

A06

F/TH/18/1182

PROPOSAL: Erection of a single storey bookshop and gardening hub together with erection of 1No. polytunnel and 2No. single storey storage containers

LOCATION:

Ellington Park Ramsgate Kent CT11 9TL

WARD: Central Harbour

AGENT: Mr Gareth Leggeat

APPLICANT: Thanet District Council

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 23302B_101 received 20 August 2018, 23302B_100 Rev A,, 23302B_102, 23302B_103 and 23302B_201 Rev A received, 23 August 2018 and 23302B_200 Rev B received 28 August 2018.

GROUND;

To secure the proper development of the area.

3 Prior to the commencement of development hereby approved a bat mitigation strategy informed by bat emergence surveys and the submitted Preliminary Ecological Appraisal, shall be submitted to and approved in writing by the Local Planning Authority. The mitigation must be implemented as detailed within the approved mitigation strategy.

GROUND:

In order to limit the impact upon protected species that may be present, in accordance with the National Planning Policy Framework.

4 Prior to the commencement of the development hereby approved, a precautionary mitigation and enhancement ecology strategy must be submitted to and approved in writing by the Local Planning Authority. The strategy must include:

- Walk over survey of the existing and proposed ecology area
- Overview of the mitigation and enhancements required
- Details of the methodology required to implement the mitigation
- Timing of the proposed works
- Map showing details of the proposed enhancements

All works must be carried out in accordance with the approved mitigation strategy.

GROUND:

In order to safeguard protected species that may be present, in accordance with the National Planning Policy Framework.

5 The use of the premises hereby approved shall not be used other than between the hours of 0800 and 2000 on each given day Monday to Sunday.

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

A formal application for connection to the water supply 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.

SITE, LOCATION AND DESCRIPTION

The site is located within the grounds of Ellington Park, on the western boundary and encompasses part of the existing wildlife area. The site is predominantly grassed with some areas of overgrown vegetation and low level chestnut paling fencing. There are a number of individual structures that already exist within the park, including the Pavilion, the bandstand, and a number of storage units. Planning permission has also recently been granted for the erection of an amenity building close to the northern boundary of the park (Reference F/TH/18/0410).

RELEVANT PLANNING HISTORY

F/TH/18/0410 - Erection of single storey amenity building including community cafe, kitchen and toilets. Granted 17 May 2018.

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 storey book shop, gardening hub, polytunnel and storage units. The development would be constructed from shipping containers arranged to create a rear courtyard, where the polytunnel and gardening hub would be located and the existing containers around the park would be removed.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006) Saved Policies

CF1 - Community Facilities

D1 - Design Principles

SR10 - Public Open Space

TC1 - New Retail Development

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

Ramsgate Town Council - Fully supports this application.

CONSULTATIONS

KCC Ecology - We have reviewed the submitted information and discussed the site in detail with the planning officer and we have the following comments to make:

Bats

A tree survey has been carried out and it has detailed that a number of trees within redline boundary of the site have been assessed as having moderate potential to be used by roosting bats and recommended that there is a need for emergence surveys - unfortunately the recommended emergence surveys were not carried out during the 2018 bat survey season.

We advise that the decision to condition ecological surveys is a planning matter and not an ecology matter. However if TDC are considering granting planning permission we advise that due to the proposed development being located within an existing park there are

opportunities to create a replacement roost (if roosting bats are recorded) and the development will not result in the loss of foraging/commuting habitat. Therefore it is unlikely that the development is unlikely to negatively impact the favourable conservation status of the bats and appropriate mitigation for the loss of the roost (if present) is likely to be achievable.

Ecology Area

The proposed development will result in the loss of a small area of the ecology area - from reviewing the submitted ecology information and reviewing the photos submitted by the planning officer we advise that the area to be lost has potential to be utilised by protected species including reptiles and breeding birds.

However as the area is small and the intention is to increase the size of the ecology area within the wider park we are satisfied that no specific species surveys are required and instead the habitat can be cleared using a precautionary mitigation and enhancement strategy. We accept that this can be submitted as a condition of planning permission.

Reptiles are usually active between March/April and September/October (weather depending) and we advise that due to the time of year it is not appropriate to commence the site clearance works this year.

We recommend that the habitat creation works on the ecology area commence as soon as possible to ensure the replacement habitat has had time to establish prior to the habitat clearance works being carried out.

Environment Agency - As we understand, the proposal does not specify any breaking of ground, and we therefore consider it low environmental risk.

KCC Flood and Water Management - No comment

Natural England - No comment

TDC Environmental Health - Having reviewed the details EH has no objection in principle to the application but would recommend the following safeguarding conditions given the proximity to neighbours:

- No mechanical plant or ventilation to be installed without prior consent.
- Opening hours shall be restricted 8am to 8pm daily.
- Polytunnels must be maintained at all times (these can become a noise issue in high winds if allowed to fall into disrepair.)

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

COMMENTS

This application is brought before members as the application is made by Thanet District Council and as a departure from policy TC1 of the Thanet Local Plan.

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 proposed to construct a bookshop, gardening hub and storage containers. 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.

Policy TC1 of the Thanet Local Plan requires new retail development should be located in the core commercial centres of Margate, Ramsgate, Broadstairs and Westwood and outside of these areas it would need to be demonstrated that there is no sequentially preferable location, development is of an appropriate scale, there is no unacceptable impact upon the vitality and viability of the existing centres and the location is acceptable.

The bookshop would be relocated from an existing unit within the park which was granted temporary permission in 2013 as a small ancillary unit selling second hand goods and run by members of the community on a voluntary basis. This retail unit is of a small scale and would contribute to the aims of the Ellington Park regeneration plan. Whilst this unit is located outside of the town centres, it would support the recreation facilities and community uses of the park by providing a space for meeting and community engagement. Ramsgate Town Council supports the development and whilst no sequential assessment has been carried out, given the scale and purpose of the retail unit and its location, it is a supported departure from policy TC1.

The buildings would be constructed on an area of the open space which incorporates cut grass, overgrown vegetation and part of the wildlife area. Whilst this proposal 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 proposed shipping containers would be clad with vertical timber panels and have metal windows and doors installed. A green sedum roof would cover the containers at the front of

the site containing the bookshop and fencing would extend around the southern boundary to the rear of the site.

Whilst the proposed buildings would reduce some of the available public open space within Ellington Park, they are considered to be using high quality materials that create visual interest and relate well to the existing structures within Ellington Park and the approved amenity building. The other shipping containers located around the park would be removed following the construction of this development, opening up other areas of the park that are currently occupied by structures. 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 site is located on the western boundary of the park and immediately adjacent to the southern side boundary of number 3 Park View. The proposed containers forming the bookshop and storage units are located on the eastern and southern boundaries of the site away from the main side elevation of this adjacent dwelling and its garden. There is a high level wall and fence on the northern boundary of the site and the proposed containers have a maximum height of 3m. Due to the location of the containers towards the eastern boundary of the site only 0.6m of the northern elevation is adjacent to the boundary of 3 Park View with the remainder extending across the boundary with the parking and turning area for Park View. The proposed polytunnel has a maximum height of 2.1m and is set 2.4m from the side elevation of 3 Park View. One window is located in the southern elevation of 3 Park View, however this appears to be set at a high level and obscure glazed.

Due to the scale and arrangement of the proposed units it is considered that there would not be any significant loss of light, sense of enclosure or overlooking to the neighbouring residential properties as a result of the proposed development.

The Council's Environmental Health Department have been consulted as part of this application and have requested that the hours of use are restricted to 0800- 2000 Monday to Sunday due to the close proximity of the neighbouring residential properties. Concerns have been raised regarding the installation of mechanical plant or ventilation on the buildings, however no plant or ventilation has been included in the application and a separate application for planning permission may be required if these are to be installed at a later date. The Environmental Health Officer has also raised concerns regarding the maintenance of the polytunnel as they have potential to create noise issues in high winds if not properly maintained. The proposed polytunnel is surrounded on all sides by walls, containers and fencing and therefore the potential for high wind in this location is limited. A condition requiring the maintenance of the polytunnel would not meet the tests for a condition and if the polytunnel does become a noise nuisance due to poor maintenance, Environmental Health have separate powers to control this.

Subject to the conditions outlined above it is considered that there would not be any significant harm to the living conditions of the neighbouring residential property occupiers and the proposed development would comply 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. The proposed buildings would replace the existing storage units within the park and therefore it is considered that the proposed scheme would not result in a significant increase in demand for parking or harm to highway safety.

Biodiversity

KCC Ecology have been consulted as part of this application and have confirmed that the proposed development site has limited potential for protected species although they require further information regarding the trees within the site and their potential for roosting bats as well as works to mitigate the impact upon the reptiles that may be located within the wildlife area. The development would result in the loss of a small section of the wildlife area, however as part of the wider regeneration of the park, the wildlife area would be extended to the south eastern corner of the park, adjacent to Grange Road and Ellington Road.

Works to the trees throughout Ellington Park are proposed as part of a general maintenance scheme as shown on the submitted Tree Survey Report. The trees within Ellington Park are not covered by a TPO and therefore these works can be carried out at any time provided they are completed in accordance with the relevant standards and legislation, which includes the Conservation of Habitat and Species Regulation and Wildlife and Countryside Act.

This proposal would result in the removal of one Horse Chestnut Tree that is not currently recommended for removal, however is marked as in a deteriorating condition within the submitted Tree Survey Report. This tree is established and prominent within the park and whilst its removal would result in some loss of amenity within the area, a number of trees are proposed to be planted throughout the park as part of the wider redevelopment and this proposal would result in the removal of a number of the containers currently visible around the park.

It is therefore considered that subject to the required conditions, the loss of this single tree, when weighed against the benefits of the proposed scheme, and the wider masterplan for the park, there would be no significant harm to protected species or the amenity of the area.

Conclusion

Whilst the proposed development would result in the loss of a small area of public open space, this proposal would result in the removal of the other containers around the park and 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 this proposal 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

