

A02

F/TH/18/0410

PROPOSAL: Erection of single storey amenity building including community cafe, kitchen and toilets

LOCATION: Ellington Park Grounds Ellington Park Ramsgate Kent

WARD: Central Harbour

AGENT: Mr Gareth Leggeat

APPLICANT: Mr Grant Burton

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 23302A_110 Rev A received 20 March 2018, 23302A_100 Rev D,, 23302A_010 Rev C and 23302A_011 Rev C received 27 March 2018.

GROUND:

To secure the proper development of the area.

3 No development shall take place on any external surface of the development hereby permitted until samples of all materials to be used for the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

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

4 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.

5 Prior to the installation or erection of any external lighting for the development hereby approved, full details of the external lighting, hereby approved including their fittings, illumination levels and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

GROUND:

In the interests of nature conservation in accordance with Policy D1 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

6 There shall be no frying of food conducted at the premises hereby approved at any time.

GROUND:

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

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

SITE, LOCATION AND DESCRIPTION

The application site is located within the grounds of Ellington Park, close to the northern boundary of the park and Park Road. The site is predominantly hard surfaced with tarmac paths to the east, west and south. There are a number of individual structures that already exist within the park, including the Pavilion, the bandstand, and a number of storage units.

RELEVANT PLANNING HISTORY

NM/TH/14/0638 - Application for non material amendment to planning permission F/TH/13/0287 to allow siting of 2No. Containers. Granted 10 October 2014.

F/TH/13/0287 - Temporary siting of a container unit for community and retail use. Granted 18 July 2013.

F/TH/12/0552 - Erection of single storey building following demolition of existing. Granted 06 September 2012.

F/TH/07/0921 - Erection of a single storey extension. Granted 18 September 2007.

F/TH/92/0241 - Erection of single storey side and rear extensions to bowls pavilion. Granted 20 May 1992.

F/TH/90/1190 - Erection of public conveniences. Granted 20 December 1990.

PROPOSED DEVELOPMENT

The proposed development is the erection of a single amenity building, including community cafe, kitchen and toilets. The proposed amenity building would have a flat roof design and is split into three sections with a large central cafe and meeting space, and two smaller wings to the east and west providing a kitchen and toilets.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Saved Policies

CF1 - Community Facilities

D1 - Design Principles

SR10 - Public Open Space

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site. One letter of objection has been received raising the following concerns:

- Disturbance of wildlife
- Design is not sympathetic to the surrounding area

- The park needs toilets open 24/7
- No plan for the building if the business doesn't succeed
- Negative impact upon nearby businesses
- The building would obstruct the footpath and cause the removal of existing seating
- The park was given to the town as a place for recreation not for business
- Should be located by the lodge
- Money should be spent on repairs to the existing grounds

Ramsgate Town Council - Supports this application considering it to be much needed and will add to the amenity of the park.

Ramsgate Heritage and Design Forum - No objection - The RHDF fully supports this application - a very good addition to the park.

CONSULTATIONS

Environment Agency - We have assessed this application as having a low environmental risk. We therefore have no comments to make.

TDC Environmental Health - Given distance to dwellings, EH would recommend restricting hours open to the public so not open late into the evening and a requirement re kitchen extraction if cooking hot food.

The use hereby permitted shall only be carried out between the hours of [08:00 to 21:00 hrs Monday to Sunday.

KCC Biodiversity - We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided to satisfy us that the proposed development has limited potential to impact protected/notable species or habitats. No further ecological information is required prior to determination of the planning application.

Breeding Birds

The submit report has detailed that there are some features within the site which may be utilised by breeding birds and therefore we recommend that the following informative is included:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Bats

Due to an increase in lighting the proposed development has potential to impact foraging/commuting/roosting bats within the park and surrounding area. No information has been provided on the opening hours of the proposed café therefore we are unable to assess what lighting (if any) will be required.

The submitted report has made recommendations for the lighting design to minimise impacts on bats - therefore if lighting is required we advise that lighting is designed to implement these recommendations. We highlight that lighting must only be installed and used where it is required - we advise that when the building is not in use the lighting must be switched off or limited to security lighting.

We suggest that the following condition is included if planning permission is granted:

Prior to works commencing a light plan must be submitted demonstrating that there will be minimal impact on foraging/commuting and roosting bats.

Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife and this is in accordance with Paragraph 118 of the NPPF "opportunities to incorporate biodiversity in and around developments should be encouraged".

We recommend that a number of the enhancements recommended within the submitted report for the whole of the wider Ellington Park Site must be implemented if planning permission is granted.

Southern Water - Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

TDC Open Spaces Manager - No objection.

KCC Sustainable Urban Drainage Officer - No comment.

COMMENTS

This application is brought before members as the application has been made by Thanet District Council.

Principle

The site lies within Ellington Park which is defined on the Proposals Map as Public Open Space under saved policy SR10 of the Thanet Local Plan. Within this location, development is normally restricted; however, development may be permitted if one of four circumstances are met. In this instance, it is considered that one of the criteria is met, which states that "The proposal requires only the development of a small part of an area of public open space for the purpose of improving the public sports and recreational facilities and the proposed development does not conflict with other development plan policies".

This application proposes to construct an amenity building that would provide a community cafe, meeting space and public toilets on an area of hard standing to the north of the park. This proposal is part of the Council's Heritage Lottery application and forms part of a wider scheme of regeneration in the park. Currently there are limited public facilities within the park and therefore this proposal is considered to improve the recreational facilities within Ellington Park.

The building would be constructed on an area of the open space which is currently hard surfaced and whilst it would result in the loss of a small area of open space, this development would not cause a significant loss or reduction of opportunities for the wider public to use the space. It is therefore considered that the development complies with Policy SR10 of the Local Plan and subject to the assessment of all other material considerations, the principle of development is considered acceptable.

Character and Appearance

The central section of the proposed building would be constructed from knapped flint and facing brick, with the two wings constructed from facing brickwork with white rendered arches. All windows and doors would be constructed from powder coated aluminium and a matching aluminium fascia would extend across the building.

Whilst the proposed building would reduce some of the available public open space within Ellington Park, it is considered to be of a good design, using high quality materials that create visual interest and relate well to the existing structures within Ellington Park. It is therefore considered that there would be no significantly detrimental impact upon the character and appearance of the area, in line with policy D1 of the Thanet Local Plan.

Living Conditions

The Council's Environmental Health department has been consulted as part of this application and has raised no objection subject to conditions restricting the opening hours to 08:00 - 2100 Monday to Sunday. No extraction is proposed for the cafe as there will be limited hot food cooking and a condition has been recommended preventing frying of food so that there will be no detrimental impact upon the nearby residential property occupiers living conditions through odour nuisance. If extraction was required a separate application for planning permission would be required.

The closest residential property to the site is number 55 Park Road which is located 68m to the north across Park Road. Due to this large separation distance and the single storey design of the building it is considered that there will be no significant loss of light, sense of enclosure or overlooking to the neighbouring residential properties, in line with policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

There is no vehicular access to the site, and the unit will only be accessible by pedestrians and cyclists using the park. Kent Highways have raised no objections to the proposed scheme, and it is considered that the impact on highway safety is acceptable.

Biodiversity

The KCC Biodiversity Officer has been consulted during the application process and has stated that the development has limited potential to impact upon protected species. Details of any external lighting have been requested to ensure that there is no significant impact upon any bats that may be in the area. Subject to the imposition of this condition no objection has been raised to the application.

A site visit was conducted with the Council's Arboricultural Officer to assess the impact of the development upon the trees within the park. Two trees are located within close proximity to, and partially overhang the site. On the western side of the proposed building one Horse Chestnut tree is located within the existing semi-circle of grass. This tree is a poor specimen and whilst it does have some amenity value, it is not suitable for a Tree Preservation Order (TPO) due to the existing defects. At the rear of the site one Holm Oak tree would overhang the proposed building. The trunk of this tree is located approximately 9m away from the rear of the proposed building and some small branches could be crown raised without significantly harming its health or amenity value to create space for the proposed amenity building. The Council's Arboricultural Officer has raised no objection to the proposed works and given the above it is considered that there will be no significant impact upon the trees within the area.

Other Matters

The proposed toilets are considered to increase the accessibility and usability of Ellington Park and whilst extended opening hours would increase these benefits 24 hour access would come with the increased risk of anti-social behaviour and crime. The toilets are likely to be open in line with the cafe opening hours which have been conditioned, however it is not considered reasonable to condition the opening hours of the toilets.

Concern has been raised regarding access along the path at the northern side of the park due to the erection of the proposed building. There is a separation distance of 7m between the front elevation of the building and the existing wall and railings around the raised section of the park, it is therefore considered that sufficient space will be maintained to allow members of the public to move across this section of the park.

Concern has been raised regarding the impact of the cafe upon nearby business and what will happen with the building if the proposed business does not succeed. Competition between businesses and the viability of a business are not material planning considerations.

Conclusion

Whilst the proposed development would result in a loss of a small area of public open space, most of the site is already hard surfaced and the proposed outbuilding is considered to improve the facilities within the park and provide wider benefits to the local community. The proposed building would improve the recreational facilities within Ellington park and it is considered that there are no conflicts with the other development plan policies and would be in broad accordance with the principles in the National Planning Policy Framework, therefore it is recommended that members approve this application.

Case Officer

Duncan Fitt

TITLE:

F/TH/18/0410

Project

Ellington Park Grounds Ellington Park Ramsgate Kent

Scale:

