

A01

OL/TH/16/0214

PROPOSAL: Outline application for erection of 2No. two storey dwellings, including access, layout and scale

LOCATION: Land Rear Of 10 To 16 St Mildreds Avenue RAMSGATE Kent

WARD: Cliffsend And Pegwell

AGENT: Mr P Dadds

APPLICANT: Mr W B Willsmer

RECOMMENDATION: Approve

Subject to the following conditions:

1 Approval of the details of the appearance of any buildings to be erected, and the landscaping of the site, (including the approval and implementation of a landscape management plan), (hereinafter 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 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 guidance contained within the National Planning Policy Framework.

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, unless otherwise agreed in writing by the Local Planning Authority. 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 of 2m by 2m, with no obstruction above a height of one metre, shall be provided and thereafter maintained to the accesses to Pegwell Road.

GROUND:

In the interest of highway safety.

8 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837: 2005 using the following protective fence specification:-

o 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 Policies D1 and D2.

9 No further alterations to the building, or the erection of garden buildings or the installation of satellite antennae, or erection of boundary or internal fences or means of enclosure, whether approved by Classes A, B, C, D, E or H of Part One or Class A of Part Two of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

GROUND:

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy D1 of the Thanet Local Plan.

10 Prior to the first occupation of the development hereby permitted, the replacement trees, as shown on the proposed tree planting plan received 12 February 2016, shall be planted.

GROUND:

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

11 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

12 The proposed development shall be erected at the levels shown on the proposed site section plan numbered 97/P02 Rev C, received 12 February 2016.

GROUND:

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

13 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 97/P01 Rev C, 97/P02 Rev C, and 97/P03 Rev C, received 12 February 2016, and the tree planting plan received 12 February 2016.

GROUND:

To secure the proper development of the area.

SITE, LOCATION AND DESCRIPTION

The application site is located on the corner of London Road and Pegwell Road, opposite the Ramsgate Conservation Area. The site is non-previously developed land, and contains a number of trees that are covered by a Tree Protection Order (TPO). Until recently the site had become quite overgrown, but much of the site has now been cleared. The trees removed have been either dead, dangerous, or not covered by the TPO. Adjacent to the side boundary of the site are 4no. 2-storey dwellings.

RELEVANT PLANNING HISTORY

OL/TH/07/0426 - Outline application for the erection of 2no. detached dwellings, with access leading onto Pegwell Road. Refused - 15/05/07

F/TH/13/0240 - Erection of detached 4-bed dwelling with associated access and parking. Refused - 24/06/13

OL/TH/15/0213 - Outline application for erection of 2no. 2-storey dwellings, including access, layout and scale - Refused - 19/11/15. Allowed on appeal.

PROPOSED DEVELOPMENT

The application is for the erection of 2no. 2-storey dwellings. It is in outline form, with matters of access, layout and scale to be considered as part of the application. Vehicular access is onto Pegwell Road. Plot 1 is located on the deeper section of the site, with the proposed dwelling 9.2m from the front boundary and 13.2m from the rear boundary. Plot 2 is on the shallower section of the site, and is sited 9m from the front boundary, and 8m from the rear boundary (at the closest point). There is a large driveway to the front of both dwellings, which can accommodate at least 2no. vehicles.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

H1 - Housing

D1 - Design

TR16 - Parking Provision

CONSULTEES

KCC Senior Archaeological Officer - The site lies within a general area of potential associated with Prehistoric and Roman activity. Remains associated with this activity may survive on the site and as such a watching brief condition is recommended.

KCC Highways and Transportation - No comments, as the development proposal does not meet the criteria to warrant involvement from the Highway Authority.

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. 33 letters of objection have been received. The main concerns are:

- overlooking,
- increased congestion,
- overdevelopment,
- 3-storey out of keeping,
- loss of trees,
- pressure for removal of trees in the future,
- loss of open space,
- out of character,
- impact on wildlife,
- application should not be in outline, full details should be submitted,
- impact on outlook,
- overly dominant.

Ramsgate Town Council - Raise concerns with the overdevelopment of two dwellings and that the TPO tree roots will undermine and interfere with the development of the site.

COMMENTS

The application site is non-previously developed land within the urban confines, and is therefore a departure to Policy H1 of the Thanet Local Plan.

Principle

The site falls inside the urban confines but is non-previously developed land. The development of the site is therefore contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing

in Thanet and, on this basis, the National Planning Policy Framework (NPPF) requires that applications for housing should be considered in the context of the presumption in favour of sustainable development. The site is located within the urban confines within close proximity of existing facilities and services. The principle of developing the site is therefore considered to be acceptable and consistent with the principles of the NPPF, subject to the consideration of other material considerations, such as impact on the character and appearance of an area, existing trees, the living conditions of neighbours, and impacts on the highway network being considered acceptable.

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; are visually attractive as a result of good architecture and appropriate landscaping (Paragraph 58) and secure a good standard of amenity for all existing and future occupants of land and buildings (Paragraph 17). This is supported by local policy, namely Policy D1 of the Thanet Local Plan which states that any new development proposal will only be permitted if it respects or enhances the character or appearance of the surrounding area, provides a high quality and inclusive design, does not lead to an unacceptable impact on the living conditions of neighbouring occupiers, and retains open spaces and gaps in development that contribute to the quality of the local environment.

The application site is located on a prominent corner, with long views of the site possible when approaching the site from London Road. Until recently the site has contained many mature trees, which have provided an attractive soft landscaped space within the streetscape. A number of these trees have now been removed, mostly as a result of Dutch Elm disease, but most of the trees within the eastern corner of the site, which are covered by the TPO, have been retained (other than those classed as dead or dangerous). The tree lined boundary of the site is considered to be of significant importance to the character and appearance of the area. It relates well to the open character and landscaped appearance of the conservation area opposite the site, and continues to offer relief within the streetscape, contributing to the quality of the local environment.

Whilst the retention of a tree lined boundary is considered to be of utmost importance, the retention of the overall space itself is not considered to be essential. The site has recently been cleared, with only the protected trees remaining, and this openness is not considered to contribute significantly to the character and appearance of the area, especially given the large expanse of highway and verges surrounding the site. The development of the site is therefore considered to be acceptable subject to the retention of the trees, and a modest form of development that would retain space between the built form and the trees.

The proposal is for the erection of 2no. 2-storey dwellings. The plot sizes are in keeping with the general pattern of development in the area, and the 2m (approx) drop in ground level between London Road and Pegwell Road means that the proposed dwellings will be on a level approximately 2m below the ground level of London Road. The height of the proposed development is considered to be acceptable.

The previous application was refused on the grounds that the forward projection of plot 2 towards Pegwell Road would reduce the sense of openness to the front of the site, and increase the scale of the building when viewed from the junction of Pegwell Road and London Road. The submitted application shows the forward projection on plot 2 removed, which has increased the openness around the site. The removal of the front projection, along with slight alterations to the footprint to move the proposed dwellings further to the west of the site, has also increased the size of the garden to plot 2, and increased the distance between the buildings and any existing/proposed trees. This aims to address what was the second reason for refusal, the future pressure on the trees for their removal.

It is therefore considered that the proposed development is an improvement to the previously refused scheme, by increasing openness around the site, reducing the visual impact of the development, and increasing the distance to trees, thereby reducing any likely future pressure for their removal.

Furthermore, the previously refused scheme, which was for a larger development, was allowed by the Inspector, who concluded that the proposed dwellings would not appear cramped or lead to an unacceptable loss of openness, nor would they be harmful to the character and appearance of the area. As such, the impact upon the character and appearance of the area is considered to be acceptable and in accordance with Policy D1 of the Thanet Local Plan and guidance contained within the NPPF.

Impact on Trees

A tree removal plan and planting plan has been submitted as part of the application. The proposed planting plan shows the provision of 21 no. new trees to be planted within the site to replace trees that have, or will be, removed because they are either dead, dangerous or in a poor condition. Due to the presence of Dutch Elm's Disease on the site it has been recommended that the replacement trees are not of the same species and instead should be of a native species. The Council's Arboricultural officer raises no concerns with the species of replacement tree. The replacement of the trees can be conditioned to ensure their provision and retention.

Previously there was concern that any replacement tree would be within close proximity of the proposed dwellings, which resulted in a reason for refusal on grounds that the proposed development would put pressure on the future removal of the trees. This proposal shows the removal of the front projection to plot 2, thereby increasing the distance to the trees on the boundary. In addition, when considering the previous application the Inspector concluded that 'whilst the proximity of the proposed and existing trees may result in the need for more regular pruning than might otherwise be the case, I am not persuaded that it would lead to undue pressure for the trees to be removed or lopped to an extent that would be damaging to their amenity value'. As such, the Inspector determined that the proposal would not have a detrimental effect on the protected and proposed trees on the site over long term. As a result of the amended plans showing an increased distance to the trees, along with the Inspector's comment on the previous scheme, the impact upon the trees is considered to be acceptable.

There is a Tree Preservation Order covering the site, which was confirmed in January 2007. Prior to the submission of the planning application, a number of trees were removed from the

site. The protected trees removed from the site were agreed by the Local Planning Authority as exempt under Part 3 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012, as they were either dead or dangerous. All other removed trees were not covered by the TPO, and were not considered to have good amenity value. When removing a tree protected by a Tree Preservation Order, there is a legal requirement to replace that tree, although there are no stipulations as to the exact time period within which the replacement trees should be planted. The previous application for 2no. dwellings was granted at appeal, and therefore the applicant has an extant consent for the development of the site. The applicant has advised that the replacement trees will form part of the development of the site, and they are shown on the proposed planting plan, which will be conditioned. The proposed tree planting plan shows the planting of 21no. trees, to add to the existing 48no. trees shown as present on site, and covered by the TPO. The overall number of trees will exceed the original number of trees covered within the Tree Preservation Order, but the overall number of trees on site will reduce given the removal of unprotected trees across the site, particularly towards the centre of the site where the 2no. dwellings are proposed. The Council's Tree Officer has raised no concerns with the proposed planting plan, and the siting and species shown. The proposed planting plan is therefore considered to be acceptable.

Living Conditions

The side elevation of plot 1 is located approximately 27m from the nearest neighbouring dwelling adjacent to the site (no.14 St. Mildred's Avenue), and the front elevation of plot 2 is located approximately 25m from the nearest neighbouring property opposite the site (The Greenhouse). Given the distance, the impact upon neighbouring light and outlook is considered to be acceptable, especially given the low ground level of the proposed development.

With regards to overlooking, it would be conditioned that there would be no clear glazed opening windows within the side elevation of plot 1, and whilst first floor windows are proposed within the front elevation of plot 2, a site section plan has been submitted showing that there would be limited impact upon the privacy of the Greenhouse given the distance, ground level difference, and the presence of a 2.6m high boundary wall along the front boundary of the Greenhouse.

The Inspector also raised no concerns with the impact of the proposed development on neighbouring living conditions, and this scheme is an improvement to the previous scheme in that the distance between the windows in the front elevation of plot 2 and the neighbouring property opposite is greater. The impact upon the living conditions of neighbouring occupiers is therefore considered to be acceptable and in accordance with Policy D1 of the Thanet Local Plan and guidance contained within the NPPF.

With regards to the living conditions of the future occupiers, each property has been provided with a rear garden, in accordance with Policy SR5 of the Thanet Local Plan; and space to the front, side and rear of the site for refuse storage and clothes drying.

Transportation

The proposed development is provided with at least 2no. off-street parking spaces per dwelling. A new vehicular access for both properties is proposed off Pegwell Road, with associated pedestrian visibility splays as shown on the plan. KCC Highways and Transportation have not commented on this application as it does not fall within their protocol, but in any event the number of parking spaces proposed is considered to be adequate to serve the proposed development, and there is spare on-street capacity if required. The Inspector did not raise any highway concerns with the previous scheme. The impact upon highway safety is therefore considered to be acceptable, and in accordance with guidance contained within the NPPF.

Conclusion

The proposed development is considered to be acceptable in principle, as the site is sustainably located within the urban confines and there is a need for housing within Thanet. The development is considered to be in keeping with the existing pattern of development, and the layout of the proposed development, which shows the proposed development located towards the centre of the site, with a screen of trees retained/proposed along the boundaries, is not considered to significantly detract from the character and appearance of the surrounding area. There is considered to be minimal impact upon highway safety and neighbouring living conditions, and it should be noted that there is a fallback for the development of the site in that the previous scheme, which was for a larger building on plot 2, which was closer to the boundary trees, has been allowed on appeal, and therefore could be implemented. It is therefore recommended that members approve the application as an acceptable departure to Policy H1 of the Thanet Local Plan.

Case Officer

Emma Fibbens

TITLE: OL/TH/16/0214

Project Land Rear Of 10 To 16 St Mildreds Avenue RAMSGATE Kent

Scale:

