in accordance with the approved drawings under the following applications:

F/TH/07/0420, F/TH/11/0288 and F/TH/14/0994:

And revised drawings numbered: 187-500, 187-501, 187-502, 187-503, 187-504, 187-505, 187-506, 187-510, 187-601 dated 9 December 2015 and drawings 187-400E and 187-532 dated 17 June 2016.

GROUND:

To secure the proper development of the area.

16 In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of one year from the date of the first occupation of the building for its permitted use.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning

Authority.

GROUND:

In the interests of visual amenity, in accordance with Thanet Local Plan Policy D1(e).

17 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, likely to be affected by the development, shall be protected in accordance with BS 5837 1991 using the following protective fence specification:-

Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.

The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed.

At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area.

Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point.

There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy D1(e).

18 All excavations within the existing spread of the trees to be retained shall be carried out manually, using only hand held tools and any roots exposed thereby shall be bridged over in the construction of the foundations.

GROUND:

In the interests of the visual amenities of the area, in accordance with Thanet Local Plan Policy D1(e).

19 Any works proposed to trees on site shall be timed to avoid the breeding bird season (generally mid-March until the beginning of August). Any works carried out outside of this period shall be carried out only after the trees subject to noise and disturbance have been inspected by a suitably qualified person for nesting birds prior to work commencing, and the

Local Planning Authority has been informed that the inspection has revealed that works can proceed.

GROUND:

In order to reduce the risk of harm to birds and their nests from the proposed development.

20 The development shall be carried out in accordance with the phasing plan titled "Strategic Overview Planning Information" received by the Local Planning Authority on 8th August 2014.

GROUND:

To secure the proper development of the area.

SITE, LOCATION AND DESCRIPTION

This application relates to the site of the former Flour Mill located to the west of Ramsgate town centre, to the south of Margate Road, north of the rear boundary of properties fronting Station Approach Road, and east of Kings Road.

The site contains the original Grade II listed Mill building designed by Edward Pugin located adjacent to the Margate Road site entrance.

RELEVANT PLANNING HISTORY

The site has an extensive planning history relating to the former Mill use, and subsequent to that history in respect of the redevelopment of the site for residential.

The original consent for residential development dates back to F/TH/07/0420 in respect of permission for 72 apartments and 17 dwellings together with the necessary parking and landscaping. This application was subsequently renewed in 2011 (F/TH/11/0288) together with the accompanying listed building consent (L/TH/11/0289).

A further application was approved earlier this year (F/TH/14/0994) to allow the development to proceed not in accordance with previous planning conditions.

PROPOSED DEVELOPMENT

The proposed development seeks to amend the approved application along the lines of the following:

- o Omit the previous basement level parking on the basis of the impacts to the Listed Building;
- o Provide replacement above ground parking to the west of the site on previously approved landscape areas;

- o Alternative designs for the terraced houses to the west of the site along the southern boundary;
- o A revised design of the dwelling adjacent to the Kings Road boundary; and
- o Realignment of the internal road to the north of the terraced houses also serving the proposed new above ground car park.

The proposed changes to the scheme still result in the same level of development, namely 72 apartments and 17 dwellings plus a total of 92 parking spaces. The main difference is that all of the parking now proposed is above ground as opposed to the approved scheme providing a maximum of 48 spaces underground.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

- D1 - Design principles
- D2 - Landscaping
- H1 - Housing provision
- H4 - Windfall sites
- H8 - Size and type of housing
- H14 - Affordable housing provision
- CF2 - Development contributions
- SR5 - Doorstep and local play space
- TR12 - Cycling
- TR16 - Car parking provision

NOTIFICATIONS

Neighbouring dwellings in Margate Road, Station Approach Road, Kings Road, Winstanley Crescent and Hillbrow Road were notified by letter. A site notice was also displayed. A total of 14 individual letters of objection have been received raising the following points of concern:

- Increased pollution
- Loss of privacy
- More open space is needed
- More nuisance
- Over development
- Concerns over potential access onto Kings Road
- Parking concerns
- Concerns over height of town houses relative to the approved scheme
- Increased traffic levels

CONSULTATIONS

Ramsgate Town Council - considers the removal of the underground car parking as unacceptable as it formed an intrinsic part of the agreed development. Therefore, without underground car parking this development is unacceptable.

Kent Highway Services - note that a vehicular access appears to be proposed onto Kings Road. Whilst there are existing gates at this point there is no existing vehicular access in the highway and I would not wish to see one created, although a pedestrian access would be acceptable. The Fire Service should also be consulted as they may wish to see a secondary emergency access at this point. Subject to this being satisfactorily resolved so that vehicular access is no available to/from Kings Road (apart from emergency vehicles if required) I have no objection to the variation of condition 21 of the consent.

Conservation Officer - I have no objection to the revised scheme on works to the Flour Mill. The omission of the underground parking is a positive aspect of the proposal and will remove the risk of harm to the listed building's fabric.

COMMENTS

This application is reported to planning committee following a call in by Councillor Beverly Martin. The main considerations with regard to the planning application are the principle of development; the impact upon the character and appearance of the local area; the impact upon living conditions of neighbouring property occupiers and future occupiers; and highway safety.

Principle

In considering the planning application under section 38(6) of the Planning Act, any determination must be made in accordance with the development plan (in this case the Thanet Local Plan) unless material considerations indicate otherwise. The NPPF sets out at paragraph 215 that due weight should be given to relevant policies in existing plans according to the degree of consistency with the policies within the NPPF.

The site is previously developed land within the urban area. The site is therefore in accordance with policy H1 of the Local Plan. Furthermore, the planning history of the site must be regarded as a material consideration. Permission was granted for the redevelopment of the site in 2008 and then again in 2011 upon the renewal. It has subsequently been approved again in 2014 to allow for development not in accordance with the terms of the original conditions. Works have commenced on site in accordance with that permission and this extant approval must be given considerable weight in the determination of this application.

The development of this site for housing therefore remains acceptable subject to the detailed consideration of all other material considerations including the impact upon the character and appearance of the area, the impact on living conditions of neighbouring properties and highways safety.

Character and Appearance

The NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and

materials; and are visually attractive as a result of good architecture and appropriate landscaping (paragraph 58). Policy D1 of the Thanet Local Plan outlines that the design of all new proposals must respect or enhance the character or appearance of the area particularly in scale, massing, rhythm and use of materials.

The row of terraced housing along the southern boundary of the site was previously considered acceptable when designed as town houses with a commercial appearance. At the time of the original consent it was proposed that the means of vehicular access would be along the southern boundary with the rear gardens of Station Road Approach. The revisions to this scheme do away with the means of access along the southern boundary and proposes to replace that with private amenity areas for each of the town houses, with access provided from the first floor and the parking area effectively a semi basement space. This revision to the layout will reduce the potential disturbance to the neighbouring properties to the south that would be associated with the coming and goings of cars to the north.

The accompanying plans with this revised application also demonstrate that the proposed houses along the southern boundary of the site are a full storey lower than previously approved under the most recent application. Contrary to the suggestions arising from the consultation these revisions therefore reduce the visual impact when considered from the properties along Station Road Approach.

The other principal amendment to the scheme is the loss of the underground parking and its replacement with above ground parking to the west of the site. The application sets out that proposed underground parking was beset with complications that would have rendered the Grade II listed building at risk during works. Further advice provided to the applicant following investigations has identified potential risks with undermining the foundations of the building. In addition to the risks posed with the listed building the structural report identified concerns with the stability of the southern bank on the site and the relative proximity to dwellings along Station Road Approach.

Whilst the principle of the underground parking was a significant element of the approved scheme this needs to be balanced against the need to protect the listed building. The NPPF is clear in stating at paragraph 133 that "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..." Ordinarily this paragraph is used when considering proposals for demolition in conservation areas or works affecting listed buildings, however it equally applies to this application where the evidence is that the previously approved works would put at risk the heritage asset. In this context the proposals to replace the underground parking with above ground parking need to be considered relative to the benefits that would be secured against the other harm.

The additional above ground parking would result in the loss of an area of soft landscaping in order to provide the replacement parking. Given the proposed development to the south of the new parking area and the surrounding land levels the parking area will not be visible from Station Approach Road. The existing and approved landscape buffer along the north and west boundaries (Margate Road and Kings Road respectively) mean that the proposed parking area would be screened from any public viewpoints, as well as being visible from the rears of the neighbouring properties.

An alternative option that was raised in the structural report was to provide underground parking in a separate area of the site, notably the area proposed for the above ground parking. This solution was explored in advance of this application but discounted due to other technical issues, the most notable being that this area is the only suitable area for the provision of the necessary surface water attenuation. There are also issues regarding the impacts of such development on the setting of the listed building that are unlikely to be suitably addressed to ensure that there would be no detrimental harm to its character and appearance. Accordingly, the opportunity of providing an alternative form of underground parking on the site to replace that lost has been considered but discounted due to a variety of technical matters. Having reviewed these reasons I am of the opinion that they are substantiated and would not represent a suitable alternative to the current proposals.

In order to mitigate for the impacts of the proposed parking area the revised layout indicates that 10 of the proposed parking spaces would be surfaced with an eco-grid to allow grass to grow through and reduce the appearance of a large area of hardstanding. This ensures that the hard surfaced appearance of the parking area does not penetrate further into the site than the rear of the neighbouring building to the south east. Planting is also provided between the rows of proposed parking in order to soften the appearance as much as possible.

The use of materials is important to reduce the visual impact of the above ground parking and ensure that it blends into the wider development appearance. In order to soften the appearance it is proposed that the main parking areas are surfaced with resin bound gravel in contrasting colours with the access roads and the individual parking bays.

The alterations to the southern row of housing is considered to respect the character and appearance of the area as well as the spirit of the development on the site. The changes to the dwellings still ensure that the development is in keeping with the other approved properties on site. The proposed above ground parking admittedly has an impact on the character and appearance of the development in the context of less soft landscaping. Whilst this is to the detriment of the scheme this must be balanced against the potential impacts on the listed building were the underground parking continued. The harm in terms of the loss of the landscaping needs to be balanced against the more substantial harm that would be caused by damage or loss of the listed building. As a balanced assessment the harm to the landscape is weighed against the more substantial harm that would be caused to the designated heritage asset and is therefore considered to be acceptable.

Living Conditions

The proposals relate to the same quantum of development as previously approved. As identified above, the changes to the southern row of housing removes an access road from along the southern boundary of the site to reduce impacts on neighbouring properties in Station Approach Road in regards to vehicle movements. The access road is replaced with private gardens, however given the gradient of the site rising from north to south the use of this space for private gardens will not detrimentally impact on the living conditions of those properties to the south.

In regards to the impacts of the dwellings themselves it should be noted that the revisions reduce the scale by a complete level. This, together with the gradients, means that the changes will not result in any detrimental impacts on overlooking of existing properties to the south such as to be considered unacceptable. It is noted that in the previous committee report for F/TH/11/0288 this issue was considered in detail noting that "These houses (in the western corner) do include bedroom windows at second floor level. However, it is considered that the distance between properties is sufficient to reduced overlooking to an acceptable level." This relationship has not changed as a consequence of the proposed revisions other than reducing the finished floor levels at the second floor by 0.5 metres.

Whilst the change to the internal layout of the development will alter the view of neighbouring properties that overlook the site from Margate Road, this change will not result in unacceptable harm to the living conditions of those properties by virtue of the additional above ground parking provision. A smaller landscaped area would be present between the rear of neighbours on Margate Road and the car parking areas, and the additional manoeuvres by vehicles above ground would be at slow speeds, minimising disturbance. No evidence is available that suggest that any increase in pollution from the above ground car parking would occur to warrant refusal of the planning application. Overall the change in parking location is not considered to result in an unacceptable impact on amenity in accordance with Policy D1.

Transportation

The revisions to the scheme do not affect the overall parking numbers proposed and as such the implications in terms of trip generation, highways capacity etc remain as per the original approval and will not therefore impact on highway safety.

Concern was expressed with the plans appearing to indicate the creation of a second means of access to the site from Kings Road, both by local residents and Kent Highways. This has been cleared up with the latest site layout plan (reference 187-400 E) that confirms this access is only designed as an emergency access route and pedestrian access. This remains as per the approved scheme that included an emergency route that appeared as a pedestrian path with reinforced crates along one edge to provide the required emergency access width.

Drainage and Flood risk

The approach to drainage across the site remains unaltered from the approved scheme, and that previously approved pursuant to the planning condition on the original consent.

Planning Obligations

The 2014 application to vary conditions secured contributions towards education and habitat mitigation through a deed of variation to the original planning obligation on the site (which covered the matters of affordable and community facilities. Both of these obligations will need to be linked to this application via a new deed of variation to ensure that the contributions are provided, with an increase in the contribution for habitat mitigation from £54 per dwelling to £184 per dwelling (in accordance with the Council's published Strategic

Access Management Monitoring Plan when the application was submitted). Therefore this deed must be received securing all the previously agreed contributions prior to approval, and the application should be deferred and delegated for approval to officers subject to receipt of this deed.

Conclusion

The site is previously developed land within the urban area and is considered in accordance with the aims of saved Policy H1. The site is considered sustainable in its location and the economic and social benefits outweigh the limited environmental impact of the proposals.

It is therefore considered that the proposal can be delivered in a manner that is in keeping with the established character and pattern of the neighbouring residential development and will not result in unacceptable impacts on the wider appearance of the area or the approved development, or on the amenity of neighbouring properties. Therefore the application is recommended to be deferred and delegated to officers for approval subject to conditions and the receipt of a deed of variation to secure the planning obligations as outlined above.

Case Officer

Iain Warner

